

City of Brookings

MEETING AGENDA

CITY COUNCIL

Monday, February 25, 2019, 7:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

CITY COUNCIL

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Ceremonies/Appointments

1. Introduction of new employee
2. Reappoint Ray "Skip" Hunter to Planning Commission [Pg. 3]
3. Reappoint Clayton Malmberg to Planning Commission [Pg. 6]
4. Appoint Alyshia Pacino to Budget Committee [Pg. 9]
5. Revive Civility Proclamation [Pg. 12]

E. Scheduled Public Appearances

(Informational presentations to Council on non-agenda items – 10 minute limit per person.)

1. Penny Nelson – Pacific Coast Trolley
2. Sue Gold County Commissioner – Critical Access Hospital

F. Oral Requests and Communications from the audience

(Public Comments on non-agenda items – 5 minute limit per person.*)

G. Consent Calendar

1. Approve Council minutes for February 11, 2019 [Pg. 13]
2. Accept TPAC Committee minutes for January 10, 2019 [Pg. 16]
3. Receive monthly financial report for January 2019 [Pg. 18]

H. Staff Reports /Resolutions

1. Recommending the Removal of the Alcohol Permit Fee Cap for Cities and Counties [F & A, Pg. 24]
 - a. Resolution 19-R-1153 [Pg. 25]
 - b. SB 635 [Pg. 26]
 - c. LOC Study [Pg. 28]
2. Drivers License Suspension [F & A, Pg. 51]
 - a. Sample Letter to Legislators [Pg. 53]
 - b. HB 2614 [Pg. 55]
 - c. SB 776 [Pg. 62]

I. Remarks from Mayor and Councilors

J. Adjournment

*Obtain Public Comment Forms and view the agenda and packet information on-line at www.brookings.or.us, at City Hall and at the local library. Return completed Public

Comment Forms to the City Recorder before the start of meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.

RECEIVED

FEB 11 2019

City of Brookings

898 Elk Drive, Brookings, OR 97415

CITY OF BROOKINGS

Phone: 541-469-2163 Fax: 541-469-3650

www.brookings.or.us

APPLICATION TO SERVE ON A COMMISSION OR COMMITTEE

PART I Contact Information:

Applicant Name: Ray "Skip" Hunter

Physical Address: 1310 English CT.

Mailing Address: Same

Email Address: skiphunter888@yahoo.com Phone: (541) 661-7068

PART II Position Selection, Requirements and Restrictions: (Please answer all that apply)

- | 1. Commission/Committee applying for: | <u>Composition (i)</u> | <u>Term (ii)</u> |
|--|--------------------------|------------------|
| <input checked="" type="checkbox"/> Planning Commission/Commission for Citizen Involvement (iii) | 5 Electors, 2 UGB | 4 years |
| <input type="checkbox"/> Budget Committee | 5 Electors | 3 years |
| <input type="checkbox"/> Parks and Recreation Commission | 4 Residents, 1 UGB | 2 years |
| <input type="checkbox"/> Tourism Promotion Advisory Committee (TPAC) (iii) | 4 Residents, 3 Curry Co. | 3 years |
| <input type="checkbox"/> Other (please specify): <u>Planning Commissioner</u> | | |
2. City residents: How long have you lived in the City of Brookings? 10 years years months
Planning & Budget Applicants Only: Are you a City elector (registered voter)? ☒ Yes ☐ No
3. UGB residents: How long have you lived in the UGB? years months
4. What is your current occupation? College Professor

NOTES:

(i) *Membership requirements:*

- Residents must reside inside City limits; resident/UGB status determined by physical address.
- Electors are registered voters of the City of Brookings (verified by County Elections Office).
- UGB members must reside within the Brookings Urban Growth Boundary (contact the Planning Department at 541-469-1137 for assistance in determining UGB status).

(ii) *Term:* Appointments to fill mid-term vacancies will be for the remainder of that term.

(iii) *Other restrictions:*

- Planning Commission: No more than two (2) Commissioners may be principally involved, as individuals, members or partners, in the buying, selling or development of real estate for profit. No two (2) members shall be involved in the same kind of business or profession.
- TPAC: The three (3) Curry Co. members must own property, own a business or be employed in the City.

PART III Background Information: (Attach additional pages if needed)

1. List your related experience and/or background to the position you are applying for:

Planning Commisioner for the City of Brookings for the last six years.

2. List any unrelated work history, educational background, and volunteer experience you may have:

B.A. & M.A. College Professor for 34 years at Mendocino College in Ukiah Calif.

Social Science Division Chairman for 15 years. Director of Athletics managing a multi-million dollar budget for ten sports programs (three years), Chairman of the Meet & Confer Committee (salary negotiation comm) 31 yrs.

3. Briefly describe your interest in this position and what you hope to accomplish:

Part of my volunteer commitment to contribute my time to assist my local community.

PART IV Volunteer Agreement: Please read and check off the following before signing:

- ☒ I acknowledge that I will not be under the direct supervision and control of the City in connection with the voluntary services for which I have applied.
- ☒ I acknowledge that I will receive no compensation or expense reimbursement from the City in connection with any volunteer services for which I have applied.
- ☒ I understand and agree that my volunteer service will be donated to the City at times other than my regular work hours.
- ☒ I understand that if the position I applied for requires me to be an elector of the City of Brookings, that the City has permission to verify my status as a registered voter.
- ☒ I agree to release the City from all matters relating to the voluntary service for which I have applied, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from the voluntary service described herein. (*Planning Commission applicants, see ** below*)
- ☒ I agree to release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of the voluntary service set forth herein.
- ☒ By signing this application voluntarily, I, the Applicant, do hereby acknowledge that I have read and agree to the terms stated above and that I understand and acknowledge that this document will become public information and may be distributed to the public and news media as part of a City Council Agenda Packet.

Ray Skip Hunter

Applicant (print name)

Ray Skip Hunter
Applicant's Signature

2/6/19
Date

****Planning Commissioners** holding office on April 1st of each year are required to file an Annual Statement of Economic Interest with the Oregon Government Ethics Commission (OGE). You may view a sample form at http://www.oregon.gov/ogec/docs/sei/sei-11_form_sample_only_for_website.pdf. Official forms provided by OGE.

Submit completed applications by mail or in person to the City Recorder, 898 Elk Drive, Brookings, OR 97415. Regular business hours are 9 am to 4:30 pm, Monday – Friday.

Commission and Committee contact information:

- Planning Commission: 541-469-1103 - lziemer@brookings.or.us
- Budget Committee: 541-469-1123 - jhoward@brookings.or.us
- Parks and Recreation Commission: 541-469-1103 - lziemer@brookings.or.us
- Tourism Promotion Advisory Committee: 541-469-1103 - lziemer@brookings.or.us

FEB 12 2019



City of Brookings

CITY OF BROOKINGS

898 Elk Drive, Brookings, OR 97415

Phone: 541-469-2163 Fax: 541-469-3650

www.brookings.or.us

REAPPLICATION TO SERVE ON A COMMISSION OR COMMITTEE

PART I Contact Information:

Applicant Name: Clayton MalmbergPhysical Address: 925 Timberline Dr. Brookings, OR 97415Mailing Address: Same as aboveEmail Address: cmalmber@sbcglobal.net Phone: (707) 972-8069

PART II Position Selection, Requirements and Restrictions: (Please answer all that apply)

- | 1. Commission/Committee applying for: | <u>Composition (i)</u> | <u>Term (ii)</u> |
|--|--------------------------|------------------|
| <input checked="" type="checkbox"/> Planning Commission/Commission for Citizen Involvement (iii) | 5 Electors, 2 UGB | 4 years |
| <input type="checkbox"/> Budget Committee | 5 Electors | 3 years |
| <input type="checkbox"/> Parks and Recreation Commission | 4 Residents, 1 UGB | 2 years |
| <input type="checkbox"/> Public Art Committee (PAC) (iii) | 3 Residents, 2 UGB | 3 years |
| <input type="checkbox"/> Traffic Safety Committee | 2 Residents | 2 years |
| <input type="checkbox"/> Tourism Promotion Advisory Committee (TPAC) (iii) | 4 Residents, 3 Curry Co. | 3 years |
| <input type="checkbox"/> Other (please specify): _____ | | |
2. City residents: How long have you lived in the City of Brookings? 3 X years X 0 months
Planning & Budget Applicants Only: Are you a City elector (registered voter)? ☒ Yes ☐ No
3. UGB residents: How long have you lived in the UGB? _____ years _____ months
4. What is your current occupation? Resident Engineer Caltrans Construction Del Norte County

NOTES:

(i) *Membership requirements:*

- Residents must reside inside City limits; resident/UGB status determined by physical address.
- Electors are registered voters of the City of Brookings (verified by County Elections Office).
- UGB members must reside within the Brookings Urban Growth Boundary (contact the Planning Department at 541-469-1137 for assistance in determining UGB status).

(ii) *Term:* Appointments to fill mid-term vacancies will be for the remainder of that term.

(iii) *Other restrictions:*

- Planning Commission: No more than two (2) Commissioners may be principally involved, as individuals, members or partners, in the buying, selling or development of real estate for profit. No two (2) members shall be involved in the same kind of business or profession.
- TPAC: The three (3) Curry Co. members must own property, own a business or be employed in the City.
- PAC: Three (3) members must have an art background.

PART III Background Information: (Attach additional pages if needed)

1. List your related experience and/or background to the position you are applying for:

Although I do not have experience in city planning specifically I do believe that I have valuable experience to contribute.

I am a Licensed Civil engineer and current am a Resident Engineer for Caltrans in Del Norte County. I have ¹⁰9 years of experience in roadway construction. I currently serve as one of the Planning Commissioners for the City.

2. List any unrelated work history, educational background, and volunteer experience you may have:

Prior to my wrk in engineering, I was a Firecrew boss for the California Conservation Corps for 9 years. I also ^{was} am a Certified Arborist and had a small side business for some years providing consulting and tree work.

I have a background in resource conservation and have a clear designated subject teaching credential in Natural Resource Management.

3. Briefly describe your interest in this position and what you hope to accomplish:

My intrest in this position is driven by desire to be a part of the community that I live in. Though I have not lived in Brookings for very long, I am glad to call it my home and hope to provide some service to my community by utilizing my skills for it's benefit. My wife and two Children moved here because we love the community and natural beauty that surrounds the Brookings area.

I have recently filled a vacancy on the City Planning commission in Brookings. The term is expiring and I wish to continue to serve on the board.

PART IV Volunteer Agreement: Please read and check off the following before signing:

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- ☒ I acknowledge that I will receive no compensation or expense reimbursement from the City in connection with any volunteer services for which I have applied.
- ☒ I understand and agree that my volunteer service will be donated to the City at times other than my regular work hours.
- ☒ I understand that if the position I applied for requires me to be an elector of the City of Brookings, that the City has permission to verify my status as a registered voter.
- ☒ I agree to release the City from all matters relating to the voluntary service for which I have applied, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from the voluntary service described herein. *(Planning Commission applicants, see ** below)*
- ☒ I agree to release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of the voluntary service set forth herein.
- ☒ By signing this application voluntarily, I, the Applicant, do hereby acknowledge that I have read and agree to the terms stated above and that I understand and acknowledge that this document will become public information and may be distributed to the public and news media as part of a City Council Agenda Packet.

Clayton Malmberg

Applicant (print name)

Clayton Malmberg

Applicant's Signature

02-12-2019

Date

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Commission and Committee contact information:

- Planning Commission: 541-469-1137 - mschexnayder@brookings.or.us
- Budget Committee: 541-469-1123 - jhoward@brookings.or.us
- Parks and Recreation Commission, Public Art Committee, Tourism Promotion Advisory Committee and Traffic Safety Committee: 541-469-1103 - lziemer@brookings.or.us

FEB 13 2019



CITY OF BROOKINGS

City of Brookings

898 Elk Drive, Brookings, OR 97415

Phone: 541-469-2163 Fax: 541-469-3650

www.brookings.or.usAPPLICATION TO SERVE ON A
COMMISSION OR COMMITTEEPART I Contact Information:

Applicant Name: Alyshia Pacino

Physical Address: 414 Hillside Ave Brookings, OR 97415

Mailing Address: P.O Box 10366 Brookings, OR 97415

Email Address: Alyshiapacino@umpquabank.com Phone: 541-251-2348

PART II Position Selection, Requirements and Restrictions: (Please answer all that apply)

1. Commission/Committee applying for:
- | | <u>Composition (i)</u> | <u>Term (ii)</u> |
|---|--------------------------|------------------|
| <input type="checkbox"/> Planning Commission/Commission for Citizen Involvement (iii) | 5 Electors, 2 UGB | 4 years |
| <input checked="" type="checkbox"/> Budget Committee | 5 Electors | 3 years |
| <input type="checkbox"/> Parks and Recreation Commission | 4 Residents, 1 UGB | 2 years |
| <input type="checkbox"/> Tourism Promotion Advisory Committee (TPAC) (iii) | 4 Residents, 3 Curry Co. | 3 years |
| <input type="checkbox"/> Other (please specify): _____ | | |
2. City residents: How long have you lived in the City of Brookings? 8 years 1 months
Planning & Budget Applicants Only: Are you a City elector (registered voter)? ☒ Yes ☒ No
3. UGB residents: How long have you lived in the UGB? _____ years _____ months
4. What is your current occupation? Relationship Banker

NOTES:

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PART III Background Information: (Attach additional pages if needed)

1. List your related experience and/or background to the position you are applying for:

6 years of banking w/ Umpqua Bank and
providing financial advice to my clients

2. List any unrelated work history, educational background, and volunteer experience you may have:

Volunteer with the Casa Events
Volunteer for the football team Dinners
(provided food)

3. Briefly describe your interest in this position and what you hope to accomplish:

learn more about whats going on in our
community.
Offer my financial knowledge -

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- ☒ I acknowledge that I will receive no compensation or expense reimbursement from the City in connection with any volunteer services for which I have applied.
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- ☒ I agree to release the City from all matters relating to the voluntary service for which I have applied, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from the voluntary service described herein. (*Planning Commission applicants, see ** below*)
- ☒ I agree to release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of the voluntary service set forth herein.
- ☒ By signing this application voluntarily, I, the Applicant, do hereby acknowledge that I have read and agree to the terms stated above and that I understand and acknowledge that this document will become public information and may be distributed to the public and news media as part of a City Council Agenda Packet.

Alyshia Tano
Applicant (print name)

Alyshia Tano
Applicant's Signature

1/10/2019
Date

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- Budget Committee: 541-469-1123 - jhoward@brookings.or.us
- Parks and Recreation Commission: 541-469-1103 - lziemer@brookings.or.us
- Tourism Promotion Advisory Committee: 541-469-1102 – tdavis@brookings.or.us

City of Brookings *Proclamation*

WHEREAS, civil discourse is the free and respectful exchange of different ideas in a way that respects and affirm all persons, while hearing their perspectives; and

WHEREAS, heated rhetoric and a dramatic shift away from collaboration leaves us unable to solve the challenges confronting our community; and

WHEREAS, civility reduces rudeness, ridicule, and lack of respect for the open exchange of ideas; and

WHEREAS, civility improves our wellbeing, restores trust, and encourages Americans to participate in building a brighter future for generations to come; and

WHEREAS, civility assists in the process of working together to create lasting solutions to our most pressing challenges, while fostering respect among opposing groups; and

WHEREAS, recognizing the importance of civility and how it improves personal relationships leading to greater civil discourse, in recognition of the University of Arizona's National Institute for Civil Discourse's initiative, would like to invite all members of our community to exercise civility and respect toward each other and participate in reviving civility together.

NOW, THEREFORE BE IT RESOLVED, that I, Jake Pieper, Mayor of the City of Brookings, do hereby proclaim March 2019, to be

Revive Civility Month

BE IT FURTHER RESOLVED, that all residents are encouraged to practice civility by listening respectfully to people who have different views, avoiding language that is insulting or derogatory to others and supporting efforts to work together across ideological and political lines.

In Witness Whereof, I, Mayor Jake Pieper, do hereto set my hand and cause the official seal of the City of Brookings, Oregon, to be affixed this

_____ day of _____, 2019.

Mayor Jake Pieper

City of Brookings CITY COUNCIL MEETING MINUTES

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

Monday, February 11, 2019

Call to Order

Mayor Pieper called the meeting to order at 7:00 PM.

Roll Call

Council present: Mayor Jake Pieper, Councilors Bill Hamilton, Brent Hodges, Ron Hedenskog, and John McKinney present; a quorum present.

Staff present: City Manager Janell Howard, City Attorney Martha Rice, Public Works & Development Services Director Tony Baron, Public Safety Director Kelby McCrae, Deputy Finance & Human Resources Director Lu Ehlers and Administrative Aide Rita Ritz.

Media Present: Jane Stebbins of Curry Pilot

Others Present: Approximately nine audience members

Announcements

Reappointment of Trace Kather to Parks and Recreation Commission

Councilor Hedenskog moved, Councilor Hamilton seconded and Council voted unanimously to reappoint Trace Kather to Parks and Recreation Commission.

Appointment of Brad Alcorn to Parks and Recreation Commission

Councilor Hedenskog moved, Councilor McKinney seconded and Council voted unanimously to appoint Brad Alcorn to Parks and Recreation Commission.

Appointment of Matthew Honeycutt to TPCA Committee

Councilor Hedenskog moved, Councilor Hodges seconded and Council voted unanimously to appoint Matthew Honeycutt to TPAC Committee.

Appointment of Jennifer Feliciano to Budget Committee

Councilor Hedenskog moved, Councilor McKinney seconded and Council voted unanimously to appoint Jennifer Feliciano to Budget Committee.

Appointment of Bridgette Eszlinger to Budget Committee

Councilor Hedenskog moved, Councilor McKinney seconded and Council voted unanimously to appoint Bridgette Eszlinger to Budget Committee.

Scheduled Public Appearances

Connie Hunter – Brookings Harbor Community Helpers

Connie Hunter addressed the Council regarding the need for the Food Bank in our community and the many challenges they have ahead. She recognized the compassion, wisdom and commitment the staff, directors and volunteers have for the Food Bank.

Councilor Hedenskog remarked that dollar donation goes further for them than a food donation.

Oral Requests and Communications from the audience

- There were no request from the audience to address the Council

Consent Calendar

1. Approve Council minutes for January 28, 2019
2. Accept TPAC Committee minutes for November 29, 2018
3. Accept Planning Commission minutes for January 8, 2019

Councilor Hedenskog moved, Councilor Hamilton seconded and Council voted unanimously to approve the Consent Calendar.

Staff Reports

Creation of School Resource Officer (SRO)

Public Safety Director McCrae presented the staff report.

Councilor Hodges moved, Councilor McKinney seconded and Council voted unanimously to authorize the City Manager to sign the memorandum (MOU) with the Brookings-Harbor School District.

Police Vehicle Purchase and Outfitting

City Manager Janell Howard presented the staff report.

Councilor Hedenskog moved, Councilor McKinney seconded and Council voted unanimously to authorize the purchase of six police vehicles from Withnell Motor Company for \$152,718 and the outfitting of these vehicles with LEHR for \$81,072.

Spruce Drive Half Street Improvements

Public Works and Development Services Director Baron presented the staff report.

Councilor Hedenskog moved, Councilor Hodges seconded and Council voted unanimously to authorize City Manager to enter into a contract with Tidewater in the amount of \$37,150 for half street improvements on Spruce Drive near the intersection of Alder Street.

Council Liaisons

Mayor Pieper presented the staff report.

Mayor Pieper encouraged Councilors to attend other commission and committee meetings.

Councilor Hodges moved, Councilor Hamilton seconded and Council voted unanimously to appoint Councilor Hedenskog to Sudden Oak Death Task Force.

Remarks from Mayor and Councilors

Councilor Hedenskog thanked Mr. and Mrs. Lunsford for all they do for our community.

Mayor Pieper remarked that he attended the Winter Art and Chocolate Festival and that Slippery Banana Belt Softball Tournament is this upcoming weekend. He also encouraged anyone who has not seen the new ball field lights to drive by and see how incredible they are.

Adjournment

Councilor Hedenskog moved, Council Hodges seconded and all Councilors in favor. Mayor Pieper adjourned the meeting at 7:47 p.m.

Respectfully submitted:

ATTESTED:

this _____ day of _____ 2019:

Jake Pieper, Mayor

Janell K Howard, Interim City Recorder

TOURISM PROMOTION ADVISORY COMMITTEE (TPAC) MINUTES
Thursday – January 10, 2019

CALL TO ORDER

Meeting called to order at 4:01 PM

1. ROLL CALL

Present: Committee members Sonya Billington, Barbara Ciaramella, Tim Kennedy, Bob Pieper, Dane Tippman and Skip Watwood

Also present: Staff Committee Liaison Lauri Ziemer

2. APPROVAL OF MINUTES –

Motion made by Sonya Billington to approve the minutes of November 8, 2019; motion seconded by Barbara Ciaramella. Committee voted and the motion carried unanimously.

3. Public Comment – none

4. ACTION ITEMS

a. Committee Elections – Motion made by Dane Tippman to nominate Tim Kennedy as Vice-Chair, motion seconded by Bob Pieper. Tim accepted the nomination; **the Committee voted and the motion carried unanimously 6-0.**

b. Spectrum Digital Campaign – Brian Marchant advised the current contract ends January 31 and presented update on campaign, advising that targeting audiences in the Redding and Red Bluff areas has been successful. Committee discussed the budget and changing the target audience to Sacramento or other areas to draw from a new population. Brian advised that it is possible to run a 6/8 campaign and contract does not need to be concurrent. **Motion made by Dane Tippman to table the item until next month, motion seconded by Skip Watwood and the Committee voted, the motion carried unanimously 6-0.**

c. Elmo Williams Day Event Proposal – Carolyn Milliman presented proposal requesting \$2000 in TOT funding. The Committee discussed the events funding needs as it is basically a free event. Recommended reusable banners for event recognition and media advertising. **Motion made by Bob Pieper to grant \$1,500 in TOT funds to the Elmo Williams Day event, motion seconded by Sonya Billington and the Committee voted, the motion carried unanimously 6-0.**

d. Mile by Mile Advertising – Barbara Ciaramella advised she is the Southern Oregon Representative for Mile by Mile and recused herself from voting on this item. She advised that Mile by Mile is published twice a year and is the best publication for showcasing the Southern Oregon coast. She provided examples of previous ads and explained how local businesses would be able to purchase an ad at a reduced rate if TPAC purchases the main page ad. Committee discussed that print advertising is not how they want to spend money but since the Mile by Mile is so popular they think it does get seen and attracts tourists. **Motion made by Dane Tippman to purchase advertising in the Mile by Mile in the amount of \$2243, motion seconded by Bob Pieper.** Skip Watwood made amendment to the motion that only Brookings-Harbor businesses be allowed on the Brookings pages, with no Gold Beach or Smith River businesses. Tim Kennedy recused himself as he is a business owner interested in the opportunity to purchase advertising if TPAC purchases ad. **Motion amended to allow only Brookings Harbor businesses on the Brookings ad**

pages and the Committee voted, the motion carried 4-0 with Barbara Ciaramella and Tim Kennedy abstaining.

5. INFORMATIONAL ITEMS

- a. **Monarch Festival Event Evaluation** – Committee reviewed evaluation submitted.
- b. **Coastal Christmas Event Evaluation** – Committee reviewed evaluation submitted.
- c. **TPAC Budget** – Committee reviewed the remaining budget, noting that the advertising portion of the budget is mostly spoken for. Lauri Ziemer advised that obtaining data on the number of motel rooms rented monthly from the TOT information submitted by motel owners was not accurate as all information is not provided uniformly by owners.

7. SCHEDULE NEXT MEETING – Next meeting scheduled for February 14, 2019.

8. ADJOURNMENT – with no further business before the Committee, meeting adjourned at 5:12 pm.

Respectfully submitted,



Skip Watwood, Chair
(approved at February 14, 2019 meeting)

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 7 MONTHS ENDING JANUARY 31, 2019

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
TAXES	3,104,993.00	2,716,014.35	2,716,014.35	388,978.65	87.5
LICENSES AND PERMITS	117,000.00	79,096.13	79,096.13	37,903.87	67.6
INTERGOVERNMENTAL	258,000.00	72,382.34	72,382.34	185,617.66	28.1
CHARGES FOR SERVICES	172,000.00	352,859.16	352,859.16	(180,859.16)	205.2
OTHER REVENUE	223,383.00	152,926.25	152,926.25	70,456.75	68.5
TRANSFERS IN	705,572.00	.00	.00	705,572.00	.0
	<u>4,580,948.00</u>	<u>3,373,278.23</u>	<u>3,373,278.23</u>	<u>1,207,669.77</u>	<u>73.6</u>
<u>EXPENDITURES</u>					
JUDICIAL:					
PERSONAL SERVICES	27,896.00	15,353.48	15,353.48	12,542.52	55.0
MATERIAL AND SERVICES	10,850.00	4,863.61	4,863.61	5,986.39	44.8
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>38,746.00</u>	<u>20,217.09</u>	<u>20,217.09</u>	<u>18,528.91</u>	<u>52.2</u>
LEGISLATIVE/ADMINISTRATION:					
PERSONAL SERVICES	253,613.00	131,575.30	131,575.30	122,037.70	51.9
MATERIAL AND SERVICES	114,500.00	60,496.21	60,496.21	54,003.79	52.8
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>368,113.00</u>	<u>192,071.51</u>	<u>192,071.51</u>	<u>176,041.49</u>	<u>52.2</u>
POLICE:					
PERSONAL SERVICES	2,219,583.00	1,191,864.75	1,191,864.75	1,027,718.25	53.7
MATERIAL AND SERVICES	187,800.00	106,283.08	106,283.08	81,516.92	56.6
CAPITAL OUTLAY	240,000.00	.00	.00	240,000.00	.0
DEBT SERVICE	63,807.00	32,130.05	32,130.05	31,676.95	50.4
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>2,711,190.00</u>	<u>1,330,277.88</u>	<u>1,330,277.88</u>	<u>1,380,912.12</u>	<u>49.1</u>
FIRE:					
PERSONAL SERVICES	191,291.00	140,577.16	140,577.16	50,713.84	73.5
MATERIAL AND SERVICES	97,000.00	39,616.04	39,616.04	57,383.96	40.8
CAPITAL OUTLAY	.00	.00	.00	.00	.0
DEBT SERVICE	30,579.00	30,579.01	30,579.01	(.01)	100.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>318,870.00</u>	<u>210,772.21</u>	<u>210,772.21</u>	<u>108,097.79</u>	<u>66.1</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 7 MONTHS ENDING JANUARY 31, 2019

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
PLANNING AND BUILDING:					
PERSONAL SERVICES	180,315.00	96,857.96	96,857.96	83,457.04	53.7
MATERIAL AND SERVICES	90,800.00	14,815.24	14,815.24	75,984.76	16.3
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	271,115.00	111,673.20	111,673.20	159,441.80	41.2
PARKS & RECREATION:					
PERSONAL SERVICES	282,199.00	138,449.37	138,449.37	143,749.63	49.1
MATERIAL AND SERVICES	103,500.00	60,398.86	60,398.86	43,101.14	58.4
CAPITAL OUTLAY	.00	117.00	117.00	(117.00)	.0
DEBT SERVICE	48,383.00	28,223.16	28,223.16	20,159.84	58.3
TRANSFERS OUT	.00	.00	.00	.00	.0
	434,082.00	227,188.39	227,188.39	206,893.61	52.3
FINANCE AND HUMAN RESOURCES:					
PERSONAL SERVICES	226,445.00	118,981.64	118,981.64	107,463.36	52.5
MATERIAL AND SERVICES	33,700.00	18,356.68	18,356.68	15,343.32	54.5
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	260,145.00	137,338.32	137,338.32	122,806.68	52.8
SWIMMING POOL:					
PERSONAL SERVICES	62,187.00	55,849.18	55,849.18	6,337.82	89.8
MATERIAL AND SERVICES	39,000.00	18,935.92	18,935.92	20,064.08	48.6
CAPITAL OUTLAY	2,500.00	.00	.00	2,500.00	.0
	103,687.00	74,785.10	74,785.10	28,901.90	72.1
NON-DEPARTMENTAL:					
MATERIAL AND SERVICES	148,000.00	84,515.66	84,515.66	63,484.34	57.1
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	358,907.00	.00	.00	358,907.00	.0
CONTINGENCIES AND RESERVES	628,093.00	.00	.00	628,093.00	.0
	1,135,000.00	84,515.66	84,515.66	1,050,484.34	7.5
	5,640,948.00	2,388,839.36	2,388,839.36	3,252,108.64	42.4
	(1,060,000.00)	984,438.87	984,438.87	(2,044,438.87)	92.9

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 7 MONTHS ENDING JANUARY 31, 2019

STREET FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
INTERGOVERNMENTAL	520,000.00	329,356.91	329,356.91	190,643.09	63.3
OTHER REVENUE	14,650.00	3,861.50	3,861.50	10,788.50	26.4
TRANSFER IN	.00	.00	.00	.00	.0
	<u>534,650.00</u>	<u>333,218.41</u>	<u>333,218.41</u>	<u>201,431.59</u>	<u>62.3</u>
<u>EXPENDITURES</u>					
EXPENDITURES:					
PERSONAL SERVICES	205,076.00	115,401.17	115,401.17	89,674.83	56.3
MATERIAL AND SERVICES	207,000.00	83,103.11	83,103.11	123,896.89	40.2
CAPITAL OUTLAY	95,000.00	798.43	798.43	94,201.57	.8
DEBT SERVICE	22,238.00	12,156.14	12,156.14	10,081.86	54.7
TRANSFERS OUT	46,612.00	.00	.00	46,612.00	.0
CONTINGENCIES AND RESERVES	118,724.00	.00	.00	118,724.00	.0
	<u>694,650.00</u>	<u>211,458.85</u>	<u>211,458.85</u>	<u>483,191.15</u>	<u>30.4</u>
	<u>694,650.00</u>	<u>211,458.85</u>	<u>211,458.85</u>	<u>483,191.15</u>	<u>30.4</u>
	<u>(160,000.00)</u>	<u>121,759.56</u>	<u>121,759.56</u>	<u>(281,759.56)</u>	<u>76.1</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 7 MONTHS ENDING JANUARY 31, 2019

WATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
SOURCE 03	.00	.00	.00	.00	.0
CHARGES FOR SERVICES	1,661,000.00	1,110,635.79	1,110,635.79	550,364.21	66.9
OTHER INCOME	51,000.00	38,283.75	38,283.75	12,716.25	75.1
TRANSFERS IN	.00	.00	.00	.00	.0
	<u>1,712,000.00</u>	<u>1,148,919.54</u>	<u>1,148,919.54</u>	<u>563,080.46</u>	<u>67.1</u>
<u>EXPENDITURES</u>					
WATER DISTRIBUTION:					
PERSONAL SERVICES	400,962.00	225,695.36	225,695.36	175,266.64	56.3
MATERIAL AND SERVICES	198,400.00	76,879.17	76,879.17	121,520.83	38.8
CAPITAL OUTLAY	50,000.00	25,684.53	25,684.53	24,315.47	51.4
DEBT SERVICE	8,722.00	5,324.68	5,324.68	3,397.32	61.1
TRANSFERS OUT	24,000.00	.00	.00	24,000.00	.0
	<u>682,084.00</u>	<u>333,583.74</u>	<u>333,583.74</u>	<u>348,500.26</u>	<u>48.9</u>
WATER TREATMENT:					
PERSONAL SERVICES	30,424.00	10,768.21	10,768.21	19,655.79	35.4
MATERIAL AND SERVICES	462,925.00	242,325.79	242,325.79	220,599.21	52.4
CAPITAL OUTLAY	10,000.00	.00	.00	10,000.00	.0
DEBT SERVICE	6,389.00	5,324.68	5,324.68	1,064.32	83.3
TRANSFERS OUT	687,650.00	.00	.00	687,650.00	.0
CONTINGENCIES AND RESERVES	177,528.00	.00	.00	177,528.00	.0
	<u>1,374,916.00</u>	<u>258,418.68</u>	<u>258,418.68</u>	<u>1,116,497.32</u>	<u>18.8</u>
DEPARTMENT 24:					
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
	<u>2,057,000.00</u>	<u>592,002.42</u>	<u>592,002.42</u>	<u>1,464,997.58</u>	<u>28.8</u>
	<u>(345,000.00)</u>	<u>556,917.12</u>	<u>556,917.12</u>	<u>(901,917.12)</u>	<u>161.4</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 7 MONTHS ENDING JANUARY 31, 2019

WASTEWATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
SOURCE 03	(4,500.00)	.00	.00	(4,500.00)	.0
CHARGES FOR SERVICES	3,183,300.00	1,866,579.49	1,866,579.49	1,316,720.51	58.6
OTHER REVENUE	15,000.00	.00	.00	15,000.00	.0
TRANSFER IN	.00	.00	.00	.00	.0
	<u>3,193,800.00</u>	<u>1,866,579.49</u>	<u>1,866,579.49</u>	<u>1,327,220.51</u>	<u>58.4</u>
<u>EXPENDITURES</u>					
WASTEWATER COLLECTION:					
PERSONAL SERVICES	570,336.00	303,273.32	303,273.32	267,062.68	53.2
MATERIAL AND SERVICES	250,200.00	59,284.62	59,284.62	190,915.38	23.7
CAPITAL OUTLAY	25,000.00	9,100.00	9,100.00	15,900.00	36.4
DEBT SERVICE	8,722.00	5,324.68	5,324.68	3,397.32	61.1
TRANSFERS OUT	177,359.00	.00	.00	177,359.00	.0
	<u>1,031,617.00</u>	<u>376,982.62</u>	<u>376,982.62</u>	<u>654,634.38</u>	<u>36.5</u>
WASTEWATER TREATMENT:					
PERSONAL SERVICES	39,878.00	16,141.40	16,141.40	23,736.60	40.5
MATERIAL AND SERVICES	895,225.00	466,665.29	466,665.29	428,559.71	52.1
CAPITAL OUTLAY	.00	.00	.00	.00	.0
DEBT SERVICE	6,389.00	5,324.68	5,324.68	1,064.32	83.3
TRANSFERS OUT	1,509,923.00	.00	.00	1,509,923.00	.0
CONTINGENCIES AND RESERVES	315,268.00	.00	.00	315,268.00	.0
	<u>2,766,683.00</u>	<u>488,131.37</u>	<u>488,131.37</u>	<u>2,278,551.63</u>	<u>17.6</u>
	<u>3,798,300.00</u>	<u>865,113.99</u>	<u>865,113.99</u>	<u>2,933,186.01</u>	<u>22.8</u>
	<u>(604,500.00)</u>	<u>1,001,465.50</u>	<u>1,001,465.50</u>	<u>(1,605,965.50)</u>	<u>165.7</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 7 MONTHS ENDING JANUARY 31, 2019

URBAN RENEWAL AGENCY FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
TAXES	586,211.00	541,548.16	541,548.16	44,662.84	92.4
INTERGOVERNMENTAL	.00	.00	.00	.00	.0
OTHER REVENUE	2,000.00	18.85	18.85	1,981.15	.9
TRANSFERS IN	650,000.00	.00	.00	650,000.00	.0
	<u>1,238,211.00</u>	<u>541,567.01</u>	<u>541,567.01</u>	<u>696,643.99</u>	<u>43.7</u>
<u>EXPENDITURES</u>					
GENERAL:					
PERSONAL SERVICES	.00	.00	.00	.00	.0
MATERIAL AND SERVICES	35,000.00	6,666.02	6,666.02	28,333.98	19.1
CAPITAL OUTLAY	842,472.00	.00	.00	842,472.00	.0
DEBT SERVICE	.00	.00	.00	.00	.0
TRANSFERS OUT	450,739.00	.00	.00	450,739.00	.0
CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
	<u>1,328,211.00</u>	<u>6,666.02</u>	<u>6,666.02</u>	<u>1,321,544.98</u>	<u>.5</u>
DEPARTMENT 20:					
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
DEPARTMENT 22:					
MATERIAL AND SERVICES	.00	.00	.00	.00	.0
DEBT SERVICE	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
DEPARTMENT 24:					
CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
	<u>1,328,211.00</u>	<u>6,666.02</u>	<u>6,666.02</u>	<u>1,321,544.98</u>	<u>.5</u>
	<u>(90,000.00)</u>	<u>534,900.99</u>	<u>534,900.99</u>	<u>(624,900.99)</u>	<u>594.3</u>

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: February 25, 2019

Originating Dept: Finance and Admin

Signature (submitted by)



City Manager Approval

Subject: Recommending the removal of the alcohol permit fee cap for cities and counties.

Recommended Motion:

Motion to adopt Resolution 19-R-1153 recommending the State of Oregon and our local legislators amend ORS 471.166(7) by removing the alcohol permit fee cap of \$25 for cities and counties to allow them to collect higher fees.

Financial Impact:

Potential increased revenue is estimated at \$2,500 annually.

Background/Discussion:

Currently ORS 471-166(7) limits cities and counties to \$25 for a liquor license application, renewal or special permit. Senate Bill (SB) 635 proposes changing that limitation to \$100.

LOC completed a study in 2011 documenting the "Financial Impact of Alcohol- related costs on Cities and Counties". The two small coastal cities included in the study showed that the annual cost was approximately \$20,000. Our annual revenue from the Liquor License fee is approximately \$800.

The attached resolution encourages the cap to be removed. HB SB 625 is in the early stages, and the House Bill might not look exactly the same. LOC believes the best alternative would be to remove the cap, so that cities and counties could set their own fees. However, the limitation increasing from \$25 to \$100 would be a great improvement.

City Council would continue to set fee annually through the Master Fee Resolution, within any limitation set by State law.

Attachment(s):

- a. Resolution 19-R-1153
- b. SB 635
- c. LOC Study

**CITY OF BROOKINGS
STATE OF OREGON**

RESOLUTION 19-R-1153

**A RESOLUTION OF THE CITY OF BROOKINGS RECOMMENDING A LEGISLATIVE POSITION ON
THE LIMITS OF CITY AND COUNTY LIQUOR APPLICATION FEES**

WHEREAS, ORS 471.166(7) restricts a local government from charging an application fee not to exceed \$25; and

WHEREAS, Local government units, cities and counties, are required to provide a recommendation to the Oregon Liquor Control Commission; and

WHEREAS, Cities and counties in Oregon are the principal providers of public safety and substance abuse treatment in the state; and

WHEREAS, Performing duties to combat alcohol related crimes and social programs requires large dedications of time and money; and

WHEREAS, According to a League of Oregon Cities study in 2011 alcohol is involved in 80 percent of certain crimes, while liquor law violations such as driving under the influence, can cost a city up to \$2,500 per arrest", and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Brookings, Curry County, Oregon, encourages the State of Oregon and our local legislatures to amend ORS 471.166(7) by removing the alcohol permit fee cap of \$25 for cities and counties to allow them to collect higher fees to cover policing costs.

Passed by the City Council _____, 2019.

Attest:

Mayor Jake Piper

City Recorder Janell K. Howard

Senate Bill 635

Sponsored by Senator BENTZ (at the request of City of Ontario)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Increases limits on liquor licensing fees.

A BILL FOR AN ACT

Relating to liquor licensing fees; amending ORS 471.166.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 471.166 is amended to read:

471.166. (1) The Oregon Liquor Control Commission may require that every applicant for issuance or renewal of a license under this chapter acquire a written recommendation from the governing body of the county if the place of business of the applicant is outside an incorporated city, and from the city council if the place of business of the applicant is within an incorporated city. The commission may take such written recommendation into consideration before granting or refusing the license.

(2) If the commission requires that an applicant for issuance of a new license acquire the written recommendation of a local government, the applicant must give notice to the local government when an application is made for issuance of the license. If the local government files a favorable recommendation with the commission within 45 days after the notice is given, the commission shall proceed with consideration of the application. The commission shall proceed with consideration of the application as though the local government had made a favorable recommendation unless, within 45 days after notice is given to the local government:

(a) The local government files an unfavorable recommendation with the commission with a statement of the grounds for the unfavorable recommendation; or

(b) The local government files a request for additional time with the commission that sets forth the reason additional time is needed by the local government, a statement that the local government is considering making an unfavorable recommendation on the application, and the specific grounds on which the local government is considering making an unfavorable recommendation.

(3) If the commission requires that an applicant for renewal of a license acquire the written recommendation of a local government under this section, the commission shall give notice to the local government when an application is due for renewal of the license. If the local government files a favorable recommendation with the commission within 60 days after the notice is given, the commission shall proceed with consideration of the application. The commission shall proceed with consideration of the application as though the local government had made a favorable recommendation unless within 60 days after notice is given to the local government:

(a) The local government files an unfavorable recommendation with the commission with a statement of the grounds for the unfavorable recommendation; or

NOTE: Matter in **boldfaced** type in an amended section is new; matter (*italic and bracketed*) is existing law to be omitted. New sections are in **boldfaced** type.

(b) The local government files a request for additional time with the commission that sets forth the reason additional time is needed by the local government, a statement that the local government is considering making an unfavorable recommendation on the application, and the specific grounds on which the local government is considering making an unfavorable recommendation.

(4) The commission shall suspend consideration of an application subject to this section for a reasonable period of time if a local government requests additional time under subsection (2)(b) or (3)(b) of this section and the grounds given by the local government are valid grounds for an unfavorable determination under this chapter or rules adopted by the commission. The commission shall by rule establish the period of time that shall be granted to a local government pursuant to a request under subsections (2)(b) and (3)(b) of this section.

(5) The commission shall by rule establish valid grounds for unfavorable recommendations by local governments under this section. Valid grounds established by the commission under this section for an unfavorable recommendation by a local government must be limited to those grounds considered by the commission in making an unfavorable determination on a license application.

(6) A person filing an application for issuance or renewal of a license that is subject to this section must remit to the local government the fees established under subsections (7) and (8) of this section. The commission shall give notice to the applicant for license renewal of the amount of the fees and the name of the local government collecting the fees. The commission is not responsible for collecting the fees charged by the local government or for ensuring that the fees have been paid. An applicant for a license renewal shall certify in the application form filed with the commission that the applicant has paid any fees required under this section.

(7) An applicant required to seek a written recommendation from a local government must pay an application fee to the local government, in an amount determined by the governing body of the city or county, for each application for a license. The application fee *[established by a local government under this subsection]* may not exceed ~~[\$25]~~ \$100.

(8) After public notice and hearing, the governing body of a city or county may adopt an ordinance, rule or resolution prescribing licensing guidelines to be followed in making recommendations on license applications under this chapter and in allowing opportunity for public comment on applications. If the guidelines are approved by the commission as consistent with commission rules, after public notice and hearing the governing body may adopt an ordinance, rule or regulation establishing a system of fees that is reasonable and necessary to pay expenses of processing the written recommendation. Processing fees under this subsection are in lieu of application fees under subsection (7) of this section. *[In no case shall the processing fee under this subsection be greater than \$100]* Under this subsection, a local government may impose a processing fee of up to \$150 for an original application, ~~[\$75]~~ \$125 for a change in ownership, change in location or change in privilege application, and ~~[\$35]~~ \$85 for a renewal or temporary application.

LEAGUE OF OREGON CITIES



The Financial Impacts of
ALCOHOL-
RELATED COSTS
on Cities and Counties

APRIL 2011



AOC
Association of
Oregon Counties

Published by the
League of Oregon Cities
and the
Association of Oregon Counties

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Executive Summary

The High Cost of Alcohol to Oregon Cities & Counties

Cities and counties in Oregon are the principal providers of public safety and substance abuse treatment in the state. Performing duties to combat alcohol-related crimes and social problems requires large dedications of time and money. Yet restrictions on funds available to cities and counties seriously jeopardize the ability to meet the demands alcohol-related incidents place on their communities.

Alcohol-related Impacts

For cities, public safety efforts are heavily impacted by alcohol-related issues:

- In some cities, alcohol is involved in 80 percent of certain crimes,¹ while liquor law violations, such as driving under the influence, can cost a city up to \$2,500 per arrest.²
- Alcohol is also implicated in a wide range of additional crimes, including rape, assault, disorderly conduct and property damage.
- The toll is pushed even higher by costs related to special events and problem drinking establishments over which state law prevents local ability to regulate.

For counties, alcohol-related costs are just as burdensome:

- Nearly 40 percent of all criminal cases in Washington County have an alcohol and/or drug component, and county alcohol and drug treatment programs are an important aspect of reducing alcohol abuse.
- While such programs reduce costs due to decreased criminal recidivism, they are still inadequate to meet current need; an estimated 199,000 Oregonians are in need of, but not receiving treatment for, alcohol abuse.

Funds in Short Supply

Prevented from raising revenue locally, cities and counties rely on state liquor revenue sharing to help defray the costs they incur providing alcohol-related public safety and addiction treatment programs. However, the enormous cost of providing criminal justice, enforcement, and prevention and treatment services—estimated at \$109 million annually—easily exceeds the \$74 million in state shared liquor revenues distributed to cities and counties.³ This disparity means alcohol-related public safety and treatment and prevention efforts are cutting into funds that cities and counties need to maintain other vital services for their citizens.

¹ According to the Corvallis Police Department, in FY2009-10 alcohol was involved in nearly 40 percent of assaults, 80 percent of disorderly conduct arrests and 38 percent of criminal mischief.

² The Salem Police Department reports spending nearly \$2,500 per DUI-A arrest.

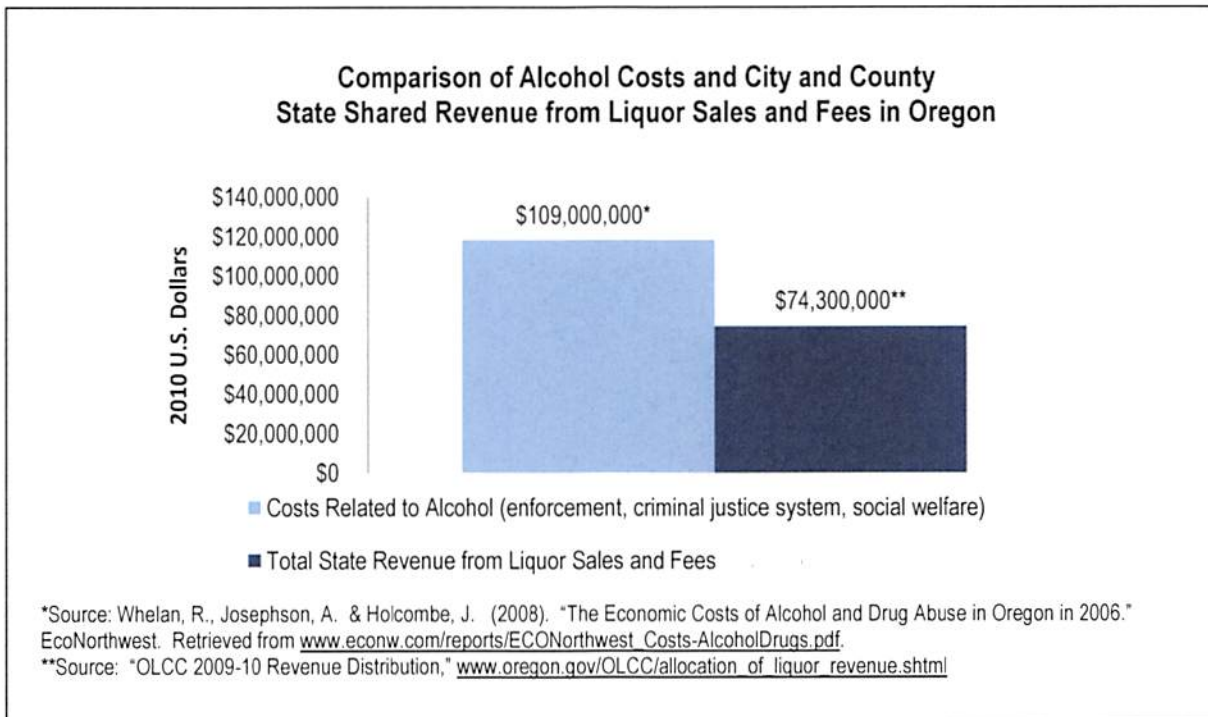
³ Whelan, R., Josephson, A. & Holcombe, J. (2008). "The Economic Costs of Alcohol and Drug Abuse in Oregon in 2006." EcoNorthwest. Retrieved from www.econw.com/reports/ECONorthwest_Costs-AlcoholDrugs.pdf.

About this Report

This report will demonstrate the challenges facing Oregon cities and counties trying to cope with alcohol-related issues in their communities by presenting data from recent League of Oregon Cities (LOC) and Association of Oregon Counties (AOC) surveys. Information was collected from a cross-section of 20 cities and 10 counties in the fall of 2010 on alcohol-related crime, enforcement costs, criminal justice, problem drinking establishments, special events, detoxification services, treatment programs and education programs.

Background

Alcohol abuse has substantial economic impacts on Oregon communities. In total, alcohol abuse costs Oregon's economy more than \$3 billion annually, and alcohol-related crimes and the subsequent criminal justice system impacts cost \$109 million each year.⁴ As the primary contact for key services such as public safety, criminal justice and human services, cities and counties must expend extensive time and money to combat alcohol-related issues—costs which cities and counties only partially recover under the state liquor revenue sharing system.



Cities and counties rely on state liquor revenue sharing to help defray the costs they incur providing alcohol-related public safety and treatment programs. Prior to Prohibition, local governments imposed and collected fees from the sale of liquor, using the revenue to license and regulate liquor businesses and enhance public safety.⁵ The Liquor Control Act of 1933 created the Oregon Liquor Control Commission (OLCC) and gave the state exclusive rights over the sale of liquor and the licensing of liquor stores, thereby preempting cities and counties of regulatory and taxing authority.

⁴ Whelan, R., Josephson, A. & Holcombe, J. (2008). "The Economic Costs of Alcohol and Drug Abuse in Oregon in 2006." EcoNorthwest. Retrieved from www.econw.com/reports/ECONorthwest_Costs-AlcoholDrugs.pdf.

⁵ Association of Oregon Counties (n.d.). Retrieved from <http://www.aocweb.org/AOC/LinkClick.aspx?fileticket=f0idv-jfWwI%3D&tabid=131>

The Liquor Control Act also stated that city and county governments were to receive a share of the liquor revenue—an acknowledgement of the costs cities and counties must manage to cope with alcohol-related problems. Further acknowledging the impact on local governments, the local government revenue percentage has increased slightly over the last several decades; however the current formula has not changed since the 1970s:⁶

- 56 percent is allocated to the state's General Fund;
- 20 percent is allocated directly to cities based on population;
- 10 percent is allocated directly to counties based on population; and
- 14 percent is distributed to cities through a Department of Administrative Services revenue sharing formula.

In FY2009-10, city and county governments received a total of \$74.3 million from the state's liquor revenue sharing program—far less than the \$109 million in expenses projected earlier by ECONorthwest.

Table 1: Alcohol revenue and expenditures (in millions) in FY2009-10	
Total Revenue	\$442.1
Oregon Liquor Control Commission (OLCC) Expenditures	(\$25.3)
Liquor Agents Compensation	(\$35.7)
Inventory Purchases	(\$209.2)
Total Expenditures	(\$270.2)
Remaining Balance	\$171.9

Table 2: Remaining alcohol revenue for distribution (in millions) in FY2009-10	
Total Distribution 2009-10	\$171.9
State General Fund	\$97.3
City Revenue Sharing Account	\$21.0
Cities	\$30.0
Counties	\$15.0
Mental Health, Alcoholism and Drug Services*	\$8.3
Oregon Wine Board	\$3.3

*Distributed to counties

Source: "OLCC 2009-10 Revenue Distribution," http://www.oregon.gov/OLCC/allocation_of_liquor_revenue.shtml

Cities and counties have few options for securing additional funds to fill the gap left between revenue sharing funds and alcohol-related costs, and the current distribution formula is regularly in jeopardy. In March 2009, additional liquor revenue was collected through an Oregon Liquor Control Commission (OLCC) surcharge; however this revenue is not included in the revenue sharing formula. The surcharge was implemented in order to address recent OLCC budget shortfalls and it is projected to generate \$23.9 million for the agency's general fund in the 2009-2011 biennium.⁷ The exclusion of these funds from revenue sharing will result in cities losing an estimated \$8.1 million and counties losing an estimated \$2.4 million.

Many local governments continue to struggle as budgets get tighter. Unlike the OLCC, cities and counties cannot implement any liquor taxes or surcharges to help minimize the financial impacts of alcohol-related problems. The current state-collected liquor revenue system, a significant departure from the control local governments once had over the regulation and taxation of alcohol, has left cities and counties with responsibilities that exceed compensation.

⁶ Oregon Revised Statutes: ORS 471.810

⁷ 2009 Regular Session of the 75th Oregon Legislative Assembly (2009). "Budget Report and Measure Summary for HB 5027 – A," p.2. Retrieved from http://www.leg.state.or.us/comm/lfo/budget/agency_reports/OLCC.pdf

The High Cost of Alcohol: Public Safety and Enforcement

Alcohol is undoubtedly associated with crime, but research suggests that alcohol abuse can be a factor in up to 37 percent of violent crimes overall.⁸ Alcohol is a factor in crimes such as domestic violence, rape, disorderly conduct, theft, assault and vandalism, as well as the more obvious violations of liquor laws, such as driving under the influence (DUI-A). Members of local government law enforcement are the primary public safety first-responders, which results in a large share of local government resources spent policing, investigating and prosecuting expensive alcohol-related crimes.

Alcohol in Cities: The Cost of Crime

Numerous national studies demonstrate that alcohol and drugs are involved in a high percentage of crimes. In fact, nearly two-thirds of violent victimizations among intimates involve alcohol.⁹ Most acts of criminal vandalism can be traced to individuals using alcohol, cocaine or methamphetamine.¹⁰ Alcohol or drug abuse by youth is even more likely to result in crime. In juvenile crime almost 70 percent of violent offenses, 72 percent of property offenses, and more than 80 percent of other offenses (such as vandalism and disorderly conduct) are related to alcohol or drug abuse.¹¹ Responding to such crimes requires necessary expenditures in public safety, and costs of crimes that can be attributed to alcohol are twice the costs that can be ascribed to drugs.¹²

Crime in Oregon follows the national trend of alcohol abuse involvement in crimes, both directly and indirectly. Cities that responded to a recent LOC survey all had high costs from liquor law violations.

Table 3: Number of liquor law violations and the estimated direct, indirect* and total costs associated with those crimes for selected Oregon cities. (See Appendix A for the complete list of city responses.)

	MIP	Furnishing to Minors	DUI-A	Other Liquor Laws	Total Alcohol Crimes	Total Direct Costs	Total Indirect Costs	Total Costs – Alcohol Crimes ¹³
Albany	283	36	182	25	526	n/a	n/a	n/a
Ashland	178	24	160	120	482	\$54,735	\$45,193	\$99,928
Beaverton	52	20	605	63	740	\$182,501	\$150,690	\$333,191
Bend	83	13	375	72	543	\$324,837	\$34,462	\$359,299
Corvallis	302	17	127	310	756	\$83,091	\$69,355	\$152,446
Eugene	1,247	76	557	1,983	3,863	\$404,634	\$121,390	\$526,024
Gresham	75	6	337	23	441	\$376,320	\$309,728	\$686,048
Hillsboro	135	12	369	59	575	\$190,795	\$157,539	\$348,334
Salem	330	43	525	673	1,571	\$1,098,300	\$892,380	\$1,990,680
Seaside	109	14	50	21	194	\$15,950	\$4,785	\$20,735

Source: 2010 League of Oregon Cities survey

⁸ Bureau of Justice Statistics (2010). "Alcohol and Crime: Data from 2002 to 2008." Retrieved from http://bjs.ojp.usdoj.gov/content/acf/ac_conclusion.cfm

⁹ Travis, J. (2000). "Alcohol and Crime: Strategies for Crime Prevention," Urban Institute. Retrieved from <http://www.urban.org/pdfs/alcohol.pdf>.

¹⁰ Califano, J.A. (2008). *High Society: How Substance Abuse Ravages America and What to Do About It*, Public Affairs, New York.

¹¹ Califano, J.A. and Colson, C.W. (2005). "Criminal Neglect." *USA Today*, January Issue.

¹² Society for Prevention Research. (2007). "Costs of Crimes Attributed to Alcohol Double Those Attributed to Drugs," Retrieved from <http://www.preventionscience.org/December%202006%20Alcohol%20%20Drug%20Crimes%20Costs%20FINAL.pdf>

¹³ Direct costs include officer time and benefit costs at first response, follow up, prosecution and DMV and/or other court hearings.

*Indirect costs include administrative, training and other costs. The Salem Police Department's federally approved cost-calculation guide was included with the LOC survey to assist cities in cost calculations.

In addition to liquor law violations, cities report alcohol as a strong influence in other crimes. The Redmond Police Department reported that alcohol was a contributing factor in 43 percent of sexual offenses over the last fiscal year, and in Bend, police report that 21 percent of domestic assaults in FY2009-10 involved alcohol. Eugene and Salem police estimate that between one-third and one-quarter of criminal trespassing arrests involve suspects under the influence of alcohol.

Table 4: Percentage of crimes involving alcohol

	Assaults	Disorderly conduct	Criminal mischief
Corvallis	39.4%	79.6%	37.8%
Eugene	35.0%	35.0%	Not tracked
Salem	29.3%	33.8%	20.3%

Table 5: Direct and indirect costs incurred for crimes where alcohol is a factor.¹⁴

	Assaults		Domestic Assaults		Sexual Offenses		Disorderly Conduct		Criminal Mischief		Total Costs
	#	Costs	#	Costs	#	Costs	#	Costs	#	Costs	
Portland	n/a	\$536,387	n/a	n/a	n/a	\$60,059	n/a	n/a	n/a	n/a	n/a
Salem	201	\$319,900	127	\$202,100	7	\$9,400	337	\$292,400	90	\$48,500	\$872,300
Eugene	686	\$125,125	n/a	n/a	n/a	n/a	353	\$35,494	n/a	n/a	\$160,619
Pendleton	128	\$20,416	81	\$19,378	n/a	\$20,000	100	\$7,975	82	\$7,975	\$75,744
Corvallis	50	\$21,354	12	\$5,125	3	\$1,583	133	\$30,075	45	\$14,697	\$72,834
Redmond	38	\$11,311	3	\$892	9	\$12,055	1	\$148	7	\$2,083	\$26,489

Source: 2010 League of Oregon Cities survey

To fully understand the impact of these costs, it is useful to consider the cost per crime. On average, Salem spends:

- Nearly \$2,500 for every sexual offense;
- More than \$1,500 for every assault and domestic assault; and
- \$538 for every criminal mischief crime.

Redmond spends:

- More than \$1,300 for every sexual offense; and
- Nearly \$300 for every assault, domestic assault and criminal mischief offense.

Corvallis spends:

- Roughly \$325 for every criminal mischief offense; and
- \$428 for every assault and domestic assault.

Eugene spends:

- \$266 for every disorderly conduct, of which there were 353 alcohol-related offenses in FY2009-10 alone.

It is important to remember that the time spent processing and managing these alcohol-related incidents is time lost to law enforcement for policing and preventing other crimes.

¹⁴ The Bend Police Department estimated that its direct costs associated with the crimes in this table total \$108,120, but was unable to estimate indirect costs. Cities listed here were the only respondents that tracked alcohol influence on crime—it is likely that other cities may have similar costs but do not currently track alcohol involvement.

Alcohol in Counties: Enforcement and Criminal Justice

Like cities, counties spend a significant amount of resources combating alcohol- and other drug-related crimes. Counties are largely responsible for the prosecution, public defense, incarceration, probation and oversight of alcohol- and other drug-related (AOD) incidents. In a recent survey of 10 counties, AOD-related costs for sheriff and district attorney programs reported were immense, and when combined, make up the lion's share of all AOD-related costs to these counties (Table 6). For example, of the estimated \$10.5 that Washington County spends from its general fund on AOD-related public safety costs, \$2.3 million goes to the district attorney's office. Nearly 40 percent of all cases have an alcohol and/or drug component. Washington County spends another \$1.7 million on community corrections including residential counselors for alcohol and drug treatment issues, probation officers, dual diagnosis and outpatient treatment, drug court, mental health court and housing. It is a very conservative estimate that more than 25 percent of all Washington County charges are related to an alcohol- or drug-related component and the sheriff's office requires \$6.3 million to meet those concerns.

Ten of Oregon's 36 counties spent an estimated \$34 million from their FY2009-10 general funds on alcohol- and other drug-related services, including enforcement and prosecution. This amount is more than the entire sum of OLCC revenue allocations (\$23.3 million) received by all 36 counties over the same fiscal year.

The proportional breakdown of the nine other counties' FY2009-10 alcohol- and other drug-related costs by department are consistent with the Washington County example:

- Marion County – Sheriff and corrections responsibilities cost nearly \$9.6 million of the \$11.7 million that the county spends on all AOD-related issues;
- Lake County – 45 percent of all cases are AOD-related (estimated cost \$65,897);
- Gilliam County – 75 percent of Sheriff's budget is dedicated to AOD-related issues (estimated cost \$490,000); and
- Wasco County – \$455,050 is required for AOD-related corrections while the total OLCC revenue allocation is \$95,399

A local assessment of funding inadequacies provides context for the deficit that counties face while struggling to provide adequate and responsive alcohol- and drug-related services. Washington County received slightly more than \$2 million from state liquor revenues in FY2009-10. This amount is far lower than what the county spends each year in dealing with the impact of alcohol in their community. The cost of jail bookings related to alcohol and drug charges alone is twice the amount received from state liquor revenues. Washington County estimates that it spends a minimum of \$10.4 million on drug- and alcohol-related prosecution, corrections and enforcement. This estimate is based on the FY2009-10

Table 6: Ten county comparison of FY2009-10 estimated general fund costs for AOD-related services broken out by programs and/or departments

Program/ Department	AOD-Related Costs to County General Funds
Health and Human Services	\$2,340,954
District Attorney's Office	\$5,618,818
Community Corrections	\$1,753,467
Sheriff's Department	\$24,479,183
Juvenile Department	\$2,349,480
Total	\$36,541,902

Source: FY2009-10 AOC Survey

Please see pg. 13 for more details on County Health and Human Services

budget and is limited to the costs of public safety and human services programs. Similarly, Marion County received \$1.2 million and spent an estimated \$11 million on related services over the same period of time. For all counties surveyed, the costs for related public safety and human services programs dramatically exceed state revenue allocations.

In FY2009-10, 10 of Oregon's 36 counties spent an estimated \$34.2 million from their general funds on alcohol- and other drug-related services, including enforcement and prosecution programs. This amount is more than \$10.5 million greater than the entire sum of OLCC revenue allocations (\$23.3 million) received by all 36 counties over the same fiscal year.

Problem Drinking Establishments

In addition to enforcing liquor laws, many cities have to police "problem drinking establishments," those establishments that are a continual source of trouble for local law enforcement officials. These businesses, regulated by OLCC, nevertheless run up large costs for city police departments. In FY2009-10 the Portland Police Bureau spent nearly \$240,000 on staff time for two liquor license investigators.

Ten of the cities surveyed reported problem drinking establishments. These city police departments received more than 3,300 emergency calls regarding these establishments, consuming more than 3,700 hours of officer time—time that could have been spent preventing or investigating other crimes.

Moreover, 508 assaults and 22 serious assaults occurred at these businesses, and 76 individuals were arrested on DUI-A offenses after leaving the premises. The total cost for policing the 21 businesses described by survey respondents is estimated to be just shy of a quarter of a million dollars (\$249,615).

The OLCC allows cities to recommend (within 45 days of notification) the approval or disapproval of an applicant. Because these problem drinking establishments and other businesses serving alcohol can be an enormous drain on government resources, many municipalities spend substantial time and resources investigating all OLCC liquor license applicants within their city boundaries (see Box A).

Box A: Salem Police Department: Investigating Liquor License Applicants

Determining the worthiness of a liquor-license applicant can be an arduous and costly job. In Salem, the job falls to the officers working under Sergeant Doug Carpenter. They investigate roughly 70 establishments applying for a license in Salem every year, as well as more than 300 liquor license renewals. "Most of the new applications take an average of an hour or two hours to investigate, but its problem establishments that can literally take weeks of officer time and go on for three years," Carpenter said.

In addition to conducting in- and out-of-state criminal history background checks, Salem's officers thoroughly investigate for previous liquor law violations or dishonestly in applications. In an average year, Salem spends approximately \$32,000 investigating OLCC applicants. But the costs can be well worth the effort, particularly if the establishment in question has a high probability of becoming a frequent source for alcohol-related problems.

"Problem establishments cost us a lot of money—in court time, officer response time, investigation time. And that's not counting the human cost of broken jaws, broken ribs and jail time," said Carpenter.

Table 7: Costs of most expensive “problem drinking establishments” in surveyed cities.
(See Appendix F for the complete list of responses)

City	Number of calls	Officer hours	Number of arrests	Number of serious assaults	Number of DUII arrests	Costs to respond/patrol
Corvallis	115	287.5	59	0	14	\$28,891
Medford	246	492	0	3	1	\$23,083
Beaverton ¹⁵	124	112.7	7	0	23	\$9,362
Bend	136	172.2	23	0	2	\$9,127
Portland	42	113	9	1	1	\$7,345
Redmond	154	n/a	0	0	0	\$6,277
Pendleton	145	210	40	10	2	\$6,150
Salem	22	51.25	15	1	10	\$5,400
Tigard	13	85.5	20	0	4	\$3,727

Source: 2010 League of Oregon Cities survey

Special Events

In addition to traditional enforcement efforts, city police departments also spend considerable time and resources policing community events in which alcohol is the primary public safety concern. Rodeos, beer festivals and other events often require additional police presence, and local police departments are rarely compensated by event organizers.

Those cities that are able to provide cost estimates illustrate that costs can be steep, particularly for smaller cities:

- Seaside incurs added expenses when policing spring break, the Fourth of July, beach volleyball tournaments and the Hood-to-Coast relay race.
- The Medford Police Department estimates that it spends more than \$72,000 during its Pear Blossom Festival, Cinco de Mayo celebration and other special events.
- Oregon City expends approximately \$25,000 on police costs during its annual Pioneer Family Festival.

Importantly, only three of the 20 cities surveyed reported recouping any portion of the public expenses incurred in policing special events. Redmond reported being reimbursed for 62 percent of the costs it incurred; Bend reports reimbursement rates of between 50 and 60 percent, but could not provide an estimate of total costs. Myrtle Creek reports recouping 9 percent of its costs.

Table 8: Estimated costs incurred policing special events where alcohol is the primary public safety concern.

City	Costs
Pendleton	\$121,000
Medford	\$72,174
Oregon City	\$25,000
Seaside	\$16,038
Albany	\$15,000
Roseburg	\$13,937
Tualatin	\$10,000
Sutherlin	\$9,000
Myrtle Creek	\$8,004
Redmond	\$7,870
Ashland	\$5,200

Source: 2010 League of Oregon Cities survey

¹⁵ Beaverton data is from OLCC information (as opposed to city-specific data). The costs do not include DUI-A costs.

Detoxification Services

Several cities, including Bend and Seaside, provide their own detoxification services. Other cities, such as Portland and Oregon City, provide funding for local detoxification services. Portland spends more than \$3.7 million annually contracting with the Central City Concern Hooper Inebriate Emergency Response Service, or CHIERS, which transports nearly 3,000 intoxicated clients annually to the Hooper Detox Center.¹⁶ Multnomah County partners with the same organization, paying nearly \$475,000 for the organization's services in FY2009-10.

¹⁶ Davis, M. (2008). "In the Shadows." *Portland Mercury*, May 15, 2008. Retrieved from http://www.portlandmercury.com/news/in_the_shadows/Content?oid=775466

Costly Consequences: Abuse, Prevention and Treatment

Alcohol abuse and misuse is an on-going problem in Oregon. This report has reviewed the many costs associated with public safety and enforcement for alcohol-related incidents, but alcohol abuse takes its toll on communities in other ways as well. In fact, according to the 2007 National Survey on Drug Use and Health, roughly 206,000 Oregonians suffer from alcohol dependency or abuse, and Oregon ranked fourth in the nation for alcohol-induced deaths.¹⁷ Alcohol use is associated with a host of health problems, including liver cirrhosis, cancer, stroke, falls and suicides.¹⁸ According to ECONorthwest estimates, the medical consequences of alcohol abuse cost the state \$428.2 million in 2010.¹⁹ Given the detrimental and long-reaching impacts of alcohol abuse, it is not surprising a health-based approach of prevention and treatment is necessary to compliment public safety efforts to address criminal repercussions of alcohol misuse.

Alcohol in Counties: Prevention and Treatment

Oregon's counties provide the front-line services for the prevention and treatment of alcohol abuse. In FY2009-10, Oregon's 36 counties spent \$8.6 million on a myriad of prevention and treatment programs though the OLCC Mental Health Alcoholism and Drug Services account. The treatment programs served 54,108 Oregonians suffering from alcohol dependency, and prevention services reached 149,531 Oregonians.²⁰

In FY2009-10, Oregon's 36 counties will spend \$8.6 million on a myriad of prevention and treatment programs. The treatment programs serve 54,108 Oregonians suffering from alcohol dependency while prevention services reach 149,531 Oregonians.

Evidence indicates that these prevention and treatment programs are highly effective. In 2007, a statewide study funded by the Oregon Department of Human Services reported that 72 percent of those undergoing treatment reduced use by the end of treatment. The study also found that 66 percent were employed by the end of treatment resulting in a \$47.7 million increase in annual incomes for those treated. Taxpayers saved an additional \$17 million in law enforcement costs as a result of decreased criminal recidivism among those receiving treatment.²¹

The funding provided for treatment and prevention programs remains inadequate in relation to the demand for these services. An estimated 199,000 Oregonians are in need of, but not receiving treatment for, alcohol use.²² It is important to note that these numbers show an improvement from 2004 when 247,000 Oregonians suffered from alcohol abuse and dependence and 236,000 were in need of, but not receiving treatment for, alcohol use. Unfortunately, the demand for services still exceeds available funding for prevention and treatment programs; counties continue to report long waiting lists for those seeking treatment.

¹⁷ Whelan, R., Josephson, A. & Holcombe, J. (2008). "The Economic Costs of Alcohol and Drug Abuse in Oregon in 2006." EcoNorthwest. Retrieved from www.econw.com/reports/ECONorthwest_Costs-AlcoholDrugs.pdf. Number adjusted for inflation and based on age-adjusted death rates. Oregon Department of Human Services, Addiction and Mental Health Division (AMH). (2007). *2007 Oregon Substance Abuse Outcomes*. Retrieved from <http://www.oregon.gov/DHS/addiction/publications/substance-abuse-outcomes.pdf?ga=t>

¹⁸ Centers for Disease Control. (2004). "Alcohol-Attributable Deaths and Years of Potential Life Lost – United States, 2001." *Morbidity and Mortality Weekly Report*, 53(37), 866-870

¹⁹ Ibid.

²⁰ Oregon Department of Human Services, Addiction and Mental Health Division (AMH). (2008). *2007 Oregon Substance Abuse Outcomes*. Retrieved from <http://www.oregon.gov/DHS/addiction/publications/substance-abuse-outcomes.pdf?ga=t>

²¹ Oregon Department of Human Services, Addiction and Mental Health Division.

²² Substance Abuse and Mental Health Services Administration (SAMHSA). (2008). Office of Applied Studies, *2007 State Estimates of Substance Abuse and Mental Health*. Retrieved from <http://oas.samhsa.gov/statelist.cfm>.

Alcohol in Cities: Education Programs

Cities also assist with prevention and treatment of alcohol abuse, primarily through alcohol education programs. Numerous cities provide programs such as the Drug Abuse Resistance Education (DARE) program, which provides in-school education about the negative effects of drugs and alcohol. Other cities fund school resource officers (police officers assigned to help educate students about alcohol abuse and other issues). Cities often spend large sums on these preventative programs.

Table 9: Select cities providing alcohol education programs and the costs of those programs in FY2009-10.

City	Money spent in FY2009-10
Tigard	\$478,866
Albany	\$290,000
Tualatin	\$250,000
Bend	\$183,699
Salem	\$118,000
Oregon City	\$80,000
Medford	\$22,058
Hillsboro	\$20,000

Source: 2010 League of Oregon Cities survey

Unfortunately, other cities, including Ashland, Corvallis, Seaside and Sutherlin, have ended their alcohol education programs within the last several years due to budgetary concerns. Albany has maintained its school resource officers, but did eliminate its DARE program in FY2010-11. The Albany police chief reports that if officer layoffs are necessary to meet budgetary restrictions, school resource officers would likely be switched to patrol duty. With state-collected liquor revenues not covering the costs of public safety and enforcement expenditures, many cities have been forced to eliminate preventative programs, which may ultimately increase the likelihood of further alcohol-related problems.

"The importance of alcohol education programs such as DARE cannot be minimized," said Salem Police Chief Jerry Moore, whose department spends \$118,000 annually on school resource officers. "Whenever our youth are encouraged to make good choices and introduced to positive anti-drug and alcohol messages we believe their decision making skills improve. My experience with other organizations has convinced me that investing in our youth at an early age pays big dividends."

Conclusion: The High Cost of Alcohol

Alcohol-related issues place an enormous strain on local public safety efforts, causing an annual challenge for cities and counties. Additionally, restrictions on raising alcohol revenue locally and limitations on overseeing liquor establishments within their own jurisdictions seriously jeopardize the ability of cities and counties to provide necessary services to their citizens. Continued cooperation and cost-sharing between cities, counties and the state will be necessary to adequately address the impacts of alcohol-related issues in communities.

APPENDIX A

Survey Responses from Oregon Cities: Number and Cost of Alcohol-Related Crimes (FY2009-10)

Responses from 2010 League of Oregon Cities survey

City	MIP	Furnishing	Liquor Laws	DUI-Alcohol	Total Crimes	Total Direct Costs	Total Indirect Costs	Total Costs
Albany	283	36	25	182	526	n/a	n/a	n/a
Ashland	178	24	120	160	482	\$54,735	\$45,193	\$99,928
Beaverton	52	20	63	605	740	\$182,501	\$150,690	\$333,191
Bend	83	13	72	375	543	\$324,837	\$34,462	\$359,299
Corvallis	302	17	310	127	756	\$83,091	\$69,355	\$152,446
Eugene	1,247	76	1,983	557	3,863	\$404,634	\$121,390	\$526,024
Gresham	75	6	23	337	441	\$376,320	\$309,728	\$686,048
Hillsboro	135	12	59	369	575	\$190,795	\$157,539	\$348,334
Medford	209	29	213	361	812	\$220,136	\$181,766	\$401,902
Myrtle Crk.	22	0	11	47	80	\$4,433	\$3,718	\$8,151
Oregon City	49	13	11	149	222	\$30,650	\$0	\$30,650
Pendleton	121	4	31	72	228	\$18,713	\$7,141	\$25,854
Portland	273	34	3,913	1,873	6,093	\$1,601,750	\$1,322,565	\$2,924,315
Redmond	147	67	28	172	414	\$99,983	\$82,553	\$182,536
Roseburg	62	6	99	206	373	\$46,890	\$38,718	\$85,608
Salem	330	43	673	525	1,571	\$1,098,300	\$892,380	\$1,990,680
Seaside	109	14	21	50	194	\$15,950	\$4,785	\$20,735
Sutherlin	41	1	5	79	126	\$21,150	\$0	\$21,150
Tigard	48	13	148	128	337	\$87,110	\$165,009	\$252,119
Tualatin	176	6	0	60	242	\$37,600	\$30,100	\$67,700

APPENDIX B

Number and Costs of Driving Under the Influence of Alcohol Offenses (FY2009-10)

Responses from 2010 League of Oregon Cities survey

City	Offenses	Direct Costs	Indirect Costs	Total Costs
Albany	182	n/a	n/a	n/a
Ashland	160	\$38,400	\$31,707	\$70,107
Beaverton	605	\$162,688	\$134,331	\$297,019
Bend	375	\$298,125	\$34,462	\$332,587
Corvallis	127	\$22,718	\$18,759	\$41,477
Eugene	557	\$148,930	\$44,679	\$193,609
Gresham	337	\$354,443	\$292,664	\$647,107
Hillsboro	369	\$147,758	\$122,004	\$269,762
Medford	361	\$135,497	\$111,880	\$247,377
Myrtle Creek	47	\$3,525	\$2,891	\$6,416
Oregon City	149	\$26,820	\$0	\$26,820
Pendleton	72	\$10,530	\$3,825	\$14,355
Portland	1,873	\$1,412,242	\$1,166,088	\$2,578,330
Redmond	172	\$84,128	\$69,464	\$153,592
Roseburg	206	\$41,868	\$34,571	\$76,439
Salem	525	\$852,800	\$694,680	\$1,547,480
Seaside	50	\$11,063	\$3,319	\$14,382
Sutherlin	79	\$18,000	\$0	\$18,000
Tigard	128	\$66,954	\$126,828	\$193,782
Tualatin	60	\$15,000	\$12,500	\$27,500

APPENDIX C

Alcohol-Related Service Costs for the City of Portland (FY2009-10)

Portland Police Bureau: FY2009-10 Alcohol-Related Service Costs²³

Incident Description	Cost	City Central Support Costs Only	Total Annual Costs
Abuse/Neglect	\$1,785	\$60.68	\$1,845
Hit/Run	\$26,489	\$900.63	\$27,390
Injury Accident	\$97,476	\$3,314.17	\$100,790
Non Injury Accident	\$75,035	\$2,551.20	\$77,587
Unknown Injury Accident	\$94,037	\$3,197.25	\$97,234
Area Check	\$70,404	\$2,393.74	\$72,798
Assault	\$538,092	\$18,295.14	\$556,387
Civil Problem	\$10,002	\$340.05	\$10,342
Custody/Interference	\$3,855	\$131.07	\$3,986
Disturbance	\$1,349,548	\$45,884.64	\$1,395,433
Drunk Subject	\$338,159	\$11,497.40	\$349,656
Driving Under Influence	\$142,013	\$4,828.45	\$146,842
Family Disturbance	\$105,755	\$3,595.66	\$109,350
Fight	\$187,260	\$6,366.83	\$193,626
Flagdown	\$9,211	\$313.17	\$9,524
Harassment	\$51,874	\$1,763.70	\$53,637
Juvenile Problems	\$36,884	\$1,254.05	\$38,138
Medical Assist	\$52,134	\$1,772.56	\$53,907
Mental Complaint	\$23,954	\$814.45	\$24,769
Neighbor Problem	\$4,973	\$169.08	\$5,142
Noise Disturbance	\$74,977	\$2,549.22	\$77,526
Party Disturbance	\$32,912	\$1,119.01	\$34,031
Rape	\$63,380	\$2,154.91	\$65,535
Robbery	\$24,122	\$820.16	\$24,943
Restraining Order Violation Cold	\$6,349	\$215.87	\$6,565
Rolling Stolen	\$2,398	\$81.53	\$2,479
Runaway Juvenile	\$4	\$0.14	\$4
Sex Offense	\$58,084	\$1,974.87	\$60,059
Stabbing	\$22,793	\$774.95	\$23,568
Subject Stop	\$110,331	\$3,751.25	\$114,082
Suicide Attempt or Threat	\$104,762	\$3,561.90	\$108,324

²³ The Portland Police Bureau tracks crimes and costs differently than some other cities and so are reported separately from general LOC survey results.

Incident Description	Cost	City Central Support Costs Only	Total Annual Costs
Suspicious Subj. Veh. Circumstance	\$264,745	\$9,001.35	\$273,747
Threat	\$118,066	\$4,014.24	\$122,080
Traffic Pursuit	\$6,469	\$219.95	\$6,689
Traffic Stop	\$517,216	\$17,585.33	\$534,801
Trespassing	\$40,655	\$1,382.26	\$42,037
TriMet Incident	\$208,738	\$7,097.10	\$215,835
Truant	\$597	\$20.30	\$617
Unwanted Person	\$463,097	\$15,745.28	\$478,842
Drugs, Liquor, Prostitution	\$214,961	\$7,308.68	\$222,270
Welfare Check	\$764,124	\$25,980.23	\$790,105
Man Down/Unknown Problem	\$67,371	\$2,290.62	\$69,662
SUB TOTAL	\$6,385,090	\$217,093.05	\$6,602,182.89
Detox transport, admission, reporting (not captured in PPDS data) 1 hr/incident	\$1,546,334	\$52,575.36	\$1,598,909.36
Cost of two Alcohol License Investigators, FTE \$ 40% Sgt. FTE	\$231,565	\$7,873.21	\$239,438.21
Service Coordination Team, Hooper Detox & CHIERS	\$3,605,832	\$12,598.29	\$3,728,430.29
Total – Portland Police Bureau	\$11,768,821	\$400,140	\$12,168,961

Prepared by: Strategic Services Division, City of Portland, November 2010

**Total City Costs for Alcohol-Related Services –
FY2009-10 (by Agency/Office)**

Agency/Office	Costs
Police Bureau	\$12,168,961
Fire & Rescue	\$3,399,738
Emergency Communications	\$2,134,755
Office of Neighborhood Involvement (Liquor License Program)	\$285,200
Total – City of Portland	\$17,988,654

APPENDIX D

Ten County Comparison of Costs for Alcohol- and Other Drug-Related (AOD) Services (In Relation to OLCC Revenue Allocations)

Responses from FY2009-10 AOC survey

County	FY2009-10 OLCC Revenue Allocation	County General Fund Costs for AOD-Related Services*
Deschutes	\$666,959	\$1,645,120
Gilliam	\$7,429	\$552,000
Lake	\$29,929	\$709,958
Marion	\$1,248,751	\$11,747,731
Umatilla	\$285,380	\$7,483,454
Union	\$100,208	\$981,586
Wallowa	\$28,005	\$128,354
Wasco	\$95,399	\$477,850
Washington	\$2,066,172	\$11,406,865
Yamhill	\$373,937	\$1,408,984
Total	\$4,902,169	\$36,541,902

*Includes Public Safety and Health and Human Services departments

APPENDIX E

Direct and Indirect Costs of Liquor Law Violations (FY2009-10)

Responses from 2010 League of Oregon Cities survey

	MIP	Furnishing to Minors	DUI-A	Other Liquor Laws	Total Alcohol Crimes	Total Direct Costs	Total Indirect Costs	Total Costs – Alcohol Crimes
Albany	283	36	182	25	526	n/a	n/a	n/a
Ashland	178	24	160	120	482	\$54,735	\$45,193	\$99,928
Beaverton	52	20	605	63	740	\$182,501	\$150,690	\$333,191
Bend	83	13	375	72	543	\$324,837	\$34,462	\$359,299
Corvallis	302	17	127	310	756	\$83,091	\$69,355	\$152,446
Eugene	1,247	76	557	1,983	3,863	\$404,634	\$121,390	\$526,024
Gresham	75	6	337	23	441	\$376,320	\$309,728	\$686,048
Hillsboro	135	12	369	59	575	\$190,795	\$157,539	\$348,334
Medford	209	29	361	213	812	\$220,136	\$181,766	\$401,902
Myrtle Crk.	22	0	47	11	80	\$4,433	\$3,718	\$8,151
Oregon City	49	13	149	11	222	\$30,650	n/a	\$30,650
Pendleton	121	4	31	72	228	\$18,783	\$7,141	\$25,854
Portland	273	34	1,873	3,913	6,093	\$1,601,750	\$1,322,565	\$2,924,315
Redmond	147	67	172	28	414	\$99,983	\$82,553	\$182,536
Roseburg	62	6	206	99	373	\$46,890	\$38,718	\$85,608
Salem	330	43	525	673	1,571	\$1,098,300	\$892,380	\$1,990,680
Seaside	109	14	50	21	194	\$15,950	\$4,785	\$20,735
Sutherlin	41	1	79	5	126	\$21,150	n/a	\$21,150
Tigard	48	13	128	148	337	\$87,110	\$165,009	\$252,119
Tualatin	176	6	60	0	242	\$37,600	\$30,100	\$67,700

APPENDIX F

Costliest “Problem Drinking Establishments” of the 20 Cities Surveyed (FY2009-10)

Responses from 2010 League of Oregon Cities survey

City	Number of Calls	Officer Hours	Number of Arrests	Number of Serious Assaults	Number of DUI Arrests	Costs to Respond/Patrol
Corvallis	115	287.5	59	0	14	\$28,891
Medford	246	492	0	3	1	\$23,083
Corvallis	83	207.5	42	0	2	\$20,852
Medford	149	298	29	1	1	\$13,744
Corvallis	43	107.5	11	0	5	\$10,803
Beaverton*	124	112.7	7	0	23	\$9,362
Bend	136	172.2	23	0	2	\$9,127
Bend	265	164.9	47	8	5	\$8,740
Portland	42	113	9	1	1	\$7,345
Medford	75	150	14	0	1	\$7,038
Redmond	154	n/a	0	0	0	\$6,277
Pendleton	145	210	40	10	2	\$6,150
Redmond	144	n/a	0	0	0	\$5,869
Beaverton*	113	68.8	7	0	22	\$5,715
Redmond	137	n/a	0	0	0	\$5,584
Salem	22	51.25	15	1	10	\$5,400
Beaverton*	76	64	8	0	17	\$5,316
Tigard	13	85.5	20	0	4	\$3,727
Roseburg	24	24	12	1	9	\$3,223
Pendleton	42	55	10	0	0	\$1,610

Source: 2010 League of Oregon Cities survey

* Beaverton data is from OLCC information (as opposed to city-specific data). The costs do not include DUI-A costs.

APPENDIX G

Total of Ten County General Fund (GF) Estimates of Alcohol- and Other Drug-Related Service Costs (FY2009-10)

Program/ Department	Alcohol- and Other Drug-Related Services	Estimated GF by AOD- Related Service	Total GF by Department
Health and Human Services	Chemical Dependency Services	\$1,059,756	\$2,340,954
	Public Health	\$110,771	
	Mental Health	\$48,838	
	Outside Contracts for Chemical Dependency Services	\$362,000	
	Drug Court	\$19,581	
	AOD-Related Service Costs	\$740,008	
District Attorney's Office	Cost of the Percentage of Cases with a AOD Component	\$5,139,295	\$5,618,818
	Domestic Violence Cases with AOD Component	\$449,174	
	Drug Court	\$25,360	
	Mental Health Court	\$1,389	
	Outside Contracts	\$3,600	
Community Corrections	Residential Counselors – Serving Clients w/ AOD Issues	\$181,040	\$1,753,467
	Probation Officers – AOD-Related Caseloads	\$939,884	
	Treatment Dorm	\$41,542	
	Mentors – For AOD Clients	\$134,656	
	Women's Outpatient Treatment	\$15,489	
	Dual Diagnosis Outpatient Treatment	\$18,714	
	Level I Treatment	\$50,000	
	Drug Court	\$172,416	
	Mental Health Court	\$65,776	
	Housing – AOD Free Housing	\$120,000	
	Outside Contracts	\$13,950	
Juvenile Department	Toxicology	\$1,234,832	\$2,349,480
	Outside Contracts	\$51,500	
	Cost of Percentage Cases with a AOD Component	\$1,063,148	
Sheriff's Office	Narcotics Investigations and Enforcement	\$7,225,590	\$24,479,183
	Drug Court	\$85,504	
	DUII Patrol	\$286,683	
	Jail Programs – AOD-Related	\$11,500,969	
	Jail Bookings – AOD-Related	\$5,315,095	
	Outside Contracts	\$65,342	
10 County Totals		\$36,541,902	\$36,541,902

APPENDIX H

State-Collected Liquor Revenues: A historical perspective

The Oregon Liquor Control Commission (OLCC) was created by the Oregon Legislature with the passage of the Liquor Control Act in 1933, following the end of Prohibition. The bill gave the state exclusive rights over the sale of liquor and licensing of liquor stores, thereby preempting local regulatory and taxing authority. Prior to Prohibition, local governments imposed and collected fees from the sale of liquor, using the revenue to license and regulate liquor businesses and enhance public safety.²⁴ The Liquor Control Act, however, stated that city and county governments were to receive the net proceeds of state license fees, distributed according to licensee location—an acknowledgement of the costs cities and counties incur coping with liquor-related problems.

That same year the Legislature redirected the state-collected revenue towards unemployment relief. The Legislature, however, restored some of the funding during the next legislative session, directing \$0.30 of every \$1.30 from the beer tax and 10 percent of the wine tax to counties and cities on a per capita basis. Over the next several decades, state-collected liquor revenues for cities and counties would be trimmed and restored several times. In FY1949-50, the state was taking nearly 93 percent of liquor revenues, but the city share increased to 10 percent in 1957, 12.5 percent in 1967, and to its current level of 20 percent in 1969. These increases in allocations were justified based on liquor law enforcement costs. A 1951 survey of city police chiefs by the League of Oregon Cities found that “40 to 50 percent of city police work is related to liquor.” Oregon’s counties were eventually allocated a 5 percent share of net OLCC revenues in 1961. This figure was increased to 10 percent of all liquor revenues in 1967.

In the 1970s, a portion of the revenue derived from the beer and wine privilege tax was allocated for local governments. Today, all revenue derived from liquor regulation and liquor licensing is combined with 50 percent of the revenue from the beer and wine privilege tax. Subtracting OLCC operating expenses, the amount remaining is then distributed among the state, cities and counties as follows:

- 56 percent is allocated to the state’s General Fund;
- 20 percent is allocated directly to cities based on population;
- 10 percent is allocated directly to counties based on population;
- 14 percent is distributed to cities through a Department of Administrative Services revenue sharing formula.

²⁴ Association of Oregon Counties. (n.d.). Retrieved from <http://www.aocweb.org/AOC/LinkClick.aspx?fileticket=f0idv-jFWel%3D&tabid=131>.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: February 25, 2019

Originating Dept: Finance and Admin

Signature (submitted by)


City Manager Approval

Subject: Drivers License Suspension.

Recommended Motion:

Motion to authorize the Mayor to sign letters, similar to the attached sample, to legislators and LOC personnel opposing House Bill 2614 and Senate Bill 776 regarding the court's ability to suspend a drivers license.

Financial Impact:

If HB 2614 and SB 776 were to pass the legislature, it could significantly decrease our ability to collect fines, therefore decreasing municipal court revenue. I would estimate that revenue would decrease by at least \$20,000.

Background/Discussion:

The financial impact on cities, counties and the state on passage of HB 2614 and SB 776 would be severe. The Bills remove the courts main enforcement tool that assures drivers' compliance with court orders in traffic violation cases, mainly the payment of fines according to the required State Presumptive Fine Schedule.

Once the word hits the streets that courts will not be enforcing court orders, why would a person pay a traffic ticket fine? Why appear in court? Why obtain a driver's license?

HB 2614 would remove Failure to Comply (FTC) driver license suspensions for violators who fail to pay a court ordered fine. A hearing is set on February 21, 2019, at 1:00pm.

SB 776 would remove both Failure to Comply (FTC) and Failure to Appear (FTA) license suspensions except for MIP alcohol/marijuana drivers. There are no hearings set.

Following are points for education about the impacts of HB 2614 and SB 776.

- 1) OREGON WOULD LOSE A SIGNIFICANT COURT ENFORCEMENT TOOL AND THE ATTENDANT POTENTIAL IMPACT ON THE LAW'S PURPOSE OF DETERRENCE
 - a. If a violator does not appear in court on a traffic ticket, the court can direct DMV to issue a Notice of Suspension of the driver's license for Failure to Appear (FTA). And if a violator appears but then does not follow the court order to pay the fine, the court can direct DMV to issue a Notice of Suspension of the driver's license for failure to comply

with a court order (FTC). If Oregon eliminates the main court tool that assures driver's compliance with a court order, there will be no point in paying the traffic ticket fine.

2) OREGON DRIVERS HAVE REMEDIES UNDER CURRENT LAW

- a. Once the Notice of Suspension is issued by DMV, the violator is given 60 days to contact the court, set up a payment plan, and prevent the license suspension from taking effect.
- b. Oregon law requires a court to reinstate DMV driving privileges if the violator has entered into a payment plan.
- c. Courts work with individual drivers who cannot pay the fine in one lump sum by offering payment plans.
- d. Effective January 1, 2019, DMV will issue hardship driver's licenses so violators can drive to and from work until the license suspension is cleared.

3) OTHER IMPACTS TO CONSIDER

- a. The elimination of the Notice of Suspension would leave courts with the option to issue a warrant and jail the violator through a show cause proceeding. Jailing a person on a traffic violation case where the original penalty is only a fine is a harsh penalty.
- b. Driving is a privilege that requires a license. If there is limited enforcement for violations of law, there will be no reason to obtain a driver's license. What about other licenses issued by the State of Oregon? Will there be no sanction if the licensee doesn't abide by the law?
- c. Unlicensed drivers most often do not carry insurance. An uninsured driver involved in a traffic crash affects not only the insured drivers in that crash, but also impacts the statewide insurance rates for all drivers.

4) THE LEGISLATURE CAN LOWER FINES

- a. The legislature sets the statewide fine schedule followed by courts. Presumptive fines can be lowered if the legislature feels fines are so high that persons are unable to pay. In fact, the 2012 legislature did reduce fines.

We have a "Fail to Appear" rate of at least 50%. Letters are sent to all of them. About 10% respond to the letter. Within 30 days, the remainder are put in the process for license suspension. Last year there were 172 cases that had suspended drivers licenses. Of those, 81 made payment in full. That is 47%. This is a highly effective way to increase collection of fines.

We would like to encourage legislators to oppose HB 2614 and SB 776, so that we continue to have this tool available to us.

Attachment(s):

- a. Sample Letter to Legislators
- b. HB 2614
- c. SB 776



City of Brookings

898 Elk Drive, Brookings, OR 97415

(541) 469-1123 Fax (541) 469-3650

www.brookings.or.us

jpieper@brookings.or.us

February 25, 2019

XX

Dear XX:

The purpose of this letter is to request your opposition to House Bill 2614 and Senate Bill 776 which, according to the Bill summaries, "Eliminates driving suspension for failure to appear on citation for traffic offences" and "Repeals driving privilege suspension for failure to pay traffic fines and eliminates imposition of driving privilege restrictions for failure to pay fine."

We understand the issue is the burden that suspended driving privileges places on low-income persons who may be unable to afford full payment of the fines and who then become economically damaged through the loss of their driver's license.

However, the proposed legislation will have a substantial negative impact on traffic safety by eliminating a commonly used method of enforcement used by rural courts in securing compliance with traffic laws and securing payment of fines.

Municipal Courts already address the economic impact issue in a number of ways. For example in Brookings our Municipal Court Judge asks each defendant questions concerning their ability to pay and often reduces the amount of the fine after considering the information provided. No documentation of financial hardship is required.

The Brookings Municipal Court offers payment plans for defendants, with payments as low as \$25.00 per month with no interest. Defendants can retain their driver's license as long as they remain current on their payments. Brookings also offers a community service program for low income defendants, with violators contributing public service to community-based organizations such as the Food Bank or working in parks in lieu of paying a cash fine.

Defendants are provided with many opportunities to contact the Court and work out alternative service or payment arrangements. Suspension of driving privileges is used as a last resort.

Many of the licenses suspended by the Brookings Municipal Court involve drivers who reside out of the area; many who reside out of state and who otherwise would not likely pay the fine. In Brookings Highway 101 is our "Main Street" and much of our enforcement efforts are focused along this corridor...which includes several pedestrian crossings and School Safety Zones.



City of Brookings

898 Elk Drive, Brookings, OR 97415

(541) 469-1123 Fax (541) 469-3650

www.brookings.or.us

[jpierper@brookings.or.us](mailto:jpieper@brookings.or.us)

Without the ability to suspend driving privileges for failure to appear or failure to pay, out-of-state drivers will quickly learn that there are no consequences to driving recklessly in rural Oregon. The safety of our Brookings citizens, visitors and children walking to school will be at risk.

Brookings has also contracted with a private collections agency to pursue payment of unpaid fines. We have not found this approach to be as successful in securing payment. Additionally, sending unpaid citations to collections would have a significant long-term impact on the credit worthiness of the defendant.

Please oppose SB 776 and HB 2614.

Sincerely,

Jake Pieper
Mayor

House Bill 2614

Sponsored by Representatives WILLIAMSON, BARKER; Representative POWER, Senators DEMBROW, FREDERICK, MANNING JR, MONNES ANDERSON (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Repeals driving privilege suspension and eliminates imposition of driving privilege restrictions for failure to pay fine.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to driving privileges; creating new provisions; amending ORS 807.010, 807.120, 809.380, 809.415, 809.416 and 809.515; repealing ORS 809.210; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 807.010 is amended to read:

807.010. (1) A person commits the offense of operating a vehicle without driving privileges if the person operates a motor vehicle upon a highway or premises open to the public in this state and the person does not have an appropriate grant of driving privileges from this state in the form of a license, driver permit, endorsement or statutory grant of driving privileges allowing the person to engage in the particular type of operation.

(2) A person to whom a license or driver permit is issued commits the offense of violating license restrictions if the person operates a motor vehicle in any manner that violates restrictions that are placed upon the person's driving privileges by the Department of Transportation under ORS 807.120 or 807.122, by a court under ORS [809.210 or] 809.270, or by the vehicle code.

(3) Nothing in this section is applicable to a person who is driving while suspended or revoked in violation of ORS 811.175 or 811.182. Persons who violate ORS 811.175 or 811.182 are subject to the provisions and penalties provided therein and are not subject to the penalties and provisions of this section.

(4) Except as provided in subsection (5) of this section, the offense described in subsection (1) of this section, operating a vehicle without driving privileges, is a Class B traffic violation.

(5) The offense described in subsection (1) of this section, operating a vehicle without driving privileges, that results from a person operating a motorcycle without a motorcycle endorsement, is a Class A traffic violation.

(6)(a) The court shall suspend a fine imposed under subsection (5) of this section on the condition that the person, within 120 days of the date of sentencing:

(A) Complete a motorcycle education course established by the department under ORS 802.320; and

(B) Obtain a motorcycle endorsement issued under ORS 807.170.

(b) The court shall set a hearing date for 120 days from the date of sentencing. At the hearing the court shall:

NOTE: Matter in **boldfaced** type in an amended section is new; matter *(italic and bracketed)* is existing law to be omitted. New sections are in **boldfaced** type.

(A) If the person has successfully completed the requirements described in paragraph (a)(A) and (B) of this subsection, *[dismiss the fine imposed under subsection (5) of this section]* enter a sentence of discharge; or

(B) If the person has not successfully completed the requirements described in paragraph (a)(A) and (B) of this subsection:

(i) Grant the person an extension based on good cause shown; or

(ii) Impose the fine under subsection (5) of this section.

(7) The offense described in subsection (2) of this section, operating in violation of license restrictions, is a Class B traffic violation.

SECTION 2. ORS 807.120 is amended to read:

807.120. (1) The Department of Transportation may place restrictions on any driving privileges granted a person if the department determines that there is good cause to restrict the driving privileges of the person in order to ensure the safe operation of a motor vehicle by the person.

(2) Restrictions placed on a driver license or driver permit by the department under this section shall be suitable to the driving ability of the person whose driving privileges are restricted. The restrictions may include:

(a) Restrictions on the type of motor vehicle the person may operate;

(b) Requirements for special mechanical control devices on motor vehicles operated by the person; or

(c) Any other restrictions the department determines appropriate to ensure the safe operation of a motor vehicle by the person.

(3) The department shall place a restriction on the commercial driver license of a person who performs the skill demonstration required under ORS 807.070 for issuance of a commercial driver license in a vehicle that:

(a) Is not equipped with air brakes. A restriction imposed under this paragraph prohibits the person from operating commercial motor vehicles equipped with service brakes that operate fully or partially by air pressure.

(b) Is equipped with air over hydraulic brakes. Air over hydraulic brakes includes any braking system operating partially by air pressure and partially by hydraulic pressure. A restriction imposed under this paragraph prohibits the person from operating commercial motor vehicles equipped with service brakes that operate solely by air pressure.

(c) Is equipped with an automatic transmission. A restriction imposed under this paragraph prohibits the person from operating commercial motor vehicles equipped with manual transmissions.

(d) Uses any connection other than a fifth wheel hitch between the power unit and a vehicle towed in combination with the power unit. A restriction under this paragraph prohibits the person from operating a commercial motor vehicle in combination with any other vehicle using a fifth wheel hitch between the power unit and first towed unit.

(4) The department shall place a restriction on the commercial driver license and the commercial learner driver permit of a person who does not pass an air brakes knowledge test administered under ORS 807.070. The restriction shall prohibit the person from operating a commercial motor vehicle with service brakes that operate fully or partially by air pressure.

(5) The department may impose restrictions under this section by setting forth the restrictions on the regular license form or by issuing a special form for licenses with restrictions.

(6) The department shall place restrictions on driving privileges under this section when ordered by a court under ORS *[809.210 or]* 809.270. Any restriction imposed under this subsection shall be

made a part of the person's driving record and shall remain in effect until the court notifies the department in writing that the restrictions are removed.

(7) The department may impose restrictions under this section on driving privileges that are restored after having been suspended or revoked. The restrictions imposed under this subsection may include any restrictions that have been recommended by a convicting magistrate.

(8) The use of the term "restrictions" in this section includes any restrictions, conditions or requirements.

(9) Violation of any restrictions placed on driving privileges under this section is punishable as provided under ORS 807.010.

SECTION 3. ORS 809.380, as amended by section 30, chapter 76, Oregon Laws 2018, is amended to read:

809.380. All of the following apply to a person whose driving privileges have been suspended:

(1) The period of suspension shall last as long as provided for that particular suspension by law.

(2) During the period of suspension, the person is not entitled to exercise any driving privileges in this state except as provided under this subsection. Unless otherwise specifically provided by law, a person whose driving privileges are suspended may obtain, if the person qualifies, a hardship driver permit under ORS 807.240, and exercise driving privileges under the driver permit.

(3) Upon expiration of the suspension, the Department of Transportation shall reissue, upon request of the person, the suspended driving privileges and any license or driver permit that evidences the driving privileges. The reissuance shall be without requalification by the person except that the department may require the person to furnish evidence satisfactory to the department that the person is qualified to continue to exercise driving privileges in this state before the department reissues the driving privileges.

(4) The department may not issue any driving privileges in contradiction to this section.

(5) If the person fails to surrender to the department any license or driver permit issued as evidence of driving privileges that are suspended, the person is subject to the penalties under ORS 809.500.

(6) No reinstatement of suspended driving privileges will be made by the department until the fee for reinstatement of suspended driving privileges established under ORS 807.370 is paid to or waived by the department. The department may waive the reinstatement fee for any of the following reasons:

(a) The suspension occurred under ORS 809.419 for failure to take an examination upon request of the department under ORS 807.340.

(b) The suspension occurred under ORS 809.419 for failure to obtain required medical clearance upon request of the department under ORS 807.070 or 807.090.

(c) The suspension occurred under ORS 809.419 for incompetence to drive a motor vehicle or having a mental or physical condition or impairment that affects the person's ability to safely operate a motor vehicle.

(d) The suspension occurred under ORS 809.419 upon notification by the superintendent of a hospital under ORS 807.700 that a person should not drive.

(e) The suspension occurred under ORS 809.419 upon notification by a court under ORS 810.375 that a person charged with a traffic offense has been found guilty except for insanity.

(f) The department committed an error in issuing the suspension.

(g) The suspension was the result of an error committed by an insurance company in issuing or failing to issue a certification of insurance or in canceling a certification of insurance filed with the

1 department under ORS 806.270.

2 (h) The department issued the suspension without error because the person failed to respond as
3 required under ORS 806.160 or to furnish proof of exemption under ORS 806.210 from the filing re-
4 quirement of ORS 806.200, but the department later determines that the person in fact was in com-
5 pliance with financial responsibility requirements as of the date of the department's letter of
6 verification under ORS 806.150 or at the time of an accident described in ORS 806.200.

7 (i) The department issued the suspension without error because the person was not in compli-
8 ance with financial responsibility requirements as of the date of the department's letter of verifica-
9 tion under ORS 806.150 or at the time of an accident described in ORS 806.200, but the department
10 later determines that the person reasonably and in good faith believed that the person was in com-
11 pliance with financial responsibility requirements on the date of the department's letter of verifica-
12 tion or at the time of the accident.

13 (j) The suspension was the result of an error committed by an insurance company in notifying
14 the department regarding the correctness of a certification under ORS 806.150.

15 (k) The suspension occurred because the person failed to make future responsibility filings but
16 the department later determines that the reason for the failure was that the person was a military
17 reservist or a member of a national guard unit that was ordered to active military duty to a location
18 outside of the United States. The effective date of the military orders must be prior to the effective
19 date of a suspension issued by the department for failure to make a future responsibility filing.

20 (L) The department issued the suspension without error because the department received a no-
21 tice to suspend from a court under ORS [809.210 or] 809.220, but the department later determines
22 that the person in fact was in compliance with the requirements of the court prior to the effective
23 date of the suspension.

24 **SECTION 4.** ORS 809.415, as amended by section 33, chapter 76, Oregon Laws 2018, is amended
25 to read:

26 809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person
27 who has a judgment of the type described under ORS 806.040 rendered against the person if the
28 person does not settle the judgment in the manner described under ORS 809.470 within 60 days after
29 its entry.

30 (b) A suspension under this subsection shall continue until the person does one of the following:

31 (A) Settles the judgment in the manner described in ORS 809.470.

32 (B) Has an insurer that has been found by the department to be obligated to pay the judgment,
33 provided that there has been no final adjudication by a court that the insurer has no such obli-
34 gation.

35 (C) Gives evidence to the department that a period of seven years has elapsed since the entry
36 of the judgment.

37 (D) Receives from the court that rendered the judgment an order permitting the payment of the
38 judgment in installments.

39 (c) A person is entitled to administrative review under ORS 809.440 of a suspension under this
40 subsection.

41 (2)(a) The department shall suspend the driving privileges of a person who falsely certifies the
42 existence of a motor vehicle liability insurance policy or the existence of some other means of sat-
43 isfying financial responsibility requirements or of a person who, after certifying the existence of a
44 motor vehicle liability insurance policy or other means of satisfying the requirements, allows the
45 policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsi-

1 bility requirements.

2 (b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this
3 subsection only if proof of compliance with financial responsibility requirements as of the date of
4 the letter of verification from the department under ORS 806.150 is not submitted within 30 days
5 after the date of the mailing of the department's demand under ORS 806.160.

6 (c) A suspension under this subsection shall continue until the person complies with future re-
7 sponsibility filings.

8 (3)(a) The department shall suspend the driving privileges of a person who fails to comply with
9 future responsibility filings whenever required under the vehicle code or fails to provide new proof
10 for future responsibility filings when requested by the department.

11 (b) A suspension under this subsection shall continue until the person complies with future re-
12 sponsibility filings.

13 (c) A person whose initial obligation to make future responsibility filings is not based upon a
14 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-
15 sion under this subsection. A person whose obligation to make future responsibility filings is based
16 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440
17 of a suspension under this subsection. A person whose suspension under this subsection is based on
18 lapses in filing after the initial filing has been made is entitled to administrative review under ORS
19 809.440.

20 (4)(a) The department shall suspend driving privileges when provided under ORS 809.416. The
21 suspension shall continue until the earlier of the following:

22 (A) The person establishes to the satisfaction of the department that the person has performed
23 all acts necessary under ORS 809.416 to make the person not subject to suspension.

24 (B) Ten years from the date the traffic offense or violation of ORS 471.430 occurred if the sus-
25 pension is imposed for a reason described in ORS 809.416 [(1) or 20 years from the date the traffic
26 offense occurred if the suspension is imposed for a reason described in ORS 809.416 (2)].

27 (b) A person is entitled to administrative review under ORS 809.440 of a suspension under this
28 subsection.

29 (5) Upon determination by the department that a person has committed an act that constitutes
30 an offense described in ORS 809.310, the department may suspend any driving privileges or any
31 identification card of the person determined to have committed the act. A suspension under this
32 subsection shall continue for a period of one year.

33 (6) Upon determination by the department that a person has submitted false information to the
34 department for the purpose of establishing or maintaining qualification to operate a commercial
35 motor vehicle or hold commercial driving privileges, the department shall suspend the commercial
36 driving privileges or the person's right to apply for commercial driving privileges for a period of one
37 year.

38 **SECTION 5.** ORS 809.416, as amended by section 34, chapter 76, Oregon Laws 2018, is amended
39 to read:

40 809.416. *[This section establishes circumstances that will make a person subject to suspension un-
41 der ORS 809.415 (4) and what a person is required to do to make the person no longer subject to
42 suspension. The following apply as described:]*

43 [(1)] A person is subject to suspension under ORS 809.415 (4) if the Department of Transporta-
44 tion receives notice from a court to apply this section under ORS 809.220. A person who is subject
45 under this subsection remains subject until the person presents the department with notice issued

1 by the court showing that the person is no longer subject to this section or until 10 years have
 2 elapsed from the date the traffic offense or violation of ORS 471.430 occurred, whichever is earlier.
 3 This subsection *[shall]* does not subject a person to ORS 809.415 (4) for any pedestrian offense, bi-
 4 cycling offense or parking offense. Upon receipt of notice from a court, the department shall send
 5 a letter by first class mail advising the person that the suspension will commence 60 days from the
 6 date of the letter unless the person presents the department with the notice required by this sub-
 7 section.

8 *[(2) A person is subject to suspension under ORS 809.415 (4) if the department receives a notice*
 9 *of suspension from a court under ORS 809.210 indicating that the person has failed or refused to pay*
 10 *a fine or obey an order of the court. A person who is subject under this subsection remains subject*
 11 *until the earlier of the following:]*

12 *[(a) The person presents the department with a notice of reinstatement issued by the court showing*
 13 *that the person:]*

14 *[(A) Is making payments, has paid the fine or has obeyed the order of the court; or]*

15 *[(B) Has enrolled in a preapprenticeship program, as defined in ORS 660.010, or is a registered*
 16 *apprentice under ORS 660.020; or]*

17 *[(b) Twenty years have elapsed from the date the traffic offense occurred.]*

18 *[(3) Subsection (2) of this section does not subject a person to ORS 809.415 (4) for failure or refusal*
 19 *to pay a fine relating to any pedestrian offense, bicycling offense or parking offense. Upon receipt of*
 20 *a notice of suspension from a court, the department shall send a letter by first class mail advising the*
 21 *person that the suspension will commence 60 days from the date of the letter unless the person presents*
 22 *the department with the notice of reinstatement required by this subsection.]*

23 **SECTION 6.** ORS 809.515 is amended to read:

24 809.515. (1)(a) The Department of Transportation shall suspend the commercial driving privileges
 25 of a person if the department receives a notice from another jurisdiction that the person failed to
 26 appear~~, pay a fine or comply with an order of the court~~ in a prosecution on a citation for a traffic
 27 offense or for a violation in the other jurisdiction that, if committed in this state, would be grounds
 28 for suspension under ORS ~~[809.210 or]~~ 809.220, and the person held commercial driving privileges
 29 or was operating a commercial motor vehicle at the time of the offense. The period of a suspension
 30 under this subsection is the shorter of:

31 (A) Ten years; or

32 (B) Until the department receives notice from the other jurisdiction that the person appeared~~,
 33 paid the fine or complied with the court's order~~.

34 (b) The department shall suspend a person's commercial driving privileges under this subsection
 35 without regard to whether the other jurisdiction suspends any driving privileges of the person by
 36 reason of the person's failure to appear~~, pay a fine or comply with an order of the court~~.

37 (c) This subsection does not apply to failure to appear~~, pay a fine or comply with an order of the~~
 38 ~~court~~ in a proceeding relating to a parking, pedestrian, vehicle defect or bicycling offense.

39 (2) The department shall suspend the commercial driving privileges of a person if the department
 40 receives a notice from the Federal Motor Carrier Safety Administration that the person has been
 41 disqualified from operating a commercial motor vehicle and that the disqualification is due to a de-
 42 termination that the driving of that person constitutes an imminent hazard. The department shall
 43 immediately suspend commercial driving privileges under this subsection without hearing, but the
 44 person may request a post-imposition hearing under ORS 809.440 (4), without regard to any hearings
 45 conducted by the Federal Motor Carrier Safety Administration. The period of a suspension under

1 this section is the period of suspension prescribed by the Federal Motor Carrier Safety Adminis-
2 tration, or one year, whichever is shorter.

3 **SECTION 7.** ORS 809.210 is repealed.

4 **SECTION 8.** The amendments to ORS 807.010, 807.120, 809.380, 809.415, 809.416 and 809.515
5 by sections 1 to 6 of this 2019 Act and the repeal of ORS 809.210 by section 7 of this 2019 Act
6 apply to conduct giving rise to a driving privilege restriction or driving privilege suspension
7 on or after the effective date of this 2019 Act. Driving privilege restrictions or driving privi-
8 lege suspensions imposed before the effective date of this 2019 Act shall be governed by law
9 applicable to driving privilege restrictions and driving privilege suspensions in effect at the
10 time of the most recent restriction or suspension.

11 **SECTION 9.** This 2019 Act takes effect on the 91st day after the date on which the 2019
12 regular session of the Eightieth Legislative Assembly adjourns sine die.

13

Senate Bill 776

Sponsored by Senators DEMBROW, FREDERICK, WINTERS, Representative SANCHEZ; Senators MANNING JR, MONNES ANDERSON, Representatives PILUSO, WILLIAMS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Eliminates driving suspension for failure to appear on citation for traffic offense.

Repeals driving privilege suspension for failure to pay traffic fines and eliminates imposition of driving privilege restrictions for failure to pay fine.

A BILL FOR AN ACT

Relating to driving privileges; creating new provisions; amending ORS 153.061, 153.073, 153.772, 419C.306, 807.010, 807.120, 809.220, 809.280, 809.380, 809.415, 809.416 and 809.515; and repealing ORS 809.210.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 809.220 is amended to read:

809.220. This section establishes procedures that are applicable if a person *[fails to appear on a citation for a traffic offense or]* fails to appear on a citation for a violation of ORS 471.430 or 475B.316. All of the following apply to this section:

(1) If a defendant fails to make any appearance required by the court or by law in a proceeding charging the defendant with *[a traffic offense or]* with a violation of ORS 471.430 or 475B.316, the court[:]

[(a)] shall issue notice to the Department of Transportation to suspend for failure to appear if the defendant is charged with *[a traffic crime or with]* a violation of ORS 471.430 or 475B.316. If a court issues notice under this *[paragraph]* subsection, the department shall suspend the driving privileges of the person as provided under ORS 809.280.

[(b)] Shall issue notice to the department to implement procedures under ORS 809.416 if the defendant is charged with a traffic violation. If a court issues notice under this paragraph, the department shall implement procedures under ORS 809.416.]

(2) In any notice to the department under this section, a court shall certify that the defendant failed to appear in the proceedings in the manner required by the court or by law.

(3) At any time within 10 years from the date the *[traffic offense or]* violation of ORS 471.430 or 475B.316 occurred, a court shall give a second notice to the department to reinstate the person's suspended driving privileges resulting from the original notice if any of the following occur:

(a) The fine for the offense is paid or the defendant has begun making payments.

(b) The court finds the defendant not guilty or orders a dismissal of the case.

(c) The court determines that the person's suspended driving privileges should be reinstated for good cause.

(4) The court may reissue a notice of suspension if the person ceases making payments before the fine is paid in full. The reissuance does not extend the original period of suspension.

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in boldfaced type.

(5) Notifications by a court to the department under this section shall be in a form prescribed by the department.

[(6) A court may not notify the department under this section for failure to appear on any parking, pedestrian or bicyclist offense.]

SECTION 2. ORS 153.061 is amended to read:

153.061. (1) Except as provided in subsection (2) of this section, a defendant who has been issued a violation citation must either:

(a) Make a first appearance by personally appearing in court at the time indicated in the summons; or

(b) Make a first appearance in the manner provided in subsection (3) of this section before the time indicated in the summons.

(2) If a defendant is issued a violation citation for careless driving under ORS 811.135 on which a police officer noted that the offense contributed to an accident and that the cited offense appears to have contributed to the serious physical injury or death of a vulnerable user of a public way, the officer may not enter the amount of the presumptive fine on the summons and the defendant must make a first appearance by personally appearing in court at the time indicated in the summons.

(3) Except as provided in this section, a defendant who has been issued a violation citation may make a first appearance in the matter before the time indicated in the summons by one of the following means:

(a) The defendant may submit to the court a written or oral request for a trial.

(b) The defendant may enter a plea of no contest by delivering to the court the summons and a check or money order in the amount of the presumptive fine set forth in the summons. The entry of a plea under the provisions of this paragraph constitutes a waiver of trial and consent to the entry of a judgment forfeiting the presumptive fine. A no contest plea under this section is not subject to the requirements of ORS chapter 135 relating to the entry of pleas and, upon receipt of the plea, the court may enter judgment against the defendant without taking further evidence.

(4) The court may require that a defendant requesting a trial under subsection (3) of this section deposit an amount equal to the presumptive fine established under ORS 153.019 and 153.020 or such other amount as the court determines appropriate if the defendant has failed to appear in any court on one or more other charges in the past. If the defendant does not deposit the amount specified by the court, the defendant must personally appear in court at the time indicated in the summons. The amount deposited by the defendant may be applied against any fine imposed by the court, and any amount not so applied shall be refunded to the defendant at the conclusion of the proceedings.

(5) The court may require a defendant to appear personally in any case, or may require that all defendants appear in specified categories of cases.

(6) If a defendant has entered a no contest plea in the manner provided in subsection (3) of this section, and the court determines that the presumptive fine is not adequate by reason of previous convictions of the defendant, the nature of the offense charged or other circumstances, the court may require that a trial be held unless an additional fine amount is paid by the defendant before a specified date. Notice of an additional fine amount under this subsection may be given to the defendant by mail. In no event may the court require a total fine amount in excess of the maximum fine established for the violation by statute.

(7) If a defendant *[fails to make a first appearance on a citation for a traffic violation, as defined by ORS 801.557,]* fails to make a first appearance or fails to appear at any other subsequent time set for trial or other appearance on a citation for a violation of ORS 471.430 or 475B.316~~], or fails~~

1 *to appear at any other subsequent time set for trial or other appearance*], the driving privileges of the
 2 defendant are subject to suspension under ORS 809.220.

3 **SECTION 3.** ORS 153.073 is amended to read:

4 153.073. Unless notice is waived by the defendant, the court shall mail or otherwise provide to
 5 the defendant notice of the date, time and place at least five days before the date set for trial under
 6 ORS 153.070. If the citation is for *[a traffic violation, or is for]* a violation of ORS 471.430 or
 7 **475B.316**, the notice must contain a warning to the defendant that if the defendant fails to appear
 8 at the trial or other appearance, the driving privileges of the defendant are subject to suspension
 9 under ORS 809.220.

10 **SECTION 4.** ORS 153.772 is amended to read:

11 153.772. When the court issues a notice under ORS 809.220 to suspend the driving privileges of
 12 a person for failure to appear on a citation for a violation of ORS 471.430 or **475B.316**, the district
 13 attorney may not file an accusatory instrument charging the person with violating ORS 153.992.

14 **SECTION 5.** ORS 419C.306 is amended to read:

15 419C.306. (1) The summons shall require the person or persons who have physical custody of the
 16 youth to appear and bring the youth before the court at the time and place stated in the summons.
 17 The time for the hearing on the petition shall be fixed at a reasonable time, not less than 24 hours,
 18 after the issuance of the summons. If it appears to the court that the welfare of the youth or of the
 19 public requires that the youth immediately be taken into custody, the court may indorse an order
 20 on the summons as provided in ORS 419C.080 (2) directing the officer serving it to take the youth
 21 into custody.

22 (2)(a) Summons shall be issued to the legal parents of the youth, without regard to who has legal
 23 or physical custody of the youth, and to the legal guardians, if any, of the youth.

24 (b) Parents or guardians summoned pursuant to paragraph (a) of this subsection shall appear
 25 personally pursuant to the summons. Following the initial appearance, parents or guardians shall
 26 appear as directed by the court.

27 (c) An employer may not discharge, threaten to discharge, intimidate or coerce any employee
 28 by reason of the employee's attendance at a juvenile court hearing as required under paragraph (a)
 29 of this subsection.

30 (d) This subsection may not be construed to alter or affect an employer's policies or agreements
 31 with employees concerning employees' wages during times when an employee attends a juvenile
 32 court hearing under paragraph (a) of this subsection.

33 (3) If the youth is 12 years of age or older, a certified copy of the summons shall be served upon
 34 the youth. If the petition alleges that the youth is within the jurisdiction of the court for having
 35 violated ORS 471.430 or **475B.316**, the summons must contain a statement that, if the youth fails to
 36 appear as required in the summons, the driving privileges of the youth are subject to suspension
 37 under ORS 419C.472.

38 (4) Summons may be issued requiring the appearance of any person whose presence the court
 39 deems necessary. When a summons is issued to a youth pursuant to a petition alleging jurisdiction
 40 under ORS 419C.005, a copy of the summons shall be mailed to all victims whose names appear on
 41 the petition pursuant to ORS 419C.255 (2). The copy of the summons shall be accompanied by a no-
 42 tice that the victim may be present for the youth's appearance before the court and is entitled to
 43 request and receive notification of future hearings before the court in regard to the particular case.
 44 The copy of the summons shall also be accompanied by a notice informing the victim of the pro-
 45 visions of ORS 30.765.

SECTION 6. ORS 807.010 is amended to read:

807.010. (1) A person commits the offense of operating a vehicle without driving privileges if the person operates a motor vehicle upon a highway or premises open to the public in this state and the person does not have an appropriate grant of driving privileges from this state in the form of a license, driver permit, endorsement or statutory grant of driving privileges allowing the person to engage in the particular type of operation.

(2) A person to whom a license or driver permit is issued commits the offense of violating license restrictions if the person operates a motor vehicle in any manner that violates restrictions that are placed upon the person's driving privileges by the Department of Transportation under ORS 807.120 or 807.122, by a court under ORS [809.210 or] 809.270, or by the vehicle code.

(3) Nothing in this section is applicable to a person who is driving while suspended or revoked in violation of ORS 811.175 or 811.182. Persons who violate ORS 811.175 or 811.182 are subject to the provisions and penalties provided therein and are not subject to the penalties and provisions of this section.

(4) Except as provided in subsection (5) of this section, the offense described in subsection (1) of this section, operating a vehicle without driving privileges, is a Class B traffic violation.

(5) The offense described in subsection (1) of this section, operating a vehicle without driving privileges, that results from a person operating a motorcycle without a motorcycle endorsement, is a Class A traffic violation.

(6)(a) The court shall suspend a fine imposed under subsection (5) of this section on the condition that the person, within 120 days of the date of sentencing:

(A) Complete a motorcycle education course established by the department under ORS 802.320; and

(B) Obtain a motorcycle endorsement issued under ORS 807.170.

(b) The court shall set a hearing date for 120 days from the date of sentencing. At the hearing the court shall:

(A) If the person has successfully completed the requirements described in paragraph (a)(A) and (B) of this subsection, *[dismiss the fine imposed under subsection (5) of this section]* **enter a sentence of discharge; or**

(B) If the person has not successfully completed the requirements described in paragraph (a)(A) and (B) of this subsection:

(i) Grant the person an extension based on good cause shown; or

(ii) Impose the fine under subsection (5) of this section.

(7) The offense described in subsection (2) of this section, operating in violation of license restrictions, is a Class B traffic violation.

SECTION 7. ORS 807.120 is amended to read:

807.120. (1) The Department of Transportation may place restrictions on any driving privileges granted a person if the department determines that there is good cause to restrict the driving privileges of the person in order to ensure the safe operation of a motor vehicle by the person.

(2) Restrictions placed on a driver license or driver permit by the department under this section shall be suitable to the driving ability of the person whose driving privileges are restricted. The restrictions may include:

(a) Restrictions on the type of motor vehicle the person may operate;

(b) Requirements for special mechanical control devices on motor vehicles operated by the person; or

1 (c) Any other restrictions the department determines appropriate to ensure the safe operation
2 of a motor vehicle by the person.

3 (3) The department shall place a restriction on the commercial driver license of a person who
4 performs the skill demonstration required under ORS 807.070 for issuance of a commercial driver
5 license in a vehicle that:

6 (a) Is not equipped with air brakes. A restriction imposed under this paragraph prohibits the
7 person from operating commercial motor vehicles equipped with service brakes that operate fully
8 or partially by air pressure.

9 (b) Is equipped with air over hydraulic brakes. Air over hydraulic brakes includes any braking
10 system operating partially by air pressure and partially by hydraulic pressure. A restriction imposed
11 under this paragraph prohibits the person from operating commercial motor vehicles equipped with
12 service brakes that operate solely by air pressure.

13 (c) Is equipped with an automatic transmission. A restriction imposed under this paragraph
14 prohibits the person from operating commercial motor vehicles equipped with manual transmissions.

15 (d) Uses any connection other than a fifth wheel hitch between the power unit and a vehicle
16 towed in combination with the power unit. A restriction under this paragraph prohibits the person
17 from operating a commercial motor vehicle in combination with any other vehicle using a fifth wheel
18 hitch between the power unit and first towed unit.

19 (4) The department shall place a restriction on the commercial driver license and the commer-
20 cial learner driver permit of a person who does not pass an air brakes knowledge test administered
21 under ORS 807.070. The restriction shall prohibit the person from operating a commercial motor
22 vehicle with service brakes that operate fully or partially by air pressure.

23 (5) The department may impose restrictions under this section by setting forth the restrictions
24 on the regular license form or by issuing a special form for licenses with restrictions.

25 (6) The department shall place restrictions on driving privileges under this section when ordered
26 by a court under ORS [809.210 or] 809.270. Any restriction imposed under this subsection shall be
27 made a part of the person's driving record and shall remain in effect until the court notifies the
28 department in writing that the restrictions are removed.

29 (7) The department may impose restrictions under this section on driving privileges that are
30 restored after having been suspended or revoked. The restrictions imposed under this subsection
31 may include any restrictions that have been recommended by a convicting magistrate.

32 (8) The use of the term "restrictions" in this section includes any restrictions, conditions or
33 requirements.

34 (9) Violation of any restrictions placed on driving privileges under this section is punishable as
35 provided under ORS 807.010.

36 **SECTION 8.** ORS 809.280, as amended by section 28, chapter 76, Oregon Laws 2018, is amended
37 to read:

38 809.280. (1) Upon receipt of a court order under ORS 809.270, the Department of Transportation
39 shall suspend the person's driving privileges. The suspension shall remain in effect until the de-
40 partment is notified by the court that the suspension is ended, except that, if the department is or-
41 dered to automatically reinstate the driving privileges upon the successful completion of a program,
42 the department shall do so and shall notify the judge that the person has complied with the order
43 of the judge.

44 (2) Upon receipt of a court order under ORS 809.120, the department shall suspend the person's
45 driving privileges. The suspension shall be for the period ordered by the court. The court may only

1 order suspension for a period not to exceed 90 days.

2 (3) Upon receipt of a court notice under ORS 809.130 of an unsettled judgment, the department
3 shall suspend the person's driving privileges and, subject to any other requirements of law, reinstate
4 the driving privileges upon appropriate notification from the court under ORS 809.130, except that
5 the department shall only impose the suspension after the department has determined that:

6 (a) The judgment was rendered against the person;

7 (b) The judgment has remained unsettled as described in ORS 809.470 for 60 days; and

8 (c) The judgment continues to be unsettled as described in ORS 809.470.

9 (4) Upon receipt of a court notice under ORS 419C.472 or 809.220, the department shall suspend
10 the person's driving privileges for an indefinite period. The department shall reinstate driving priv-
11 ileges that have been suspended under this subsection upon notification by the court or upon the
12 elapse of 10 years from the date the *[traffic offense or]* violation of ORS 471.430 or 475B.316 oc-
13 curred, whichever comes first. *[The department may not suspend any driving privileges under this*
14 *subsection for a person's failure to appear on a parking, pedestrian or bicyclist offense.]*

15 (5) Upon receipt of a court notice under ORS 810.310, the department shall suspend the person's
16 driving privileges for an indefinite period. The department shall reinstate driving privileges that
17 have been suspended under this subsection upon notification by the court or upon the lapse of 10
18 years from the date of suspension, whichever comes first.

19 (6) Upon receipt of a court order under ORS 809.260, the department shall suspend the person's
20 driving privileges as follows:

21 (a) Upon receipt of the first order suspending driving privileges, the department shall suspend
22 the person's driving privileges for one year, or until the person reaches 17 years of age, whichever
23 is longer.

24 (b) Upon receipt of a second or subsequent order suspending driving privileges, the department
25 shall suspend the person's driving privileges for one year or until the person reaches 18 years of
26 age, whichever is longer.

27 (7) If the department receives notice from a court that it has withdrawn an order issued under
28 ORS 809.260, the department shall immediately reinstate any driving privileges that have been sus-
29 pended under subsection (6) of this section because of the issuance of the order.

30 (8) Upon receipt of a court order under ORS 165.805 or 471.430, the department shall suspend
31 the person's driving privileges. The suspension shall be for the period ordered by the court. The
32 court may only order suspension for a period not to exceed one year.

33 (9) Upon receipt of a court order under ORS 809.235, the department shall permanently revoke
34 the person's driving privileges. The revocation shall remain in effect until the department is notified
35 by a court that the person's driving privileges have been ordered restored.

36 (10) When a court orders suspension of driving privileges under ORS 811.109 (4), the department
37 shall suspend the person's driving privileges. The suspension shall be for the period ordered by the
38 court. The court may only order suspension for a period not to exceed 30 days.

39 (11) When a court orders suspension of driving privileges under ORS 811.109 (5), the department
40 shall suspend the person's driving privileges. The suspension shall be for the period ordered by the
41 court. The court may only order suspension for not less than 30 days and not more than 90 days.

42 (12) Upon receipt of a court order under ORS 811.135, the department shall suspend the person's
43 driving privileges for one year.

44 **SECTION 9.** ORS 809.380, as amended by section 30, chapter 76, Oregon Laws 2018, is amended
45 to read:

809.380. All of the following apply to a person whose driving privileges have been suspended:

(1) The period of suspension shall last as long as provided for that particular suspension by law.

(2) During the period of suspension, the person is not entitled to exercise any driving privileges in this state except as provided under this subsection. Unless otherwise specifically provided by law, a person whose driving privileges are suspended may obtain, if the person qualifies, a hardship driver permit under ORS 807.240, and exercise driving privileges under the driver permit.

(3) Upon expiration of the suspension, the Department of Transportation shall reissue, upon request of the person, the suspended driving privileges and any license or driver permit that evidences the driving privileges. The reissuance shall be without requalification by the person except that the department may require the person to furnish evidence satisfactory to the department that the person is qualified to continue to exercise driving privileges in this state before the department reissues the driving privileges.

(4) The department may not issue any driving privileges in contradiction to this section.

(5) If the person fails to surrender to the department any license or driver permit issued as evidence of driving privileges that are suspended, the person is subject to the penalties under ORS 809.500.

(6) No reinstatement of suspended driving privileges will be made by the department until the fee for reinstatement of suspended driving privileges established under ORS 807.370 is paid to or waived by the department. The department may waive the reinstatement fee for any of the following reasons:

(a) The suspension occurred under ORS 809.419 for failure to take an examination upon request of the department under ORS 807.340.

(b) The suspension occurred under ORS 809.419 for failure to obtain required medical clearance upon request of the department under ORS 807.070 or 807.090.

(c) The suspension occurred under ORS 809.419 for incompetence to drive a motor vehicle or having a mental or physical condition or impairment that affects the person's ability to safely operate a motor vehicle.

(d) The suspension occurred under ORS 809.419 upon notification by the superintendent of a hospital under ORS 807.700 that a person should not drive.

(e) The suspension occurred under ORS 809.419 upon notification by a court under ORS 810.375 that a person charged with a traffic offense has been found guilty except for insanity.

(f) The department committed an error in issuing the suspension.

(g) The suspension was the result of an error committed by an insurance company in issuing or failing to issue a certification of insurance or in canceling a certification of insurance filed with the department under ORS 806.270.

(h) The department issued the suspension without error because the person failed to respond as required under ORS 806.160 or to furnish proof of exemption under ORS 806.210 from the filing requirement of ORS 806.200, but the department later determines that the person in fact was in compliance with financial responsibility requirements as of the date of the department's letter of verification under ORS 806.150 or at the time of an accident described in ORS 806.200.

(i) The department issued the suspension without error because the person was not in compliance with financial responsibility requirements as of the date of the department's letter of verification under ORS 806.150 or at the time of an accident described in ORS 806.200, but the department later determines that the person reasonably and in good faith believed that the person was in compliance with financial responsibility requirements on the date of the department's letter of verifica-

tion or at the time of the accident.

(j) The suspension was the result of an error committed by an insurance company in notifying the department regarding the correctness of a certification under ORS 806.150.

(k) The suspension occurred because the person failed to make future responsibility filings but the department later determines that the reason for the failure was that the person was a military reservist or a member of a national guard unit that was ordered to active military duty to a location outside of the United States. The effective date of the military orders must be prior to the effective date of a suspension issued by the department for failure to make a future responsibility filing.

(L) The department issued the suspension without error because the department received a notice to suspend from a court under ORS [809.210 or] 809.220, but the department later determines that the person in fact was in compliance with the requirements of the court prior to the effective date of the suspension.

SECTION 10. ORS 809.415, as amended by section 33, chapter 76, Oregon Laws 2018, is amended to read:

809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person who has a judgment of the type described under ORS 806.040 rendered against the person if the person does not settle the judgment in the manner described under ORS 809.470 within 60 days after its entry.

(b) A suspension under this subsection shall continue until the person does one of the following:

(A) Settles the judgment in the manner described in ORS 809.470.

(B) Has an insurer that has been found by the department to be obligated to pay the judgment, provided that there has been no final adjudication by a court that the insurer has no such obligation.

(C) Gives evidence to the department that a period of seven years has elapsed since the entry of the judgment.

(D) Receives from the court that rendered the judgment an order permitting the payment of the judgment in installments.

(c) A person is entitled to administrative review under ORS 809.440 of a suspension under this subsection.

(2)(a) The department shall suspend the driving privileges of a person who falsely certifies the existence of a motor vehicle liability insurance policy or the existence of some other means of satisfying financial responsibility requirements or of a person who, after certifying the existence of a motor vehicle liability insurance policy or other means of satisfying the requirements, allows the policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsibility requirements.

(b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this subsection only if proof of compliance with financial responsibility requirements as of the date of the letter of verification from the department under ORS 806.150 is not submitted within 30 days after the date of the mailing of the department's demand under ORS 806.160.

(c) A suspension under this subsection shall continue until the person complies with future responsibility filings.

(3)(a) The department shall suspend the driving privileges of a person who fails to comply with future responsibility filings whenever required under the vehicle code or fails to provide new proof for future responsibility filings when requested by the department.

(b) A suspension under this subsection shall continue until the person complies with future re-

1 responsibility filings.

2 (c) A person whose initial obligation to make future responsibility filings is not based upon a
3 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-
4 sion under this subsection. A person whose obligation to make future responsibility filings is based
5 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440
6 of a suspension under this subsection. A person whose suspension under this subsection is based on
7 lapses in filing after the initial filing has been made is entitled to administrative review under ORS
8 809.440.

9 (4)(a) The department shall suspend driving privileges when provided under ORS 809.416. The
10 suspension shall continue until the earlier of the following:

11 (A) The person establishes to the satisfaction of the department that the person has performed
12 all acts necessary under ORS 809.416 to make the person not subject to suspension.

13 (B) Ten years from the date the traffic offense or violation of ORS 471.430 occurred if the sus-
14 pension is imposed for a reason described in ORS 809.416 [(1) or 20 years from the date the traffic
15 offense occurred if the suspension is imposed for a reason described in ORS 809.416 (2)].

16 (b) A person is entitled to administrative review under ORS 809.440 of a suspension under this
17 subsection.

18 (5) Upon determination by the department that a person has committed an act that constitutes
19 an offense described in ORS 809.310, the department may suspend any driving privileges or any
20 identification card of the person determined to have committed the act. A suspension under this
21 subsection shall continue for a period of one year.

22 (6) Upon determination by the department that a person has submitted false information to the
23 department for the purpose of establishing or maintaining qualification to operate a commercial
24 motor vehicle or hold commercial driving privileges, the department shall suspend the commercial
25 driving privileges or the person's right to apply for commercial driving privileges for a period of one
26 year.

27 **SECTION 11.** ORS 809.416, as amended by section 34, chapter 76, Oregon Laws 2018, is
28 amended to read:

29 809.416. *[This section establishes circumstances that will make a person subject to suspension un-*
30 *der ORS 809.415 (4) and what a person is required to do to make the person no longer subject to*
31 *suspension. The following apply as described:]*

32 [(1)] A person is subject to suspension under ORS 809.415 (4) if the Department of Transporta-
33 tion receives notice from a court to apply this section under ORS 809.220. A person who is subject
34 under this subsection remains subject until the person presents the department with notice issued
35 by the court showing that the person is no longer subject to this section or until 10 years have
36 elapsed from the date the [traffic offense or] violation of ORS 471.430 or 475B.316 occurred, which-
37 ever is earlier. *[This subsection shall not subject a person to ORS 809.415 (4) for any pedestrian of-*
38 *fense, bicycling offense or parking offense.]* Upon receipt of notice from a court, the department shall
39 send a letter by first class mail advising the person that the suspension will commence 60 days from
40 the date of the letter unless the person presents the department with the notice required by this
41 subsection.

42 [(2)] A person is subject to suspension under ORS 809.415 (4) if the department receives a notice
43 of suspension from a court under ORS 809.210 indicating that the person has failed or refused to pay
44 a fine or obey an order of the court. A person who is subject under this subsection remains subject
45 until the earlier of the following:]

1 *[(a) The person presents the department with a notice of reinstatement issued by the court showing*
 2 *that the person:]*

3 *[(A) Is making payments, has paid the fine or has obeyed the order of the court; or]*

4 *[(B) Has enrolled in a preapprenticeship program, as defined in ORS 660.010, or is a registered*
 5 *apprentice under ORS 660.020; or]*

6 *[(b) Twenty years have elapsed from the date the traffic offense occurred.]*

7 *[(3) Subsection (2) of this section does not subject a person to ORS 809.415 (4) for failure or refusal*
 8 *to pay a fine relating to any pedestrian offense, bicycling offense or parking offense. Upon receipt of*
 9 *a notice of suspension from a court, the department shall send a letter by first class mail advising the*
 10 *person that the suspension will commence 60 days from the date of the letter unless the person presents*
 11 *the department with the notice of reinstatement required by this subsection.]*

12 **SECTION 12.** ORS 809.515 is amended to read:

13 809.515. (1)(a) The Department of Transportation shall suspend the commercial driving privileges
 14 of a person if the department receives a notice from another jurisdiction that the person failed to
 15 appear[, *pay a fine or comply with an order of the court*] in a prosecution on a citation for a traffic
 16 offense or for a violation in the other jurisdiction that, if committed in this state, would be grounds
 17 for suspension under ORS [809.210 or] 809.220, and the person held commercial driving privileges
 18 or was operating a commercial motor vehicle at the time of the offense. The period of a suspension
 19 under this subsection is the shorter of:

20 (A) Ten years; or

21 (B) Until the department receives notice from the other jurisdiction that the person appeared[,
 22 *paid the fine or complied with the court's order*].

23 (b) The department shall suspend a person's commercial driving privileges under this subsection
 24 without regard to whether the other jurisdiction suspends any driving privileges of the person by
 25 reason of the person's failure to appear[, *pay a fine or comply with an order of the court*].

26 (c) This subsection does not apply to failure to appear[, *pay a fine or comply with an order of the*
 27 *court*] in a proceeding relating to a parking, pedestrian, vehicle defect or bicycling offense.

28 (2) The department shall suspend the commercial driving privileges of a person if the department
 29 receives a notice from the Federal Motor Carrier Safety Administration that the person has been
 30 disqualified from operating a commercial motor vehicle and that the disqualification is due to a de-
 31 termination that the driving of that person constitutes an imminent hazard. The department shall
 32 immediately suspend commercial driving privileges under this subsection without hearing, but the
 33 person may request a post-imposition hearing under ORS 809.440 (4), without regard to any hearings
 34 conducted by the Federal Motor Carrier Safety Administration. The period of a suspension under
 35 this section is the period of suspension prescribed by the Federal Motor Carrier Safety Adminis-
 36 tration, or one year, whichever is shorter.

37 **SECTION 13.** ORS 809.210 is repealed.

38 **SECTION 14.** The amendments to ORS 153.061, 153.073, 153.772, 419C.306, 807.010, 807.120,
 39 809.220, 809.280, 809.380, 809.415, 809.416 and 809.515 by sections 1 to 12 of this 2019 Act and
 40 the repeal of ORS 809.210 by section 13 of this of this 2019 Act apply to conduct giving rise
 41 to a driving privilege restriction or driving privilege suspension on or after the effective date
 42 of this 2019 Act. Driving privilege restrictions or driving privilege suspensions imposed before
 43 the effective date of this 2019 Act shall be governed by law applicable to driving privilege
 44 restrictions and driving privilege suspensions in effect at the time of the most recent re-
 45 striction or suspension.

Brookings City Council Presentation Feb. 25, 2019

I. Introduction

- a. Thank you for volunteering your time for this community and allowing me to make this presentation.
- b. Common understanding—hopefully we would agree, whether City or County level, that we advocate for the best possible outcomes for the citizens we represent.
- c. I think we'd agree that responsible elected officials:
 - 1. Try to make decisions that are in the best interests of those they serve.
 - 2. They are interested in looking at facts from responsible/reputable sources before making decisions.
 - 3. They try to keep personal interests and bias out of any decision making process.

II. Brief History

- a. After the CHD Annexation failed in 2015 the South Curry Health Care Alliance (SCHCA) was formed to see what health care options were available to So. Curry residents. After many hours of research they found:
 - 1. An Acute Care hospital is legal in a Port District but not viable.
 - 2. CMS regulations (verified by Region X CMS) allow a Critical Access Satellite Hospital with a combined total of 25 beds. They "frown" on standalone emergency rooms because of increases in costs and patient risks.
 - 3. Members of this group (SCHCA) met with federal representatives in 2016, Ginny Razo in May 2017, and Alex Campbell in June 2017 to discuss and explore steps and moving forward.
 - 4. Curry Co. Commissioners supported and participated in a forum in Aug. 2017 that was sponsored by SCHCA to educate the public and local governmental entities about possible options and allow them to ask questions of the panel. Over 100 people attended.

III. Recent Meeting Dec. 17, 2018 with Holly Heiberg, Bobby Green, Lillian Shirley, and Dana Selover

- a. Outcomes
 - 1. It's possible to have a satellite hospital with an emergency room in Brookings.

2. The services at the CHN clinic in Brookings are, and have been billed as Critical Access Hospital services under Curry General's license.
3. BIG question: Is it feasible??? We can't know this without a feasibility study. I think we should start with basics—find out the estimated cost of retrofitting/redesigning of the current Curry Medical Clinic to a Hospital/ER.
4. Bobby Green, a representative from OHA said: "we must remain focused on the desired outcome, which is to ensure that we meet the Triple Aim: Better Health, Better Care, and Lower Costs. Our primary goal is to provide quality health care that serves all Oregonians!"

IV. Meeting With David Brock Smith 1/12/19

a. Outcomes:

1. We agreed that it is important to work together towards getting the best possible health care options for So. Curry County.
2. We agreed that a feasibility study was necessary to determine the fiscal and optimal health care ramifications for both CHN and So. Curry residents.
3. I agreed to determine the projected costs of a feasibility study.
4. David agreed to help find a funding source for a feasibility study and assist in getting an OAR for this project if necessary.

V. Meeting with Ginny Razo 1/17/19

b. Outcomes

1. Ginny indicated that their board is pushing to get a standalone ER implemented in the Brookings facility as soon as possible and that CHN is currently working for the funding for this project.
2. She said that her board would probably not be interested in having a feasibility study before a standalone ER is built. I reiterated that CMS frowns on standalone ERs because there is more cost and more patient risk.
3. Their CFO has done a financial analysis of a standalone emergency room and he thought that it would be beneficial financially for CHN. I think that it would be more financially beneficial for CHN and this city if a satellite hospital/ER were implemented and paid for by So. Curry residents.

4. Ginny also voiced some concerns about a feasibility study taking up extra staff time and getting board approval. It should be noted that 53% of patient care revenue currently comes from 97415. If the feasibility study was limited in scope there would be less staff time involved. One would hope that a governmental health agency licensed specifically to serve rural and remote areas would want to expand and improve those services.

VI. Meeting with Janell Howard on 1/18/19

a. Outcomes

1. We discussed the 2004 Asante feasibility study. This study indicated that a critical access hospital with 8 to 10 beds and 34,000 sq. feet would be feasible in Brookings. The Curry Medical Clinic (CMC) has 34,500 sq. ft.
2. We both agreed that a feasibility study is needed and should be done by a neutral entity to determine if a hospital/ER is a viable option for Brookings.
3. We also agreed that economic growth in Brookings and Curry County depends on good health care and good schools.

VII. Interactions with Gary Milliman

a. Gary had some good suggestions for moving forward with this project:

1. Define the boundaries of the taxing district.
2. Has OHA, CMS and any other regulatory agency signed-off on converting CMC to a satellite hospital?
3. Support from the County, CHN and the City of Brookings will be necessary.

b. Gary also contacted individuals Portland State University regarding a feasibility study and they determined the following:

1. The study should be in 2 phases. Phase 1 would be a regulatory review to identify any obstacles with regulatory agencies (OHA and CMS) and develop a strategy to overcome these obstacles. They estimate the cost would be \$10-15,000 and would require 60-90 days to complete. Phase 2 would be a more comprehensive study.

VIII. What questions would you want answered in a full feasibility study?

- a. How would a satellite hospital/emergency room affect Curry General Hospital/CHN and Sutter Coast Hospital? What are the risks and benefits for each entity?
- b. Would it have positive financial impacts for Brookings/other South Curry Co. and the CHN?
- c. How would the Brookings Clinic be affected? Would they need more space etc.?
- d. How would the feasibility study be paid for?
- e. If the study determined that a satellite hospital/ER would benefit CHN and Brookings/South Curry Co, where would the funds come from to build it?
- f. Would this be in the best interest of the Curry Health District and/or its primary revenue source which is South Curry?

IX. Why would the City Council be incentivized to endorse hospital/ER? These are the concerns you might want to address.

- a. Would it be possible for So. Curry residents to receive better health care with less risk and lower costs including insurance, at least equitable to Gold Beach?
- b. Would Brookings have more economic growth as a result of a hospital/ER located in the City?
- c. Would more residents stay in Brookings rather than moving as a result of needed health care options?
- d. Why should Brookings residents accept less (a standalone ER) when they could have more (a satellite hospital/ER)?

X. What am I asking of the Board Today?

- a. Consideration of a resolution that includes: (1) endorsing a limited feasibility study for a Satellite Hospital/ER in Brookings to determine the construction costs of a satellite critical access hospital/ER; (2) support in accessing the best possible health care options for the people in Brookings and (3) the recognition of the need for South Curry residents to pay for the construction costs of a hospital/ER in Brookings.

- b. Support for an advisory measure to put on the ballot to determine if the voters are willing to financially support a hospital/ER in Brookings.

XI. **Questions?**

- a. My e-mail is gold@co.curry.or.us if you think of other questions.



Centers for Medicare & Medicaid Services

[Home](#) > [Medicare](#) > [Quality, Safety & Oversight - Certification & Compliance](#) > [Hospitals](#)

Hospitals

This page provides basic information about being certified as a Medicare and/or Medicaid hospital provider and includes links to applicable laws, regulations, and compliance information.

A hospital is an institution primarily engaged in providing, by or under the supervision of physicians, inpatient diagnostic and therapeutic services or rehabilitation services. Critical access hospitals are certified under separate standards. Psychiatric hospitals are subject to additional regulations beyond basic hospital conditions of participation. The State Survey Agency evaluates and certifies each participating hospital as a whole for compliance with the Medicare requirements and certifies it as a single provider institution.

Under the Medicare provider-based rules it is possible for 'one' hospital to have multiple inpatient campuses and outpatient locations. It is not permissible to certify only part of a participating hospital. Psychiatric hospitals that participate in Medicare as a Distinct Part Psychiatric hospital are not required to participate in their entirety.

However, the following are not considered parts of the hospital and are not to be included in the evaluation of the hospital's compliance:

- Components appropriately certified as other kinds of providers or suppliers. i.e., a distinct part Skilled Nursing Facility and/or distinct part Nursing Facility, Home Health Agency, Rural Health Clinic, or Hospice; Excluded residential, custodial, and non-service units not meeting certain definitions in the Social Security Act; and,
- Physician offices located in space owned by the hospital but not functioning as hospital outpatient services departments

Accredited Hospitals - A hospital accredited by a CMS-approved accreditation program may substitute accreditation under that program for survey by the State Survey Agency. Surveyors assess the hospital's compliance with the Medicare Conditions of Participation (CoP) for all services, areas and locations covered by the hospital's provider agreement under its CMS Certification Number (CCN).

Although the survey generally occurs during daytime working hours (Monday through Friday), surveyors may conduct the survey at other times. This may include weekends and times outside of normal daytime (Monday through Friday) working hours. When the survey begins at times outside of normal work times, the survey team modifies the survey, if needed, in recognition of patients' activities and the staff available.

All hospital surveys are unannounced.

- Should an individual or entity (hospital) refuse to allow immediate access upon reasonable request to either a State Agency, CMS surveyor, a CMS-approved accreditation organization, or CMS contract surveyors, the hospital's Medicare provider agreement may be terminated.
- The CMS State Operations Manual (SOM) provides CMS policy regarding survey and certification activities.

See the **downloads** section below for the Patient's Rights Final Rule that includes more information on the hospital death reporting requirements related to restraint and seclusion.

Downloads

[EMTALA \[PDF, 23KB\]](#)[Patient's Rights Regulation published 12/8/2006 \(PDF, 335 KB\) \[PDF, 334KB\]](#)[Chapter 2 - The Certification Process \[PDF, 2MB\]](#)

Related Links

[Full Text Statements of Deficiencies Hospital Surveys - 2018Q4](#)[Full Text Statements of Deficiencies Transplant Surveys - 2018Q4](#)[Hospitals](#)[Quality, Safety & Oversight - Enforcement](#)[Emergency Medical Treatment & Labor Act \(EMTALA\)](#)[Section 1867 of the Social Security Act](#)[Section 1861 of the Social Security Act](#)[42 CFR 482.1 - 482.66](#)[Related Regulation - 42 CFR 489.13\(c\)\(2\)](#)

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Brookings City Council Sample Resolution for Hospital/ER

Whereas:

1. Brookings City Council is interested in the best available health care for all citizens of Brookings.
2. Economic Development is dependent on adequate and equitable health care options.
3. The City of Brookings is the largest city in Oregon without a hospital.
4. CMS Region X allows a satellite critical access hospital/ emergency room.
5. CMS has documented that they “frown on” free standing/standalone emergency rooms because of significantly increased costs and patient risks.
6. A satellite Critical Access Hospital/ER will significantly increase employment opportunities, expand available health care services and reduce millions of dollars expended for medical services provided to our residents outside of our County.

Be it resolved that:

The Brookings City Council supports a limited feasibility study to determine the estimated cost of constructing/remodeling the existing Curry Medical Center in Brookings to comply with Critical Access Hospital licensing requirements and an advisory ballot measure to determine if the citizens of 97415 would financially support the costs of this project.

House Bill 2530

Sponsored by Representatives EVANS, WILDE; Representatives GOMBERG, NOSSE (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Task Force on Innovative Housing Strategies for Veterans. Requires report to Legislative Assembly by September 15, 2020.

Sunsets on December 31, 2020.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to housing for veterans; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) The Task Force on Innovative Housing Strategies for Veterans is established, consisting of 11 members appointed as follows:

(a) The President of the Senate shall appoint one member from among members of the Senate.

(b) The Speaker of the House of Representatives shall appoint one member from among members of the House of Representatives.

(c) The Director of the Housing and Community Services Department shall appoint three members to represent the Housing and Community Services Department, at least two of whom must have expertise in housing options and programs for veterans.

(d) The Director of Veterans' Affairs shall appoint three members, at least one of whom must represent the Department of Veterans' Affairs and one of whom must represent veterans' advocates.

(e) The Governor shall appoint three members, at least one of whom must have expertise in lending for, and development of, housing for veterans and one of whom must represent housing advocates for veterans.

(2) The task force shall study and make findings regarding the following:

(a) Innovative housing strategies to provide housing for homeless and low income veterans and veterans' families in this state, including but not limited to the following:

(A) Establishment of a housing purchasing authority to acquire housing for the purpose of providing housing options for veterans; and

(B) Purchase by the state of vacant housing developments during times of recession or other economic downturn for the purpose of providing housing options for veterans; and

(b) For each of the strategies under paragraph (a) of this subsection, a viable plan for implementation, including designation of the state agency or entity that will be responsible for administration of the strategy, identification of barriers and possible outcomes, the amount and nature of available and required financial resources, standards for veteran eligibility and any other factor or consideration that is relevant to evaluating the feasibility

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

1 and appropriateness of the strategy.

2 (3) A majority of the members of the task force constitutes a quorum for the transaction
3 of business.

4 (4) Official action by the task force requires the approval of a majority of the members
5 of the task force.

6 (5) The task force shall elect one of its members to serve as chairperson.

7 (6) If there is a vacancy for any cause, the appointing authority shall make an appoint-
8 ment to become immediately effective.

9 (7) The task force shall meet at times and places specified by the call of the chairperson
10 or of a majority of the members of the task force.

11 (8) The task force may adopt rules necessary for the operation of the task force.

12 (9) The task force shall submit a report, which may include recommendations for legis-
13 lation, to interim committees of the Legislative Assembly with subject matter jurisdiction
14 over housing and veterans' affairs no later than September 15, 2020.

15 (10) The Department of Veterans' Affairs and Housing and Community Services Depart-
16 ment shall jointly provide staff support to the task force.

17 (11) Members of the task force who are not members of the Legislative Assembly are not
18 entitled to compensation or reimbursement for expenses and serve as volunteers on the task
19 force.

20 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist
21 the task force in the performance of its duties and, to the extent permitted by laws relating
22 to confidentiality, to furnish such information and advice as the members of the task force
23 consider necessary to perform their duties.

24 SECTION 2. Section 1 of this 2019 Act is repealed on December 31, 2020.

25 SECTION 3. This 2019 Act being necessary for the immediate preservation of the public
26 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
27 on its passage.

80th OREGON LEGISLATIVE ASSEMBLY--2019 Regular Session, Veterans Legislation & ODVA Bill Tracking

--HB 2530 - Establishes Task Force on Innovative Housing Strategies for Veterans. Requires report to Legislative Assembly by September 15, 2020. Sunsets on December 31, 2020. Declares emergency, effective on passage. The task force shall study and make findings regarding the following:

(a) Innovative housing strategies to provide housing for homeless and low-income veterans and veterans' families in this state, including but not limited to the following:

(A) Establishment of a housing purchasing authority to acquire housing for the purpose of providing housing options for veterans; and

(B) Purchase by the state of vacant housing developments during times of recession or other economic downturn for the purpose of providing housing options for veterans; and

(b) For each of the strategies under paragraph (a) of this subsection, a viable plan for implementation, including designation of the state agency or entity that will be responsible for administration of the strategy, identification of barriers and possible outcomes, the amount and nature of available and required financial resources, standards for veteran eligibility and any other factor or consideration that is relevant to evaluating the feasibility and appropriateness of the strategy.

LINK: <https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2530>

--HB 2461 - Creates temporary stay of eviction for certain low-income veterans. Directs Department of Veterans' Affairs to maintain referral list of veterans' benefit programs that assist low-income veterans in improving housing stability. Directs circuit courts to report to Oregon Criminal Justice Commission annually regarding veteran evictions. Takes effect on 91st day following adjournment sine die.

In a court case, if the defendant produces documentation supporting the defendant's veteran status not more than three judicial days following the date of the defendant's first appearance in the action, the court may stay the eviction of the defendant for up to an additional 14 days.

If the court stays the defendant's eviction under this paragraph, the court shall notify the defendant that the defendant may be eligible for veterans' benefit programs for low-income housing stability and provide the defendant with contact information for the county veterans' service officer in the county of the dwelling. If the defendant cures the nonpayment notice by paying all delinquent rent before trial, the court shall dismiss the action without costs to either party. **LINK:**

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2461/Introduced>

--HB 2462 – Directs court to, at time of arraignment, notify defendant that status as servicemember may make defendant eligible for treatment programs, specialty courts or sentencing mitigation. Prohibits use of defendant's status as servicemember from being used as aggravating factor for purposes of sentencing. Directs court to, upon dismissal or entry of judgment in criminal proceeding, provide Oregon Criminal Justice Commission with specified information concerning defendant when court has been notified that defendant is servicemember. **(Continued)**

--HB 2462 (Continuing)

Directs commission to provide biannual report to Legislative Assembly on information received from courts concerning servicemember defendants. Directs Department of Veterans' Affairs to conduct study on establishing pilot program with purpose of assisting servicemembers involved in criminal justice system and present report on findings to interim committees of Legislative Assembly related to veterans' affairs on or before September 15, 2020. Takes effect on 91st day following adjournment sine die.

LINK: <https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2462>

--HB 2549 - Authorizes reserve officers sponsored by law enforcement unit to pay for training as police with cash and G.I. Bill education benefits. Requires Department of Public Safety Standards and Training to increase training class sizes by up to 25 percent as necessary to train sponsored reserve officers.

Requires reserve officer to remain with law enforcement unit for at least three years after certification and allows Department of Public Safety Standards and Training to suspend or revoke certification if reserve officer fails to comply without good cause. Requires Department of Public Safety Standards and Training to conduct study of impact of measure on state and local public safety budgets, recruitment of officers and maintenance of public safety and to submit report to interim committees of Legislative Assembly related to public safety. LINK:

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2549/Introduced>

--HB 2551 - Directs Department of Veterans' Affairs to develop and implement one or more pilot programs statewide to provide training, job placement services, financial assistance, technical support and business creation assistance to veterans in construction and construction materials industries. Requires report to Legislative Assembly regarding status of pilot programs by September 15, 2020. Sunsets pilot programs on December 31, 2021. Declares emergency, effective July 1, 2019

The Department of Veterans' Affairs shall develop and implement one or more pilot programs statewide to provide training, job placement services, financial assistance, technical support and business creation assistance to veterans in the construction and construction materials industries. The purpose of the pilot programs is to help veterans successfully transition from military service to the workforce and the business community. The department shall implement pilot programs under this section by awarding grants to entities involved in the construction and construction materials industries. LINK:

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2551/Introduced>

--HB 2561 - Directs Department of Veterans' Affairs to develop program under which providers contracting with department provide credit guarantees for qualified borrowers for purpose of refinancing home mortgages. Prohibits department from paying amounts due under loan or credit guarantee agreement from any source other than available moneys in Veterans Refinancing and Reintegration Services Fund. Authorizes financial institution to exercise rights against security if there are insufficient available moneys to pay amounts due under loan or credit guarantee agreement.

(Continued)

--HB 2561 (Continuing)

Establishes Veterans Refinancing and Reintegration Services Fund. Continuously appropriates moneys in fund to department for purposes of program. Directs Oregon Department of Administrative Services to include in Governor's budget for each fiscal period amounts sufficient to permit payment of amounts due on unpaid loan and credit guarantees for that fiscal period. **LINK:**

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2561/Introduced>

--HB 2195 - Dedicates portion of State Capitol State Park to Vietnam War memorial. Exempts memorial from certain land use laws. Establishes Vietnam War Memorial Task Force to arrange for development, design and construction of memorial to honor Oregon's Vietnam War veterans. Directs Department of Veterans' Affairs to maintain finished memorial. Declares emergency, effective on passage. **LINK:**

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2195/Introduced>

--HB 2196; HB 2197; HB 2198; HB 2199; HB 2200; HB 2201; HB 2202 -- MULTIPLE BILLS -- Directs Oregon Military Department to study and make recommendations regarding improvements to operations of department. Requires department to submit report on findings to Legislative Assembly by January 1, 2021. **LINK:** <https://public.tableau.com/profile/odva#!/vizhome/ODVATrackedBills-2019/Measures>

--HB 2556 - Provides seven days of excused absences from school if pupil is dependent of member of Armed Forces of United States who is on active duty or who is called into active duty. Declares emergency, effective July 1, 2019. **LINK:**

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2556/Introduced>

--SB 66 -- Authorizes Oregon State Board of Nursing to recognize military education or training programs as sufficient to meet requirements for licensure as licensed practical nurse. Declares emergency, effective on passage. **LINK:**

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB0066/Introduced>

--SB 232; SB 234 - Directs Department of Veterans' Affairs to submit report to interim legislative committees, no later than July 1, 2020, regarding delivery of veterans' services--the Department of Veterans' Affairs shall submit a report to the interim legislative committees on veterans' affairs regarding the provision of services to veterans in this state. The report must include a summary of the current delivery of veterans' services in this state and may include recommendations for legislative changes.

This SB 232--2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage. **LINK:**

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB0232/Introduced>; SB 234 --

LINK: <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB0234/Introduced>

SB 462 - Provides that person who served in United States Naval Construction Force, or "Seabees," is eligible to receive veterans' recognition registration plate. **LINK:**

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB0462/Introduced>

SB 500 - Grants higher property tax exemption for property of veterans with disabilities. Grants exemption for veteran's surviving spouse who remains unmarried. Takes effect on 91st day following adjournment sine die. **LINK:**

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB0500/Introduced>

SB 593 - Makes person holding resident disabled veteran hunting license eligible for additional preference points in controlled hunt permit preference system. **LINK:**

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB0593/Introduced>

SB 5538 - Limits biennial expenditures by department from lottery moneys for certain purposes. Limits certain biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts and Oregon War Veterans' Bond Sinking Account, but excluding lottery funds and federal funds, collected or received by department. Limits biennial expenditures by department from federal funds. Authorizes specified nonlimited expenditures. Declares emergency, effective July 1, 2019. **LINK:**

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB5538/Introduced>

OTHER BILLS BEING TRACKED BY ODVA – LINK:

<https://public.tableau.com/profile/odva#!/vizhome/ODVATrackedBills-2019/Measures>

Hope this is helpful!

Connie Hunter