

City of Brookings

MEETING AGENDA

CITY COUNCIL

Monday, July 25 2022, 7:00pm

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

The City Council will meet in Executive Session at **6:30 PM**, in the City Manager's office, under the authority of ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions, ORS 192.660 (2)(f) To consider information or records that are exempt by law from public inspection.

CITY COUNCIL

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Announcements

1. Yard of the Month
 - a. Commercial – 850 Chetco Avenue – Evergreen Federal Bank
 - b. Residential – 830 Cameo Court – Rick and Diana Eslinger

E. 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)

F. Consent Calendar

1. Approve City Council minutes for July 11, 2022 [Pg. 1]
2. Accept June Vouchers [Pg. 2]

G. Staff Reports/Hearings

1. Approve Agreement for City Manager Pro Tem [Pg. 9]
 - a. Agreement for City Manager Pro Tem [Pg. 10]
2. Clarify Fuel Tax Rate [Pg. 13]
 - a. Ordinance 18-O-771 [Pg. 15]
 - b. BMC 3.25.010 [Pg. 17]
 - c. BMC 3.25.040 [Pg. 18]
 - d. Cost Estimates from Pavement Management Plan [Pg. 19]
 - e. ENR Chart [Pg. 21]
 - f. Notice of Measure Election 01/24/18 [Pg. 22]

H. Remarks from Mayor and Councilors

I. Adjournment

*Public Comment forms and the agenda packet are available on-line at www.brookings.or.us at Brookings City Hall and at Chetco Community Public Library. 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.

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>

Watch Meeting Live instructions: 1. Visit the City of Brookings website home page. 2. Click on Government (top page). 3. Click on City Council (right side). 4. Under Agenda & Meetings click Watch Meeting Live. 5. You will need to download the VLC Media Player. Follow directions and links for your device.

City of Brookings
CITY COUNCIL MEETING MINUTES
City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, July 11, 2022

Call to Order

Mayor Hedenskog called the meeting to order at 7:00 PM

Roll Call

Council Present: Mayor Ron Hedenskog, Councilors Brad Alcorn, Ed Schreiber, John McKinney, and Michelle Morosky; a quorum present.

Staff present: Public Works Director Tony Baron, Municipal Court Judge Gary Milliman (Via Phone) and Deputy City Recorder Natasha Tippetts

Media Present: 2

Others Present: 5 audience members

Public Comments

1. Mark St. James, 98748 E Camellia Drive, Brookings; Public apology to Councilor Ed Schreiber.
2. Connie Hunter, 1310 English Court, Brookings; provided information on SWOCC.

Consent Calendar

1. Approve Council minutes for June 27, 2022
2. Accept Parks and Recreation minutes for January 20, 2022
3. Accept Planning Commission minutes for June 7, 2022

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

Staff Reports

1. Approve contract to replace ball field fence at Azalea Park

Staff report presented by Tony Baron

Councilor McKinney moved and Councilor Alcorn seconded, and Council voted unanimously to approve and authorize a contract with West Coast Fencing to replace the ball field fence at Azalea Park.

2. Amend Contract with Gary Milliman for Municipal Court Judge

Staff report presented by Mayor Hedenskog

Councilor Schreiber moved, Councilor Morosky seconded, and Council voted unanimously to authorize the Mayor to sign Addendum #1 to contract with Gary Milliman for Municipal Court Judge services.

3. Approve Teamsters Collective Bargaining Agreement

Staff report presented by Mayor Hedenskog

Councilor McKinney moved, Councilor Schreiber seconded, and Council voted unanimously to authorize the City Manager to execute the City of Brookings Teamsters' Collective Bargaining Agreement for the period July 1, 2022 to June 30, 2025.

4. Update on Local Gas Tax Renewal

Staff report presented by Mayor Hedenskog

Council discussed different options for the amount of cents per gallon increase and period of time that would be best for the new ballot measure.

Mayor Hedenskog moved, Councilor Schreiber seconded, and Council voted unanimously to set five cents (\$0.05) per gallon on the November 8, 2022 ballot.

Councilor McKinney moved, Councilor Alcorn seconded, and Council voted unanimously to set a five-year period on the November 8, 2022 ballot.

Mayor Hedenskog moved, Councilor Morosky seconded, and Council voted unanimously to adopt Resolution 22-R-1225, directing the City Attorney to draft a ballot title for placement on the November 8, 2022 Election, reauthorizing a motor vehicle fuel tax.

Mayor Hedenskog added another agenda item appointing Gary Milliman as Pro-tem City Manager.

Mayor Hedenskog moved moved, Councilor Schreiber seconded, and Council voted unanimously to appoint Gary Milliman as City Manager Pro Tem.

Informational Non-Action Items

1. June Vouchers

Remarks from Mayor and Councilors

Ed Schreiber spoke in regards to the upcoming Town Hall meeting about Project Turnkey and would like an update on the Project in the upcoming month.

Adjournment

Mayor Hedenskog moved, Councilor McKinney seconded and Council voted unanimously to adjourn the meeting at 7:33 PM.

Respectfully submitted:

ATTESTED:
this 25th day of July, 2022:

Ron Hedenskog, Mayor

Gary Milliman, City Recorder Pro Tem

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 12 MONTHS ENDING JUNE 30, 2022

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
TAXES	3,507,011.00	109,582.18	3,715,017.65	(208,006.65)	105.9
LICENSES AND PERMITS	276,500.00	36,822.49	335,856.95	(59,356.95)	121.5
INTERGOVERNMENTAL	295,000.00	8,487.16	900,204.04	(605,204.04)	305.2
CHARGES FOR SERVICES	318,500.00	50,357.92	417,775.42	(99,275.42)	131.2
OTHER REVENUE	122,500.00	9,606.41	151,675.72	(29,175.72)	123.8
TRANSFERS IN	595,248.00	.00	.00	595,248.00	.0
	<u>5,114,759.00</u>	<u>214,856.16</u>	<u>5,520,529.78</u>	<u>(405,770.78)</u>	<u>107.9</u>
<u>EXPENDITURES</u>					
JUDICIAL:					
PERSONAL SERVICES	33,678.00	3,035.91	35,143.71	(1,465.71)	104.4
MATERIAL AND SERVICES	12,850.00	300.00	4,267.60	8,582.40	33.2
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>46,528.00</u>	<u>3,335.91</u>	<u>39,411.31</u>	<u>7,116.69</u>	<u>84.7</u>
FINANCE AND ADMINISTRATION:					
PERSONAL SERVICES	367,902.00	31,487.04	365,820.90	2,081.10	99.4
MATERIAL AND SERVICES	155,000.00	28,520.68	142,964.33	12,035.67	92.2
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>522,902.00</u>	<u>60,007.72</u>	<u>508,785.23</u>	<u>14,116.77</u>	<u>97.3</u>
POLICE:					
PERSONAL SERVICES	2,916,160.00	218,862.67	2,791,632.62	124,527.38	95.7
MATERIAL AND SERVICES	192,000.00	18,250.78	205,001.88	(13,001.88)	106.8
CAPITAL OUTLAY	.00	.00	.00	.00	.0
DEBT SERVICE	67,867.00	4,452.31	67,734.65	132.35	99.8
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>3,176,027.00</u>	<u>241,565.76</u>	<u>3,064,369.15</u>	<u>111,657.85</u>	<u>96.5</u>
FIRE:					
PERSONAL SERVICES	229,448.00	17,944.69	225,071.49	4,376.51	98.1
MATERIAL AND SERVICES	103,000.00	10,579.86	94,396.29	8,603.71	91.7
CAPITAL OUTLAY	.00	.00	.00	.00	.0
DEBT SERVICE	30,580.00	.00	30,579.01	.99	100.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>363,028.00</u>	<u>28,524.55</u>	<u>350,046.79</u>	<u>12,981.21</u>	<u>96.4</u>

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CITY OF BROOKINGS
FUND SUMMARY
FOR THE 12 MONTHS ENDING JUNE 30, 2022

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
PLANNING AND BUILDING:					
PERSONAL SERVICES	263,365.00	14,442.33	186,734.86	76,630.14	70.9
MATERIAL AND SERVICES	92,100.00	3,324.13	27,400.59	64,699.41	29.8
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>355,465.00</u>	<u>17,766.46</u>	<u>214,135.45</u>	<u>141,329.55</u>	<u>60.2</u>
PARKS & RECREATION:					
PERSONAL SERVICES	282,595.00	21,545.16	267,225.62	15,369.38	94.6
MATERIAL AND SERVICES	114,600.00	26,185.05	131,829.75	(17,229.75)	115.0
CAPITAL OUTLAY	.00	.00	.00	.00	.0
DEBT SERVICE	9,981.00	.00	9,980.00	1.00	100.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>407,176.00</u>	<u>47,730.21</u>	<u>409,035.37</u>	<u>(1,859.37)</u>	<u>100.5</u>
GOLF COURSE:					
PERSONAL SERVICES	.00	.00	.00	.00	.0
MATERIAL AND SERVICES	84,000.00	.00	122,688.00	(38,688.00)	146.1
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>84,000.00</u>	<u>.00</u>	<u>122,688.00</u>	<u>(38,688.00)</u>	<u>146.1</u>
SWIMMING POOL:					
PERSONAL SERVICES	83,730.00	13,446.34	82,347.19	1,382.81	98.4
MATERIAL AND SERVICES	49,100.00	22,041.14	65,778.86	(16,678.86)	134.0
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>132,830.00</u>	<u>35,487.48</u>	<u>148,126.05</u>	<u>(15,296.05)</u>	<u>111.5</u>
NON-DEPARTMENTAL:					
MATERIAL AND SERVICES	168,600.00	13,352.30	92,173.66	76,426.34	54.7
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	555,350.00	.00	.00	555,350.00	.0
CONTINGENCIES AND RESERVES	656,853.00	.00	.00	656,853.00	.0
	<u>1,380,803.00</u>	<u>13,352.30</u>	<u>92,173.66</u>	<u>1,288,629.34</u>	<u>6.7</u>
	<u>6,468,759.00</u>	<u>447,770.39</u>	<u>4,948,771.01</u>	<u>1,519,987.99</u>	<u>76.5</u>
	<u>(1,354,000.00)</u>	<u>(232,914.23)</u>	<u>571,758.77</u>	<u>(1,925,758.77)</u>	<u>42.2</u>

CITY OF BROOKINGS
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2022

STREET FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
INTERGOVERNMENTAL	605,000.00	47,206.08	494,025.29	110,974.71	81.7
OTHER REVENUE	14,700.00	10,984.00	15,302.85	(602.85)	104.1
TRANSFER IN	.00	.00	.00	.00	.0
	<u>619,700.00</u>	<u>58,190.08</u>	<u>509,328.14</u>	<u>110,371.86</u>	<u>82.2</u>
<u>EXPENDITURES</u>					
EXPENDITURES:					
PERSONAL SERVICES	229,536.00	17,611.80	213,609.33	15,926.67	93.1
MATERIAL AND SERVICES	212,000.00	21,920.25	165,726.57	46,273.43	78.2
CAPITAL OUTLAY	187,940.00	452.57	452.57	187,487.43	.2
DEBT SERVICE	12,551.00	.00	8,038.90	4,512.10	64.1
TRANSFERS OUT	65,391.00	.00	.00	65,391.00	.0
CONTINGENCIES AND RESERVES	162,282.00	.00	.00	162,282.00	.0
	<u>869,700.00</u>	<u>39,984.62</u>	<u>387,827.37</u>	<u>481,872.63</u>	<u>44.6</u>
	<u>869,700.00</u>	<u>39,984.62</u>	<u>387,827.37</u>	<u>481,872.63</u>	<u>44.6</u>
	<u>(250,000.00)</u>	<u>18,205.46</u>	<u>121,500.77</u>	<u>(371,500.77)</u>	<u>48.6</u>

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CITY OF BROOKINGS
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2022

WATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
SOURCE 03	.00	.00	.00	.00	.0
CHARGES FOR SERVICES	1,815,000.00	148,632.78	1,789,376.15	25,623.85	98.6
OTHER INCOME	48,000.00	2,860.00	47,251.68	748.32	98.4
TRANSFERS IN	.00	.00	.00	.00	.0
	<u>1,863,000.00</u>	<u>151,492.78</u>	<u>1,836,627.83</u>	<u>26,372.17</u>	<u>98.6</u>
<u>EXPENDITURES</u>					
WATER DISTRIBUTION:					
PERSONAL SERVICES	403,704.00	31,064.97	384,050.72	19,653.28	95.1
MATERIAL AND SERVICES	189,800.00	13,483.45	191,776.62	(1,976.62)	101.0
CAPITAL OUTLAY	50,000.00	.00	20,325.88	29,674.12	40.7
DEBT SERVICE	6,793.00	551.00	8,996.76	(2,203.76)	132.4
TRANSFERS OUT	24,000.00	.00	.00	24,000.00	.0
	<u>674,297.00</u>	<u>45,099.42</u>	<u>605,149.98</u>	<u>69,147.02</u>	<u>89.8</u>
WATER TREATMENT:					
PERSONAL SERVICES	27,603.00	2,222.31	27,351.29	251.71	99.1
MATERIAL AND SERVICES	511,869.00	79,159.38	507,429.02	4,439.98	99.1
CAPITAL OUTLAY	10,000.00	.00	.00	10,000.00	.0
DEBT SERVICE	2,385.00	.00	2,384.49	.51	100.0
TRANSFERS OUT	718,494.00	.00	.00	718,494.00	.0
CONTINGENCIES AND RESERVES	198,352.00	.00	.00	198,352.00	.0
	<u>1,468,703.00</u>	<u>81,381.69</u>	<u>537,164.80</u>	<u>931,538.20</u>	<u>36.6</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>2,143,000.00</u>	<u>126,481.11</u>	<u>1,142,314.78</u>	<u>1,000,685.22</u>	<u>53.3</u>
	<u>(280,000.00)</u>	<u>25,011.67</u>	<u>694,313.05</u>	<u>(974,313.05)</u>	<u>248.0</u>

CITY OF BROOKINGS
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2022

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	3,240,300.00	303,309.79	3,411,720.74	(171,420.74)	105.3
OTHER REVENUE	10,000.00	.00	7,656.30	2,343.70	76.6
TRANSFER IN	.00	.00	.00	.00	.0
	<u>3,245,800.00</u>	<u>303,309.79</u>	<u>3,419,377.04</u>	<u>(173,577.04)</u>	<u>105.4</u>
<u>EXPENDITURES</u>					
WASTEWATER COLLECTION:					
PERSONAL SERVICES	627,735.00	48,372.89	572,936.04	54,798.96	91.3
MATERIAL AND SERVICES	229,500.00	6,039.29	116,940.65	112,559.35	51.0
CAPITAL OUTLAY	15,000.00	.00	4,681.97	10,318.03	31.2
DEBT SERVICE	6,793.00	551.00	8,996.22	(2,203.22)	132.4
TRANSFERS OUT	197,806.00	.00	.00	197,806.00	.0
	<u>1,076,834.00</u>	<u>54,963.18</u>	<u>703,554.88</u>	<u>373,279.12</u>	<u>65.3</u>
WASTEWATER TREATMENT:					
PERSONAL SERVICES	41,732.00	3,333.52	41,027.10	704.90	98.3
MATERIAL AND SERVICES	975,833.00	159,234.03	989,193.93	(13,360.93)	101.4
CAPITAL OUTLAY	.00	.00	.00	.00	.0
DEBT SERVICE	2,385.00	.00	2,384.49	.51	100.0
TRANSFERS OUT	1,357,525.00	.00	.00	1,357,525.00	.0
CONTINGENCIES AND RESERVES	315,991.00	.00	.00	315,991.00	.0
	<u>2,693,466.00</u>	<u>162,567.55</u>	<u>1,032,605.52</u>	<u>1,660,860.48</u>	<u>38.3</u>
	<u>3,770,300.00</u>	<u>217,530.73</u>	<u>1,736,160.40</u>	<u>2,034,139.60</u>	<u>46.1</u>
	<u>(524,500.00)</u>	<u>85,779.06</u>	<u>1,683,216.64</u>	<u>(2,207,716.64)</u>	<u>320.9</u>

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CITY OF BROOKINGS
 FUND SUMMARY
 FOR THE 12 MONTHS ENDING JUNE 30, 2022

URBAN RENEWAL AGENCY FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
TAXES	660,164.00	12,797.09	644,262.84	15,901.16	97.6
INTERGOVERNMENTAL	.00	.00	.00	.00	.0
OTHER REVENUE	2,000.00	.00	5,881.54	(3,881.54)	294.1
TRANSFERS IN	.00	.00	.00	.00	.0
	<u>662,164.00</u>	<u>12,797.09</u>	<u>650,144.38</u>	<u>12,019.62</u>	<u>98.2</u>
<u>EXPENDITURES</u>					
GENERAL:					
PERSONAL SERVICES	.00	.00	.00	.00	.0
MATERIAL AND SERVICES	60,000.00	276.90	4,461.24	55,538.76	7.4
CAPITAL OUTLAY	1,332,164.00	8,204.96	130,725.44	1,201,438.56	9.8
DEBT SERVICE	.00	.00	.00	.00	.0
TRANSFERS OUT	130,000.00	.00	.00	130,000.00	.0
CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
	<u>1,522,164.00</u>	<u>8,481.86</u>	<u>135,186.68</u>	<u>1,386,977.32</u>	<u>8.9</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>1,522,164.00</u>	<u>8,481.86</u>	<u>135,186.68</u>	<u>1,386,977.32</u>	<u>8.9</u>
	<u>(860,000.00)</u>	<u>4,315.23</u>	<u>514,957.70</u>	<u>(1,374,957.70)</u>	<u>59.9</u>

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CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: July 25, 2022

Signature (submitted by)

Originating Dept: City Manager

City Manager Approval

Subject:

Agreement for City Manager Pro Tem Services with Gary Milliman

Recommended Motion:

Motion to authorize the Mayor to execute an Agreement for City Manager Pro Tem Services with Gary Milliman

Financial Impact:

Unbudgeted expenditure of \$6,000 for the month of July and \$2,500 per week thereafter for an unspecified period.

Background/Discussion:

The City Council appointed Gary Milliman to serve as City Manager Pro Tem at the City Council meeting of July 11, 2022. This is a temporary, full time assignment in the absence of City Manager Janell Howard. Milliman served as Brookings City Manager for 11 years, retiring in 2018.

The Agreement provides that Milliman will also serve in the temporary capacities of Finance Director, Human Resources Director and City Recorder. Proposed compensation is \$6,000 for the month of July and \$2,500 per week thereafter. Compensation for the City Manager is currently a base salary of \$12,013 per month plus a benefits package which, according to the Finance Department, brings total compensation to approximately \$20,000 per month. The Agreement with Milliman provides for total compensation at about 50% of that rate; Milliman will not receive any employee benefits, such as health insurance, retirement contribution or vehicle use allowance.

Attachment(s):

- a) Agreement for City Manager Pro Tem services

AGREEMENT FOR SERVICES

CITY MANAGER PRO-TEM

This Employment Agreement is made and entered into this _____ day of July, 2022, by and between the **City of Brookings**, a municipal corporation (“City”), and **Gary Milliman** (“Milliman”). The parties to this Agreement do hereby enter into the terms, conditions, covenants, duties, and responsibilities as follows:

WHEREAS, City is a municipal corporation providing a wide range of services to the community; and

WHEREAS, Section 22 of Chapter V of the City Charter states the City shall operate under a Council-Manager form of government, which calls for the appointment of a City Manager to serve as the administrative head of the government of the City;

WHEREAS, the City is in need of a temporary City Manager (Pro-Tem) to fill the role of the City Manager; and

WHEREAS, the Mayor and City Council have determined that Milliman possesses the requisite qualifications; and

WHEREAS, in contemplation of and subject to the approval of the City Council, Pro Tem agrees to commence services to the City as of July 11, 2022.

NOW THEREFORE, in consideration of the mutual covenants herein contained and as authorized by the Brookings City Charter and Municipal Code, and in accordance with Oregon Revised Statutes, the parties hereto agree as follows:

Section 1. Terms and Duties

- A. City hereby appoints Milliman as City Manager Pro Tem and Milliman hereby accepts this appointment, commencing on the 11th day of July 2022 and continuing for 90 days, unless extended or terminated. Milliman will perform those duties and functions as specified in the Brookings City Charter and Municipal Code, and such other legally permissible duties as the City Council from time to time shall assign.
- B. In addition to the duties outlined in Paragraph A above, Milliman will assume, as City Manager Pro Tem, the duties of City Recorder, Finance Director, and Human Resources Director, which includes but is not limited to directing the overall budgeting and finance functions of the City, overseeing work relating to the maintenance of official City records and elections, and functioning as Personnel Director for the City.
- C. In addition to the duties and responsibilities defined herein, during the term of this Agreement, and any extensions thereto, Employee shall also serve as Executive Director of the Urban Renewal Agency.

Section 2. Compensation

- A. The City shall pay Milliman \$6,000 from the effective date of this Agreement through July 31, 2022 and then \$2,500 per week beginning August 1, 2022. The City Manager Pro Tem is a contract position.
- B. As a contractor not constituting an ongoing employment relationship, Milliman will not be enrolled in any employee benefit program including health, dental, vision, retirement, and similar plans, and will not receive an automobile allowance. Milliman shall be allotted mileage to City related meetings as approved by the Mayor. These reimbursement expenses shall be requested by Milliman on a monthly basis using the Internal Revenue Service (IRS) mileage reimbursement rate.
- C. The City will reimburse Milliman for all sums necessarily incurred and paid by him in the performance of his duties not specifically indicated above and in compliance with City rules or policies. Milliman will submit a standard City reimbursement form, accompanied by required receipts as required by City policy.

Section 3. Indemnification

Subject to the liability limitations within the Oregon Tort Claims Act and the Oregon Constitution, the City agrees to defend, hold harmless, and indemnify Milliman from and against any and all demands, claims, suits, actions, and legal proceedings brought against him in his official capacity as an agent of the City and arising out of an alleged act or omission occurring in the performance and proper scope of his duties as City Manager Pro Tem during or after such term. All provisions of this section will survive the termination of this Agreement and remain in effect after termination of this Agreement.

Section 4. Bonding

The City shall bear the full cost of any fidelity or other bonds required of the Milliman under any law or ordinance.

Section 5. Modifications

Any modification to this Agreement must be in writing and signed by both parties executing this Agreement to be effective.

Section 6. Effect of Waiver

The failure of either party to insist on strict compliance with any of the terms, covenants, or conditions of this Agreement by the other party shall not be deemed a waiver of that term, covenant, or condition, nor shall any waiver or relinquishment of any right or power at any one time or times be deemed a waiver or relinquishment of that right or power for all or any other times.

Section 7. Entire Agreement

- A. Each of the Recitals stated above is incorporated by reference as if fully set forth herein.
- B. Each party agrees that this Agreement is valid and shall be binding on said party. Each party to this Agreement acknowledges no representation, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein and that no other agreement, statement, or promise not contained or referenced in this shall be valid or binding on either party.

Section 8. Termination

This Agreement may be terminated either by the City or Milliman without cause. Milliman agrees to provide the City four (4) weeks’ written notice of intent to resign from the City Manager Pro-Tem position. The City may terminate this agreement at any time by providing two (2) weeks’ written notice.

IN WITNESS WHEREOF, the City of Brookings has approved and caused this Agreement to be signed and executed on its behalf by the Mayor and Milliman have signed and executed three (3) copies of this Agreement.

Executed this ____ day of July, 2022 at Brookings, Oregon.

City of Brookings

By: _____
Gary Milliman, Contractor

By: _____
Ron Hedenskog, Mayor

Date: _____

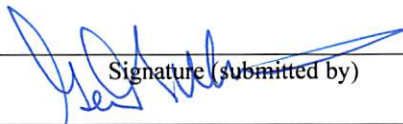
Date: _____

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: July 25, 2022

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject:

Fuel Tax Rate Clarification

Recommended Motion:

Take no action, or:

Motion to provide an automatic tax rate escalator based upon the Engineering News in the Fuel Tax reenactment Measure and Ordinance that will be placed on the ballot at the November 2022 election.

Financial Impact:

See discussion below.

Background/Discussion:

At its meeting of July 11, 2022, the City Council directed the City Attorney to prepare the necessary ballot title and ordinance with would reauthorize the City's Fuel Tax, and to increase the tax rate from \$0.04 to \$0.05 per gallon for a period of five years.

Earlier, the City Manager had discussed increasing the Fuel Tax rate in accordance with the Engineering News Record Construction Cost Index (ENR) and applying this rate retroactively to 2015 when the Fuel Tax was originally enacted. This would have adjusted the tax rate to \$0.0522 effective August 1, 2022. This matter was discussed in the context of an ENR escalator that is included in the 2015 and 2018 Ordinances, and which is codified in Brookings Municipal Code Section 3.25.010 which reads as follows:

“The purpose of the motor vehicle fuel tax is to raise revenues necessary for the construction, reconstruction, improvement, repair, maintenance, operation and use of the public streets system in the city. The city's annual revenue target from the fuel tax is \$300,000 adjusted annually by the Engineering News Record Construction Cost Index for the preceding May to May, 12-month period.”

Note that the subject language of the BMC applies the ENR escalator to the estimated amount of revenue to be received from the Fuel Tax, not the tax rate. The tax rate is set in BMC Section

3.25.040, in which there is no mention of an escalator. Also, the \$300,000 is a “target” and there is nothing in the Code that establishes this as a legal limit.

The Ballot Title for the 2018 election provided for repeal of the above referenced Section. However, Ordinance 18-O-771 adopted by the City Council following the election did not include the repeal of this provision.

At the time the Fuel Tax was originally proposed, there was no information from the State or other sources as to the estimated amount of revenue that any rate would generate. The City management used its “best guess” at the time and estimated that a rate of \$0.04 the first year would generate about \$300,000. The Pavement Management Plan that had been completed as a precursor to the tax measure estimated that the City would need \$275,000 in revenue annually to implement the program over the first three years. The City Council increased this “goal” to \$300,000 to include funding for a modest sidewalk installation program in addition to street improvements. At that time, the City Council viewed the \$300,000 as an informal cap on the amount of revenue that the City generate for the capital program, and indicated that the City Council may choose to decrease the tax rate if the amount of revenue generated by the \$0.04 significantly exceeded the \$300,000 target. The City received \$282,321 in revenue from the \$0.04 rate the first year and the “cap” was never adjusted or further reviewed.

The estimated amount of revenue needed to sustain the improvement program going forward has been revised in the 2022 Pavement Management Plan update. Estimates of the amount of funding needed already include an escalator of 5.0 per cent, although those estimates preceded the current rate of inflation (see attached ENR chart). The amount of funds needed for the capital program is estimated at an average of \$532,840 annually over the five year period; the estimated amount of revenue proceeds from a \$0.05 tax rate is \$385,000. (Note the \$532,840 is exclusive of funds from the Safe Routes to School grant program, estimated at \$1,050,000). The Finance Department estimates that, had the rate been adjusted annually by the ENR since inception, the amount of revenue this year would be about \$390,000. The Fuel Tax is not the sole source of revenue for the street capital improvement program.

An additional ENR escalator on the tax rate is not included in the proposed Measure. If the City Council desires to apply an ENR escalator to the rate, the Council should provide this direction to the City Attorney.

The City Manager Pro Tem recommends that the City Council not include an ENR rate escalator in the Measure and Ordinance. The City Engineer has already incorporated a projected ENR in the project cost estimates. Moreover, incorporating an unknown rate adjustment in the Measure could make this proposal more difficult to explain to the voters. Voters tend to like certainty when they are voting on taxes. Finally, we are already asking the voters to approve the reenactment of a tax with a 25 per cent increase in the rate at a time of historically high fuel prices.

Attachment(s):

- a. Ordinance 18-O-771
- b. BMC 3.25.010
- c. BMC 3.25.040
- d. Cost estimates from Pavement Management Plan
- e. ENR Chart
- f. Notice of Measure Election 01/24/18

IN AND FOR THE CITY OF BROOKINGS

STATE OF OREGON

ORDINANCE 18-0-771

IN THE MATTER OF ORDINANCE 18-O-771, AN ORDINANCE AMENDING CHAPTER 3.25, MOTOR VEHICLE FUEL SALES TAX, OF BROOKINGS MUNICIPAL CODE TITLE 3, REVENUE AND FINANCE, OPERATIVE JULY 1, 2018, ONLY UPON VOTER APPROVAL OF THE CITY'S MEASURE TO REAUTHORIZE THE \$0.04 PER GALLON MOTOR VEHICLE FUEL SALES TAX FOR 5 YEARS TO BE PLACED ON THE MAY 15, 2018 PRIMARY ELECTION BALLOT.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amend Chapter 3.25, Motor Vehicle Fuel Sales Tax.
- Section 3. Effective Date.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 3.25. Motor Vehicle Fuel Sales Tax of Brookings, Municipal Code, Title 3, Revenue and Finance, operative July 1, 2018, only upon voter approval of the City's Measure to Reauthorize the \$0.04 per gallon motor vehicle fuel sales tax for 5 years to be placed on the May 15, 2018 ballot.

Section 2. Amend Chapter 3.25. Sections 3.25.010, Purpose, and 3.25.290, Effective Date and Expiration of Fuel Tax, of Chapter 3.25, Motor Vehicle Fuel Sales Tax, are hereby amended to read as follows:

3.25.010 Purpose


The purpose of the motor vehicle fuel tax is to raise revenues necessary for the construction, reconstruction, improvement, repair, maintenance, operation and use of the public streets system in the City. The City's annual revenue target from the fuel tax is \$300,000.00 adjusted annually by the Engineering News Record Construction Cost Index for the preceding May to May, twelve (12) month period.

3.25.290 Effective Date and Expiration of Fuel Tax

The Motor Vehicle Fuel Sales Tax will become effective July 1, 2015 and will expire at 11:59 p.m. on June 30, 2023.

Section 3. Effective Date. This ordinance will take effect only if a majority of the city electorate voting in the primary election to be held May 15, 2018 vote in favor of reauthorizing said Motor Vehicle Fuel Sales Tax for an additional five (5) years.

First Reading: January 8, 2018 Passage: January 8, 2018
Second Reading: January 8, 2018 Effective Date: May 16, 2018
Signed by me in authentication of its passage this 8th day of January, 2018



Mayor Jake Pieper

ATTEST:



City Recorder Teri Davis

3.25.010 Purpose. SHARE

The purpose of the motor vehicle fuel tax is to raise revenues necessary for the construction, reconstruction, improvement, repair, maintenance, operation and use of the public streets system in the city. The city's annual revenue target from the fuel tax is \$300,000 adjusted annually by the Engineering News Record Construction Cost Index for the preceding May to May, 12-month period. [Ord. 18-O-771 § 2; Ord. 15-O-742 § 2.]

3.25.040 Amount and payment. In addition to any fees or taxes otherwise provided for by law, every dealer engaging in his own name, or in the name of others, or in the name of his representatives or agents with the city, in the sale, use or distribution of motor vehicle fuel, shall: A. Not later than the twenty-fifth day of each calendar month, render a statement to the tax administrator or duly authorized agent of all motor vehicle fuel sold, used or distributed by him/her in the city as well as all such fuel sold, used or distributed in the city by a purchaser thereof upon which sale, use or distribution the dealer has assumed liability for the applicable motor vehicle fuel tax during the preceding calendar month. B. Pay a motor vehicle fuel tax computed on the basis of \$0.04 per gallon of such motor vehicle fuel so sold, used or distributed as shown by such statement in the manner and within the time provided in this chapter. [Ord. 15-O-742 § 2.]

SECTION 6: COST ESTIMATES

6.1 Cost Estimates

The budgetary project cost estimates for the recommended street repairs are located in Tables 6.1.1 through 6.1.5. The estimated project cost for each project is a sum of the pavement rehabilitation estimate (based on the unit cost discussed in Section 5) and the ADA ramp estimate. The number of ADA ramps that need to be constructed was determined using Google Earth imagery for each project (see Appendix A). It should be noted that this number is only approximated through satellite/street view images; the total number on each project should be confirmed via field evaluation prior to start of the project.

**TABLE 6.1.1
FY2023 Budgetary Cost Estimate**

FISCAL YEAR 2023	
Project Location	Estimated Project Cost
3rd St from Ransom Ave to Easy St*	\$848,000
Total Cost	\$848,000
Construction Index Factor	1.05
Anticipated Budget Cost	\$890,400

*Note: Sidewalk infill project. See detailed cost estimate in Table 6.1.6

**TABLE 6.1.2
FY2024 Budgetary Cost Estimate**

FISCAL YEAR 2024	
Project Location	Estimated Project Cost
Cottage St from Pacific Ave to Mill St	\$138,100
Rowland Ln from Smith Dr to Knoll Ln	\$96,900
Rowland Ln from Knoll Ln to Arnold Ln	\$92,300
Total Cost	\$327,300
Construction Index Factor	1.10
Anticipated Budget Cost	\$360,800

**TABLE 6.1.3
FY2025 Budgetary Cost Estimate**

FISCAL YEAR 2025	
Project Location	Estimated Project Cost
Pacific Ave from Chetco Ave to Cottage St	\$48,800
Pacific Ave from Cottage St to Railroad St	\$112,600
Ransom Ave from Julie Dr to N 2nd St*	\$1,050,000
Total Cost	\$1,211,400
Construction Index Factor	1.16
Anticipated Budget Cost	\$1,402,300

*Note: Sidewalk infill and SRTS project. See detailed cost estimate in Table 6.1.7

**TABLE 6.1.4
 FY2026 Budgetary Cost Estimate**

FISCAL YEAR 2026	
Project Location	Estimated Project Cost
Pioneer Rd from Easy St to Hassett St	\$181,600
Alder St from Hemlock St to Spruce Dr	\$9,700
Chetco Ln from Chetco Ave to Cul-de-sac	\$64,100
Seacrest Ln from Glenwood Dr to Arch Ln	\$52,000
Richard St from Easy St to Loop	\$12,400
Total Cost	\$319,800
Construction Index Factor	1.22
Anticipated Budget Cost	\$388,700

**TABLE 6.1.5
 FY2027 Budgetary Cost Estimate**

FISCAL YEAR 2027	
Project Location	Estimated Project Cost
Easy St from 2nd St to Fern Ave	\$394,200
Easy Manor Drive	\$85,000
5th St from Elk Dr to Easy St	\$196,900
Total Cost	\$676,100
Construction Index Factor	1.28
Anticipated Budget Cost	\$862,900

Detailed cost estimates are provided for two of the projects (Ransom Avenue and 3rd Street). These are located in Tables 6.1.6 and 6.1.7.

Engineering News Record

What is the cost index for 2022?

This represents a 2.23% quarterly increase from the First Quarter 2022 and an 8.09% yearly increase from the Second Quarter 2021.

...

Cost Index.

Quarter	Index	% Change
2nd Quarter 2022	1283	2.23
1st Quarter 2022	1255	2.03
4th Quarter 2021	1230	1.91
3rd Quarter 2021	1207	1.68

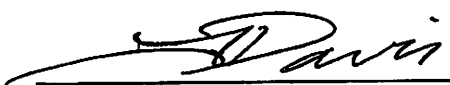
Notice of Measure Election

City

SEL 802

rev 01/18 ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Notice		
Date of Notice 1/24/18	Name of City or Cities City of Brookings	Date of Election May 15, 2018
Final Ballot Title The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.		
Caption 10 words which reasonably identifies the subject of the measure.		
REAUTHORIZATION OF LOCAL TAX ON MOTOR VEHICLE FUEL SALES		
Question 20 words which plainly phrases the chief purpose of the measure.		
Shall the City continue the motor vehicle fuel tax to fund street repairs for an additional five years?		
Summary 175 words which concisely and impartially summarizes the measure and its major effect.		
<p>This measure is submitted to the voters by the Brookings City Council proposing the reauthorization of the motor vehicle fuel dealer license tax, or "local gas tax." The local gas tax of \$0.04 per gallon was approved by voters in 2015 and implemented through an ordinance imposing a business license tax on motor vehicle fuel dealers within the City. The ordinance also repealed the City's street system replacement fee.</p> <p>The City has an annual revenue target of \$300,000 to repair and rehabilitate city streets. Annual revenues from the local gas tax have come in just under the target. If approved by the voters, the ordinance amending the original local gas tax ordinance will extend the sunset date of the tax to June 30, 2020 and remove the requirement that the City Council reduce the amount of the gas tax if revenues come in above \$300,000. The tax revenue collected may only be used for the construction, reconstruction, improvement, repair, maintenance and operation of streets within the City of Brookings.</p>		
Explanatory Statement 500 words that impartially explains the measure and its effect.		
<p>If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:</p> <p>→ any measure referred by the city governing body; or Explanatory Statement Attached? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>→ any initiative or referendum, if required by local ordinance.</p>		
Authorized City Official Not required to be notarized.		
Name Teri Davis	Title City Recorder	
Mailing Address 898 Elk Dr., Brookings, OR 97415	Contact Phone 541-469-1102	
<p><i>By signing this document:</i></p> <p>→ I hereby state that I am authorized by the city to submit this Notice of Measure Election; and</p> <p>→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.</p>		



Signature

1/24/18

Date Signed