

City of Brookings

MEETING AGENDA

CITY COUNCIL

Monday, April 6, 2020, 4:00pm

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

SPECIAL MEETING

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Oral Requests and Communications from the audience

(*Public Comments on non-agenda items – five (5) minute limit per person, please submit Public Comment Form in advance)

E. Staff Reports/Public Hearings/Ordinances/Resolutions/Final Orders

1. Declare Council Seat Vacant and Determine Method of Selection [Pg. 2]
 - a. Councilor Hamilton's resignation [Pg. 3]
 - b. Excerpts from the City Charter, Oregon Revised Statutes and Brookings Municipal Code [Pg. 5]
 - c. Draft Timeline to fill position by appointment [Pg. 7]
2. Homeless Temporary Housing [Pg. 8]
 - a. BMC 8.15-087 Temporary use of a recreational vehicle or travel trailer [Pg. 9]
 - b. ORS 203.082 Camping by homeless on property of religious institutions [Pg. 10]
3. Financing of Smart Water Meters [Pg. 11]
 - a. Resolution 20-R-1177 [Pg. 12]

F. Adjournment

*Public Comment forms and the agenda packet are available on-line at www.brookings.or.us, at Brookings City Hall. Return completed Public Comment forms to the City Recorder before the start of the 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.

Due to the COVID-19 virus, meeting participants in the council chambers will be limited and social distancing of six (6) feet will be required and maintained. If you would like to view the City Council Meeting live, you can via:

-Television – Charter Channel 181

-Internet – Go to the City of Brookings website at <http://www.brookings.or.us>


CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: April 6, 2020

Originating Dept: City Manager

Signature (submitted by)


City Manager Approval

Subject: Declare Council Seat Vacant and Determine Method of Selection

Recommended Motion:

Motion to accept resignation of Councilor Bill Hamilton and declare Council Position 1 vacant.

Determine procedure for filling the position by appointment or an immediate appointment.

Background/Discussion:

Due to the resignation of Councilor Bill Hamilton, Council Position 1 becomes vacant.

According to the City Charter and Oregon Revised Statutes, the City Council must, within 60 days of declaring a vacancy on the City Council, fill the vacancy by appointment.

The City Council may appoint any registered voter of the State of Oregon who has resided in the City of Brookings for at least 12 months preceding appointment to fill the position. The appointee will fill the current term which expires on January 11, 2021.

The City Council may fill the vacancy at any Council meeting. The Council has done this a couple of ways in the past. The Council has made an immediate appointment at the time of meeting. The City Council has also announced an application procedure and has conducted public interviews of candidates. An application process is not required. Note that the deadline for making the appointment is June 5, 2020.

Attachment(s):

- a. Councilor Hamilton's resignation.
- b. Excerpts from the City Charter, Oregon Revised Statutes and Brookings Municipal Code
- c. Draft Timeline to fill position by appointment

Janell Howard

Subject: FW: Letter of Resignation for Councilor William Hamilton

From: Bill Hamilton <bhamilton@brookings.or.us>
Sent: Thursday, April 2, 2020 9:50 AM
To: Janell Howard <jhoward@brookings.or.us>; Jake Pieper <jpieper@brookings.or.us>
Subject: Fwd: Letter of Resignation for Councilor William Hamilton

----- Forwarded message -----

From: Bill Hamilton <bhamilton640@gmail.com>
Date: Thu, Apr 2, 2020 at 9:38 AM
Subject: Fwd: Letter of Resignation for Councilor William Hamilton
To: Bill Hamilton <bhamilton@brookings.or.us>

April 2, 2020

William Hamilton

Councilor No. 1

City of Brookings

1 Park Ave, #401

Brookings, OR 97415

Honorable Jake Pieper, Mayor & Council.

City of Brookings

898 Elk Drive

Brookings, OR 97415

RE: Letter of Resignation for Councilor William Hamilton

Honorable Mayor,

It has been my great pleasure to serve as a Councilor for the City of Brookings for the past seven years. I am proud of the accomplishments that the Council and the city has completed during my tenure and hope that my contribution has been of benefit to the citizens of Brookings. I have been honored to work with exceptional city staff and feel that the city, the Council and the residents of Brookings are fortunate to have them.

While I am in good health, my disease is progressive in nature and I feel that I cannot fully perform the duties of a Councilor that the citizens of Brookings elected me to do or that you, my fellow Councilors and staff expect of me. Therefore, I hereby submit this letter of resignation as a Councilor to the Brookings City Council, effective immediately upon your acceptance of my resignation.

I am humbly grateful to have been elected by the citizens of our city and have been to work with such professional and enjoyable people. That being said, I am always available to serve if called upon.

Sincerely yours,

Councilor William Hamilton

Copy:

Councilor Brent Hodges, No. 2

Councilor John McKinney, No. 3

Council Ron Hedenskog, No. 4

City Manager Janell Howard



Virus-free. www.avg.com

CITY OF BROOKINGS CHARTER OF 1993

CHAPTER III

Section 7. Council.

The council consists of a mayor and four councilors nominated and elected from the city at large or, in case of one or more vacancies in the council, the council members whose offices are not vacant.

CHAPTER IV

Section 19. Vacancies: Occurrence.

The office of a member of the council becomes vacant:

- (1) Upon the incumbent's:
 - (a) Death,
 - (b) Adjudicated incompetence, or
 - (c) Recall from office; or
- (2) Upon declaration by the council of the vacancy in case of the incumbent's:
 - (a) Failure, following election or appointment to the office, to qualify for the office within ten days after the time for his or her term of office to begin.
 - (b) Absence from the city for 30 days without notifying the council or from all meetings of the council within a 65-day period.
 - (c) Ceasing to reside in the city.
 - (d) Ceasing to be a qualified elector under state law.
 - (e) Conviction of a felony crime, a misdemeanor involving moral turpitude or any other offense pertaining to the public office.
 - (f) Resignation from the office.

Section 20. Vacancies: Filling.

A vacancy in the council shall be filled within 60 days by:

- (1) Appointment by a majority of the council;
- (2) Special election when the number of vacancies in the council exceeds the number of members holding office.

The terms of office of those appointed or elected run from the time of their qualifying for office after appointment or election and until expiration of the terms of their predecessors who have left the offices vacant

Section 23. Qualifications.

- (1) An elective city officer shall be a qualified elector under the state constitution and shall have resided in the city during the 12 months immediately before being elected or appointed to the office. In this subsection "city" means area inside the city limits at the time of the election or appointment.
- (2) No person may be a candidate at a single election for more than one elective city office.
- (3) An elective officer may be employed in a city position that is substantially volunteer in nature. Whether the position is so may be decided by the municipal court upon the request of the city council.
- (4) Except as subsection (3) of this section provides to the contrary, the council is the final judge of the election and qualifications of its members.
- (5) The qualifications of appointive officers of the city are whatever the council prescribes or authorizes.

OREGON REVISED STATUTES**Section 221.120**

- (4) The council shall fill by appointment vacancies in its membership.
- (5) The term of office of an appointee to an office of councilor shall be the remainder of the term of office of the immediate predecessor of the appointee in the office.


Timeline to Fill Council Position #1 By Appointment

Date	Task	Day #
April 6, 2020	Position declared vacant	1
April 7, 2020	Pres Release Issued	2
April 21, 2020	Applications due to City Recorder	14
April 23, 2020	Applications*provided to Council	16
April 27, 2020	Applicant Interviews/Appt/Swearing In	20
Prior to June 5, 2020	Appointment/Swearing In	60

*Applications will also be included in the April 27, 2020 City Council Packet. Applicant voter registrant and City residency status verified.

CITY OF BROOKINGS

Originating Dept: City Manager


City Manager Approval

Recommended Motion:

Background/Discussion:

Concerns have resurfaced recently, and we have been asked if we can suspend regulations for camping in parking lots. The City Council voted on March 23rd to temporarily restrict Transient Lodging Facilities from renting to individuals that were not providing an essential service for less than 30 days. This includes RV parks.

Brookings Municipal Code (BMC) states that a recreational vehicle or travel trailer may only be used for sleeping purposes in the City of Brookings on private property with a residential unit or during construction, not connected to City's water or sewer system, and for not more than 14 days per calendar year.

By temporarily adding the provisions of 203.082 we would allow religious institutions to offer overnight camping space on institution property to homeless persons living in vehicles. The religious institution offering camping space must limit camping space at the institution to three or fewer vehicles at the same time, and provide campers with access to sanitary facilities (i.e. toilet, hand washing, and trash disposal).

Because of the State of Emergency, and the effort to slow the spread of COVID-19, if we were to make temporary exception, we should consider limiting to individuals who have been residents of Brookings for at least six months.

Attachment(s):

- a. BMC 8.15-087 Temporary use of a recreational vehicle or travel trailer
- b. ORS 203.082 Camping by homeless on property of religious institutions



City of Brookings

Temporary Emergency Rule 2020-1

WHEREAS on March 23, 2020, the City Council by Resolution 20-R-1174 declared a state of emergency due to the COVID-19 outbreak. It also authorized the City Manager, during this temporary State of Emergency, to take actions and issue orders necessary and reasonable to protect health, safety and welfare of the City and the public and to conduct activities that minimize or mitigate the effect of the emergency, as long as such actions or orders are in compliance with City, state and federal law; and

WHEREAS the City's municipal code, BMC 8.15.087, restricts RV use within the City; and

WHEREAS the City Manager recommends that the Council temporarily allow provisions included in ORS 203.082, Camping by Homeless on property of religious institutions, limited to the period we are under the Governor's "Stay Home, Stay Safe" order for COVID-19, and only to those individuals who have been residents over six months.

NOW therefore, the Council of the City of Brookings hereby temporarily adopts Rule 2020-1 as follows:

Camping by homeless on property of local governments and religious institutions.

(1) The City will temporarily allow churches, synagogues and similar religious institutions to offer overnight camping space on institution property to homeless persons living in vehicles.

(2) In addition to any conditions or limitations imposed by the City, a religious institution located within the City and offering camping space described under subsection (1) of this section must:

(a) Limit camping space at the institution site to three or fewer vehicles at the same time; and

(b) Provide campers with access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities.

Chapter 8.15 Nuisances

8.15.087 Temporary use of a recreational vehicle or travel trailer.

 SHARE

A. All recreational vehicle parks within the city of Brookings shall conform to the electrical, fire, health, building, and plumbing ordinances of the city of Brookings, as amended, except as hereinafter specified.

B. It is a violation to use a recreational vehicle or travel trailer for living purposes within the city of Brookings except when parked within a licensed recreational vehicle park. A recreational vehicle or travel trailer may be used for temporary sleeping purposes within the city of Brookings provided as follows:

1. That the recreational vehicle or travel trailer is located entirely on private property that is residentially zoned and developed with a dwelling unit or there is an active building permit for a dwelling unit;
2. That no connection of any kind may be made to the city's water or sewer system; and
3. That the period of use for the property shall not exceed 14 days out of any calendar year.

C. It shall be a violation for any person, firm, or corporation owning or operating a recreational vehicle park in the city of Brookings to violate any of the provisions of this chapter. It shall be a violation for any person, firm, or corporation owning, maintaining, or in control of any recreational vehicle or travel trailer, or the occupant or tenant of any recreational vehicle or travel trailer in whatever capacity, to violate any provisions of this chapter. [Ord. 11-O-686 § 2; Ord. 09-O-642 § 2; Ord. 07-O-591 § 2.]

2017 ORS 203.082¹

Camping by homeless on property of religious institutions

- **required elements of policies of local governments and religious institutions**

- (1) Any political subdivision in this state may allow churches, synagogues and similar religious institutions to offer overnight camping space on institution property to homeless persons living in vehicles.
- (2) In addition to any conditions or limitations imposed by a political subdivision, a religious institution located within the political subdivision and offering camping space described under subsection (1) of this section must:
 - (a) Limit camping space at the institution site to three or fewer vehicles at the same time;
and
 - (b) Provide campers with access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities. [1999 c.319 §1]

Note: 203.082 (Camping by homeless on property of religious institutions) was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 203 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

¹ Legislative Counsel Committee, *CHAPTER 203—County Governing Bodies; County Home Rule*, https://www.oregonlegislature.gov/bills_laws/ors/ors203.html (2017) (last accessed Mar. 30, 2018).

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: April 6, 2020

Originating Dept: Finance and HR

Signature (submitted by)


City Manager Approval

Subject:

Financing of Smart Water Meters

Recommended Motion:

Adopt Resolution 20-R-1177, authorizing the financing of smart water meters.

Financial Impact:

The total debt principal is increased by \$300,000. Interest expense over five years is \$19,294.

Background/Discussion:

The City Council and Budget Committee discussed converting to smart meters multiple times over the last couple of years. The budget that was adopted for 2019-20 included funds to complete the first phase of the “smart meter” process, and possibly partially finance if interest rates were favorable.

City Council approved the purchase of the smart water meters on September 9, 2019 for a total of \$375,000. We are in the process of installing, and anticipate completion by the end of the fiscal year.

We have secured financing through Umpqua Bank at a 2.48% interest rate for five (5) years.

Attachments:

- a. Resolution 20-R-1177

CITY OF BROOKINGS

RESOLUTION 20-R-1177

A RESOLUTION OF THE CITY OF BROOKINGS AUTHORIZING FULL FAITH AND CREDIT BORROWINGS TO FINANCE SMART WATER METERS.

WHEREAS, the City of Brookings, Oregon (the “City”) is authorized by Oregon Revised Statutes Section 287A.010 and 271.390 to enter into financing agreements to finance or refinance real or personal property which the City Council determines is needed; and,

WHEREAS, the City finds it desirable to finance up to \$300,000 for Smart Water Meters (the “Meters”); and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brookings that:

1. Authorization of Financing Agreements.

- 1.1 The City is hereby authorized to enter into one or more financing agreements pursuant to ORS 271.390 and ORS Chapter 287A to finance the Improvements and to pay estimated costs of the financing. The net proceeds of the financing agreements that finance the Meters \$300,000 for costs of Smart Water Meters, plus estimated costs of the financing.
- 1.2 The financing agreements authorized by this Section 1 are referred to in this Resolution as the “Financing Agreements.”

2. Determination of Need.

The City hereby determines that the Meters financed are needed.

3. Delegation.

The City Manager and the Finance and Human Resources Director (each of whom is referred to in this resolution as a “City Official”) may, on behalf of the City and without further action by the Council:

- 3.1 Negotiate, execute and deliver one or more escrow agreements or similar documents (the “Escrow Agreements”) that provide for the issuance of one or more series of “certificates of participation” or “full faith and credit obligations” (the “Obligations”) that represent ownership interests in the loan payments due from the City under the Financing Agreements. Subject to the limitations of this resolution, the Escrow Agreements and each series of Obligations may be in such form and contain such terms as the City Official may approve.
- 3.2 Select one or more commercial banks with which to negotiate and execute each Financing Agreement.

- 3.3 Engage the services of escrow agents or trustees and any other professionals whose services are desirable for the financing.
- 3.4 Determine the final principal amount, interest rates, payment dates, prepayment rights and all other terms of each Financing Agreement. Subject to the limitations of this resolution, each Financing Agreement may be in such form and contain such terms as the City Official may approve.
- 3.5 Negotiate, execute and deliver notes to evidence amounts due under the Financing Agreements.
- 3.6 Secure any Financing Agreement with all or any portion of the revenues of the City's water system and wastewater system, and pledge those revenues to repay that Financing Agreement.
- 3.7 Covenant for the benefit of the banks providing the Financing Agreements or the owners of Obligations to comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code") which are required for the interest paid under the Financing Agreements to be excluded from gross income for federal income tax purposes or issue the Financing Agreements as taxable borrowings.
- 3.8 Determine that interest on any Financing Agreement will be includable in gross income under the Code.
- 3.9 Designate each Financing Agreement as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code, if applicable.
- 3.10 Execute and deliver any other certificates or documents and take any other actions which the City Official determines are desirable to carry out this resolution.

4. Security.

Each Financing Agreement shall constitute an unconditional obligation of the City, which is payable from all legally available funds of the City. The City Official may pledge the City's full faith and credit and taxing power within the limitations of Sections 11 and 11b of Article XI of the Oregon Constitution. In addition, the City Official may secure the Financing Agreements with revenues of the City as provided in Section 3.

Passed by the City Council April 6, 2020 and made effective the same date.

Attest:

Jake Pieper, Mayor

Janell K. Howard, City Recorder