City of Brookings

MEETING AGENDA

CITY COUNCIL

Monday, February 23, 2026, 5:30pm
City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Ceremonies/Appointments/Announcements
1. Appointing Tyler Travis to the Parks and Recreation Commission [Pg. 1]
2. Appointing Ron Schneirson to the Planning Commission [Pg. 4]

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 Council minutes for February 9, 2026 [Pg. 7]
2. Receive monthly financial report for January 2026 [Pg. 8]

G. Staff Reports/Public Hearings/Ordinances/Resolutions/Final Orders
1. Curry Transfer and Recycling Rate Increase [Pg. 14]
   a. CTR letter dated February 6, 2026 [Pg. 15]
   b. Exhibit A – Rate comparison, effective April 1, 2026 [Pg. 16]
   c. BLS Consumer Price Index (CPI) Chart [Pg. 18]

H. Remarks from Mayor, Councilors and City Manager

I. Adjournment

WORKSHOP

Immediately following Council Meeting, approximately 5:40pm
City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Roll Call

C. Topics
1. Draft TPAC Reboot Ordinance [Pg. 19]
   a. Draft Ordinance 26-O-818 [Pg. 21]

D. Council Member Requests for Workshop Topics

E. Adjournment

*Public Comment forms and the agenda packet are available on-line at www.brookings.or.us, and 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 541-469-1102 if you have any questions regarding this notice. You can view City Council meetings LIVE on television on Charter PEG Channel 181, or stream/view on the City's YouTube Channel: https://www.youtube.com/@cityofbrookingsoregon8039 clicking on "Live" or search 'City of Brookings Oregon YouTube' in your browser.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: February 23, 2026

Originating Dept: PW/DS

Signature (submitted by)

City Manager Approval

Subject: Appointing Tyler Travis to the Parks and Recreation Commission

Recommended Motion:

Appoint Tyler Travis to the Parks and Recreation Commission in position number 1 to expire February 1, 2028.

Financial Impact: None

Background/Discussion:

Tyler Travis has submitted an application for the Parks and Recreation Commission and the Mayor has recommended his appointment to full the current vacancy.

Attachment(s):
a. Volunteer Committee Application

City of Brookings
898 Elk Drive, Brookings, OR 97415
Phone: 541- 469-2163 Fax: 541-469-3650

APPLICATION TO SERVE ON A COMMISSION OR COMMITTEE

PART I Contact Information:

Applicant Name: Tyler Travis

Physical Address: [redacted]

Mailing Address:

Email Address: [redacted] Phone: [redacted]

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

1. Commission/Committee applying for:	Composition (i)	Term (ii)
☐ Planning Commission	5 Electors, 2 UGB	4 years
☐ Budget Committee	5 Electors	3 years
☑ Parks and Recreation Commission	4 Residents, 1 UGB	2 years
☐ Other (please specify):		

2. City residents: How long have you lived in the City of Brookings? 14 years 2 months
   Planning & Budget Applicants Only: Are you a City elector (registered voter)? ☐ Yes ☐ No
3. Urban Growth Boundary residents - How long have you lived in the UGB? _____ years _____ months
4. What is your current occupation? Construction Project Coordinator

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 UGB (for assistance determining UGB status contact 541-469-1103).

(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.

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

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

I have served on the Fish and Game Committee for the Tolowa Dee-Ni' Nation for 10 years and the last 4 years as a vice-chair position on this committee. I have also built a few playground structures for the tribe over the past 15 years of working for them. I also have built many structures and fences during that time.

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

I have over 12 years experience volunteering in youth sports that include: Coaching, umpiring, refereeing, baseball/softball field maintenance, and working in snack shacks. I have been President of Brookings Harbor Little League for the past three years with 300+ youth players. I have also been a prominent member of Brookings Youth Activities Basketball program for eight years.

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

I hope to help have a positive impact for the community. I would like to help make a safe and fun outdoor experience for the community and youth in our area. I would like to add my insights as a youth volunteer to any current and/or future projects that affect youth or adult sports.

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.

Tyler Travis

Applicant (print name)

[redacted]

Applicant's Signature

1/22/2025

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 (OGEC). You may view OGEC filing details at https://www.oregon.gov/ogec/public-records/Pages/SEIS.aspx. Official forms are provided by OGEC.

Submit completed applications by mail or in person to the City Recorder, 898 Elk Drive, Brookings, OR 97415. Regular business hours are 8 am to 4:30 pm, Monday – Thursday.

Commission and Committee contact information:

- Planning Commission: 541-469-1103 - mrobidoux@brookings.or.us
- Budget Committee: 541-469-1123 - lehlers@brookings.or.us
- Parks and Recreation Commission: 541-469-1103 - mrobidoux@brookings.or.us

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: February 23, 2026

Originating Dept: PW/DS

Signature (submitted by)

City Manager Approval

Subject: Appointing Ron Schneirson to the Planning Commission

Recommended Motion:

Appoint Ron Schneirson to the Planning Commission in position number 1 to expire April 1, 2030.

Financial Impact: None

Background/Discussion: Ron Schneirson has submitted an application for the Planning Commission and the Mayor has recommended his appointment to fill the current vacancy.

Attachment(s):
a. Volunteer Committee Application

RECEIVED

FEB – 5 2026

City of Brookings
898 Elk Drive, Brookings, OR 97415
Phone: 541- 469-2163 Fax: 541-469-3650

CITY OF BROOKINGS APPLICATION TO SERVE ON A COMMISSION OR COMMITTEE

PART I Contact Information:

Applicant Name: Ron Schneirson

Physical Address: [redacted]

Mailing Address: [redacted]

Email Address: [redacted] Phone: [redacted]

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

1. Commission/Committee applying for:	Composition (i)	Term (ii)
☑ Planning Commission	5 Electors, 2 UGB	4 years
☐ Budget Committee	5 Electors	3 years
☐ Parks and Recreation Commission	4 Residents, 1 UGB	2 years
☐ Other (please specify):		

2. City residents: How long have you lived in the City of Brookings? 5 years 1 months

Planning & Budget Applicants Only: Are you a City elector (registered voter)? ■ Yes ☐ No

3. Urban Growth Boundary residents - How long have you lived in the UGB? _____ years _____ months

4. What is your current occupation? Retired

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 UGB (for assistance determining UGB status contact 541-469-1103).

(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.

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

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

Over 20 years of leadership experience, mostly in the telecommunications industry. Numerous problem solving, process improvement, program management, training and collaboration experiences.

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

Current Treasurer and Secretary for the Salmon Run Men's Golf Club

Current Cove at Brooking HOA Secretary

Current Brooking Public Art Collaborative Chairman

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

As a retired but active member of the City of Brookings, it is my intention to serve my community and add value in meaningful ways.

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.

Ron Schneirson

Applicant (print name)

[redacted]

Applic

02/02/2026

Date

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- Budget Committee: 541-469-1123 - lehlers@brookings.or.us
- Parks and Recreation Commission: 541-469-1103 - mrobidoux@brookings.or.us

City of Brookings
CITY COUNCIL MEETING MINUTES
City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, February 9, 2026

Call to Order
Mayor Phoebe Pereda called the meeting to order at 5:30 PM

Roll Call
Council Present: Mayor Phoebe Pereda, Councilors Andy Martin, Kristi Fulton (Zoom), Jim Jollota and Clayton Malmberg; a quorum present
Staff Present: City Manager Tim Rundel, Finance & HR Director Lu Ehlers, Public Works & Development Services Director Tony Baron, City Attorney Lori Cooper (Zoom) and City Recorder Brooklyn Osterhage
Media Present: None
Others Present: 2 audience members

Consent Calendar
1. Approve Council minutes for January 26, 2026
2. Accept Planning Commission minutes for December 2, 2025
3. Accept Parks & Recreation minutes for October 23, 2025
4. Accept Planning Commission 2025 Year in Review

Councilor Martin moved and Mayor Pereda seconded to approve the Consent Calendar as presented. Motion passed; Mayor Pereda, Councilors Martin, Fulton, Malmberg and Jollota voting "aye" [5:0].

Staff Reports and Public Hearings
4. Council Liaison Discussion/Appointments
Staff report presented by Tim Rundel

Council discussed the current chart of Council Liaisons and assigned the following changes:

Brookings/Harbor School District – Councilor Fulton, Mayor Pereda as alternate
Curry County Board of Commissioners – Mayor Pereda, Councilor Malmberg as alternate
Port of Brookings Harbor – Councilor Jollota as alternate

Adjournment
Mayor Phoebe Pereda adjourned the meeting at 6:45 PM.

Respectfully submitted:

ATTESTED:
this 23rd day of February, 2026:

Phoebe Pereda, Mayor

Brooklyn Osterhage, City Recorder

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 7 MONTHS ENDING JANUARY 31, 2026

GENERAL FUND

		BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
	REVENUE					
	TAXES	4,680,220.00	94,527.71	3,857,800.19	822,419.81	82.4
	LICENSES AND PERMITS	327,000.00	23,468.15	148,528.51	178,471.49	45.4
	INTERGOVERNMENTAL	292,700.00	13,340.11	109,287.23	183,412.77	37.3
	CHARGES FOR SERVICES	1,077,500.00	14,121.12	222,648.40	854,851.60	20.7
	OTHER REVENUE	175,500.00	12,365.93	245,256.01	(69,756.01)	139.8
	TRANSFERS IN	779,400.00	.00	.00	779,400.00	.0
		7,332,320.00	157,823.02	4,583,520.34	2,748,799.66	62.5
	EXPENDITURES					
JUDICIAL:						
	PERSONAL SERVICES	41,083.00	4,764.69	30,886.72	10,196.28	75.2
	MATERIAL AND SERVICES	12,850.00	325.00	3,343.68	9,506.32	26.0
	CAPITAL OUTLAY	.00	.00	.00	.00	.0
		53,933.00	5,089.69	34,230.40	19,702.60	63.5
FINANCE AND ADMINISTRATION:						
	PERSONAL SERVICES	461,889.00	37,869.48	268,250.08	193,638.92	58.1
	MATERIAL AND SERVICES	243,100.00	4,882.26	161,756.96	81,343.04	66.5
	CAPITAL OUTLAY	.00	.00	.00	.00	.0
		704,989.00	42,751.74	430,007.04	274,981.96	61.0
POLICE:						
	PERSONAL SERVICES	4,020,285.00	346,220.88	2,356,956.34	1,663,328.66	58.6
	MATERIAL AND SERVICES	268,500.00	14,132.55	143,961.09	124,538.91	53.6
	CAPITAL OUTLAY	.00	.00	.00	.00	.0
	DEBT SERVICE	104,747.00	.00	.00	104,747.00	.0
	TRANSFERS OUT	.00	.00	.00	.00	.0
		4,393,532.00	360,353.43	2,500,917.43	1,892,614.57	56.9
FIRE:						
	PERSONAL SERVICES	243,824.00	21,544.53	143,222.07	100,601.93	58.7
	MATERIAL AND SERVICES	110,500.00	13,754.74	103,574.49	6,925.51	93.7
	CAPITAL OUTLAY	.00	.00	.00	.00	.0
	DEBT SERVICE	58,542.00	.00	.00	58,542.00	.0
	TRANSFERS OUT	.00	.00	.00	.00	.0
		412,866.00	35,299.27	246,796.56	166,069.44	59.8

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 7 MONTHS ENDING JANUARY 31, 2026

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
PLANNING AND BUILDING:					
PERSONAL SERVICES	298,206.00	25,846.81	174,272.27	123,933.73	58.4
MATERIAL AND SERVICES	88,400.00	707.74	21,697.75	66,702.25	24.5
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	386,606.00	26,554.55	195,970.02	190,635.98	50.7
PARKS & RECREATION:					
PERSONAL SERVICES	366,404.00	31,544.49	213,358.01	153,045.99	58.2
MATERIAL AND SERVICES	146,000.00	6,773.59	86,732.24	59,267.76	59.4
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
	522,385.00	38,318.08	310,070.25	212,314.75	59.4
GOLF COURSE:					
PERSONAL SERVICES	.00	.00	.00	.00	.0
MATERIAL AND SERVICES	900,000.00	.00	.00	900,000.00	.0
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	900,000.00	.00	.00	900,000.00	.0
SWIMMING POOL:					
PERSONAL SERVICES	.00	.00	.00	.00	.0
MATERIAL AND SERVICES	160,500.00	25.47	68,526.62	91,973.38	42.7
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	160,500.00	25.47	68,526.62	91,973.38	42.7
NON-DEPARTMENTAL:					
MATERIAL AND SERVICES	175,100.00	7,815.79	76,284.53	98,815.47	43.6
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	533,000.00	.00	.00	533,000.00	.0
CONTINGENCIES AND RESERVES	689,409.00	.00	.00	689,409.00	.0
	1,397,509.00	7,815.79	76,284.53	1,321,224.47	5.5
	8,932,320.00	516,208.02	3,862,802.85	5,069,517.15	43.3
	(1,600,000.00)	(358,385.00)	720,717.49	(2,320,717.49)	45.0

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 7 MONTHS ENDING JANUARY 31, 2026

STREET FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
REVENUE					
INTERGOVERNMENTAL	550,000.00	94,775.93	331,448.61	218,551.39	60.3
OTHER REVENUE	20,000.00	.00	1,561.79	18,438.21	7.8
TRANSFER IN	100,000.00	.00	.00	100,000.00	.0
	670,000.00	94,775.93	333,010.40	336,989.60	49.7
EXPENDITURES					
EXPENDITURES:					
PERSONAL SERVICES	275,028.00	23,500.05	161,860.36	113,167.64	58.9
MATERIAL AND SERVICES	333,000.00	5,649.99	130,101.41	202,898.59	39.1
CAPITAL OUTLAY	15,000.00	.00	7,862.00	7,138.00	52.4
DEBT SERVICE	8,106.00	.00	.00	8,106.00	.0
TRANSFERS OUT	238,700.00	.00	.00	238,700.00	.0
CONTINGENCIES AND RESERVES	149,166.00	.00	.00	149,166.00	.0
	1,019,000.00	29,150.04	299,823.77	719,176.23	29.4
	1,019,000.00	29,150.04	299,823.77	719,176.23	29.4
	(349,000.00)	65,625.89	33,186.63	(382,186.63)	9.5

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 7 MONTHS ENDING JANUARY 31, 2026

WATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
REVENUE					
SOURCE 03	.00	.00	.00	.00	.0
CHARGES FOR SERVICES	2,125,000.00	148,930.61	1,286,244.68	838,755.32	60.5
OTHER INCOME	70,000.00	3,920.00	34,034.85	35,965.15	48.6
TRANSFERS IN	.00	.00	.00	.00	.0
	2,195,000.00	152,850.61	1,320,279.53	874,720.47	60.2
EXPENDITURES					
WATER DISTRIBUTION:					
PERSONAL SERVICES	476,605.00	42,804.89	291,171.59	185,433.41	61.1
MATERIAL AND SERVICES	197,100.00	16,334.57	166,346.16	30,753.84	84.4
CAPITAL OUTLAY	40,000.00	.00	20,344.74	19,655.26	50.9
DEBT SERVICE	29,466.00	1,780.00	12,460.02	17,005.98	42.3
TRANSFERS OUT	40,000.00	.00	.00	40,000.00	.0
	783,171.00	60,919.46	490,322.51	292,848.49	62.6
WATER TREATMENT:					
PERSONAL SERVICES	38,382.00	3,499.39	23,453.38	14,928.62	61.1
MATERIAL AND SERVICES	677,150.00	52,193.75	363,378.18	313,771.82	53.7
CAPITAL OUTLAY	10,000.00	.00	.00	10,000.00	.0
DEBT SERVICE	.00	.00	.00	.00	.0
TRANSFERS OUT	734,829.00	.00	.00	734,829.00	.0
CONTINGENCIES AND RESERVES	211,468.00	.00	.00	211,468.00	.0
	1,671,829.00	55,693.14	386,831.56	1,284,997.44	23.1
DEPARTMENT 24:					
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	.00	.00	.00	.00	.0
	2,455,000.00	116,612.60	877,154.07	1,577,845.93	35.7
	(260,000.00)	36,238.01	443,125.46	(703,125.46)	170.4

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 7 MONTHS ENDING JANUARY 31, 2026

WASTEWATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
REVENUE					
SOURCE 03	(4,500.00)	.00	.00	(4,500.00)	.0
CHARGES FOR SERVICES	3,718,300.00	297,626.82	2,153,684.15	1,564,615.85	57.9
OTHER REVENUE	50,000.00	.00	15,084.60	34,915.40	30.2
TRANSFER IN	.00	.00	.00	.00	.0
	3,763,800.00	297,626.82	2,168,768.75	1,595,031.25	57.6
EXPENDITURES					
WASTEWATER COLLECTION:					
PERSONAL SERVICES	734,557.00	62,362.81	426,044.37	308,512.63	58.0
MATERIAL AND SERVICES	465,000.00	5,719.21	111,139.98	353,860.02	23.9
CAPITAL OUTLAY	15,000.00	.00	.00	15,000.00	.0
DEBT SERVICE	29,466.00	1,780.00	12,459.98	17,006.02	42.3
TRANSFERS OUT	291,000.00	.00	.00	291,000.00	.0
	1,535,023.00	69,862.02	549,644.33	985,378.67	35.8
WASTEWATER TREATMENT:					
PERSONAL SERVICES	51,603.00	4,638.70	31,280.47	20,322.53	60.6
MATERIAL AND SERVICES	1,420,299.00	118,479.67	710,777.76	709,521.24	50.0
CAPITAL OUTLAY	15,000.00	.00	.00	15,000.00	.0
DEBT SERVICE	.00	.00	.00	.00	.0
TRANSFERS OUT	716,000.00	.00	.00	716,000.00	.0
CONTINGENCIES AND RESERVES	590,375.00	.00	.00	590,375.00	.0
	2,793,277.00	123,118.37	742,058.23	2,051,218.77	26.6
	4,328,300.00	192,980.39	1,291,702.56	3,036,597.44	29.8
	(564,500.00)	104,646.43	877,066.19	(1,441,566.19)	155.4

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 7 MONTHS ENDING JANUARY 31, 2026

URBAN RENEWAL AGENCY FUND

		BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
	REVENUE					
	TAXES	844,200.00	.00	759,273.87	84,926.13	89.9
	INTERGOVERNMENTAL	.00	.00	.00	.00	.0
	OTHER REVENUE	50,000.00	.00	8,604.48	41,395.52	17.2
	TRANSFERS IN	.00	.00	.00	.00	.0
		894,200.00	.00	767,878.35	126,321.65	85.9
	EXPENDITURES					
GENERAL:						
	PERSONAL SERVICES	.00	.00	.00	.00	.0
	MATERIAL AND SERVICES	185,256.00	975.00	5,875.00	179,381.00	3.2
	CAPITAL OUTLAY	2,468,944.00	.00	500.00	2,468,444.00	.0
	DEBT SERVICE	.00	.00	.00	.00	.0
	TRANSFERS OUT	.00	.00	.00	.00	.0
	CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
		2,654,200.00	975.00	6,375.00	2,647,825.00	.2
DEPARTMENT 20:						
	CAPITAL OUTLAY	.00	.00	.00	.00	.0
		.00	.00	.00	.00	.0
DEPARTMENT 22:						
	MATERIAL AND SERVICES	.00	.00	.00	.00	.0
	DEBT SERVICE	.00	.00	.00	.00	.0
		.00	.00	.00	.00	.0
DEPARTMENT 24:						
	CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
		.00	.00	.00	.00	.0
		2,654,200.00	975.00	6,375.00	2,647,825.00	.2
		(1,760,000.00)	(975.00)	761,503.35	(2,521,503.35)	43.3

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: February 23, 2026

Originating Dept: Administration

Signature (submitted by)

City Manager Approval

Subject:

Curry Transfer and Recycling Rate Increase

Recommended Motions:

Approve a new rate schedule from Curry Transfer and Recycling (CTR) for refuse collection and recycling services per the attached letter and exhibit, effective April 1, 2026.

Financial Impact:

CTR franchise fee revenue will increase approximately $3,800 from the rate increase.

Background/Discussion:

The ordinance establishing a franchise agreement with Curry Transfer and Recycling (CTR) provides that CTR may request a rate adjustment annually based upon the cost of living and related factors. CTR has requested a rate increase of 2.90% (percent) to be effective April 1, 2026. This will result in a $1.00 per month increase in the fee for a basic 32-gallon cart service.

CTR has an exclusive franchise with the City to provide refuse collection, disposal and recycling collection. The term of the franchise is year-to-year; the ordinance provides a 10-year termination provision.

Attachment(s):

a. CTR letter dated February 6, 2026
b. Exhibit A - Rate comparison, effective April 1, 2026
c. BLS Consumer Price Index (CPI) Chart

CURRY TRANSFER & RECYCLING

February 6, 2026

City of Brookings
Attn: City Council
898 Elk Drive
Brookings, OR 97415

RE: **2026** Rate Adjustment Request

Dear Mayor Pereda and City Council:

We would like to be placed on Brookings City Council's agenda on Monday, February 23rd, to request a 2.9% price increase for both Commercial and Residential services, effective April 1st, 2026. The increase is based on the Consumer Price Index (CPI) and will equate to an additional $1.00 per month adjustment for our basic 32-gallon cart service. We are requesting the Solid Waste rates be adjusted per our contract/franchise agreement (sec #7).

By providing service to the citizens of the City of Brookings, we have actively sought out new cost-effective ways to provide an elevated level of service to our customers. We have invested over $750K in our operations over the last year to assure that level of service to the City of Brookings. Curry Transfer and Recycling and our employees are committed to "Doing Good in our Communities".

We look forward to meeting with the Council to answer any questions you may have and appreciate the opportunity to serve the City of Brookings. Thank you in advance for your time and please let us know if you need any additional information.

Sincerely,

Tiffany

Tiffany Rogde
Site Manager

Enclosures:

2026 Exhibit A Rate Comparison

2025 CPI Adjustment- Department of Labor

CURRY TRANSFER & RECYCLING

City of Brookings Rate Schedule

Exhibit A

Effective April 1, 2025

			Previous Rates 2025
Residential Cart Service			
20	gallon	per month	25.65
32	gallon	per month	34.32
48	gallon	per month	49.13
64	gallon	per month	63.93
96	gallon	per month	93.49
Commercial Cart Service			
32	gallon	per month	33.68
48	gallon	per month	50.52
64	gallon	per month	67.37
96	gallon	per month	101.04
Commercial/Container Rental Service			
Per Loose Yard Trash Service			36.34
Per Loose Yard Brush Service			17.00
Auto Lock Charge			5.23
Dumpster Rental			21.11
Extra bag- on route			7.46
Medical Waste- 1 Gallon Sharps			31.44
Roll- Off Daily Rent Charge			3.04
Special Trip/ Off Route Trip/Delivery Charge			25.47
Start; Stop; Resume; Seasonal Stop			9.00
Recycling			
Residential recycle only (no solid waste service)			26.47
Commercial Cardboard- routed			up to 25% of commercial yard rate
Commercial Commingle			up to 50% of commercial yard rate
Heavy Roofing or Demolition			1.5 times yard rate
Extra Heavy Demolition or Mechanically			2.75 times yard rate

CURRY TRANSFER & RECYCLING

City of Brookings Rate Schedule
Exhibit A
Effective April 1, 2026

			New Rates 2026
Residential Cart Service			
20	gallon	per month	26.39
32	gallon	per month	35.32
48	gallon	per month	50.55
64	gallon	per month	65.78
96	gallon	per month	96.20
Commercial Cart Service			
32	gallon	per month	34.66
48	gallon	per month	51.99
64	gallon	per month	69.32
96	gallon	per month	103.97
Commercial/Container Rental Service			
Per Loose Yard Trash Service			37.39
Per Loose Yard Brush Service			18.00
Auto Lock Charge			5.38
Dumpster Rental			21.72
Extra bag- on route			7.68
Medical Waste- 1 Gallon Sharps			32.35
Roll- Off Daily Rent Charge			3.13
Special Trip/ Off Route Trip/Delivery Charge			26.21
Start; Stop; Resume; Seasonal Stop			9.26
Recycling			
Residential recycle only (no solid waste service)			27.24
Commercial Cardboard- routed			up to 25% of commercial yard rate
Commercial Commingle			up to 50% of commercial yard rate
Heavy Roofing or Demolition			1.5 times yard rate
Extra Heavy Demolition or Mechanically			2.75 times yard rate

Chart 1. Over-the-year percent change in CPI-U, West region, December 2022–December 2025

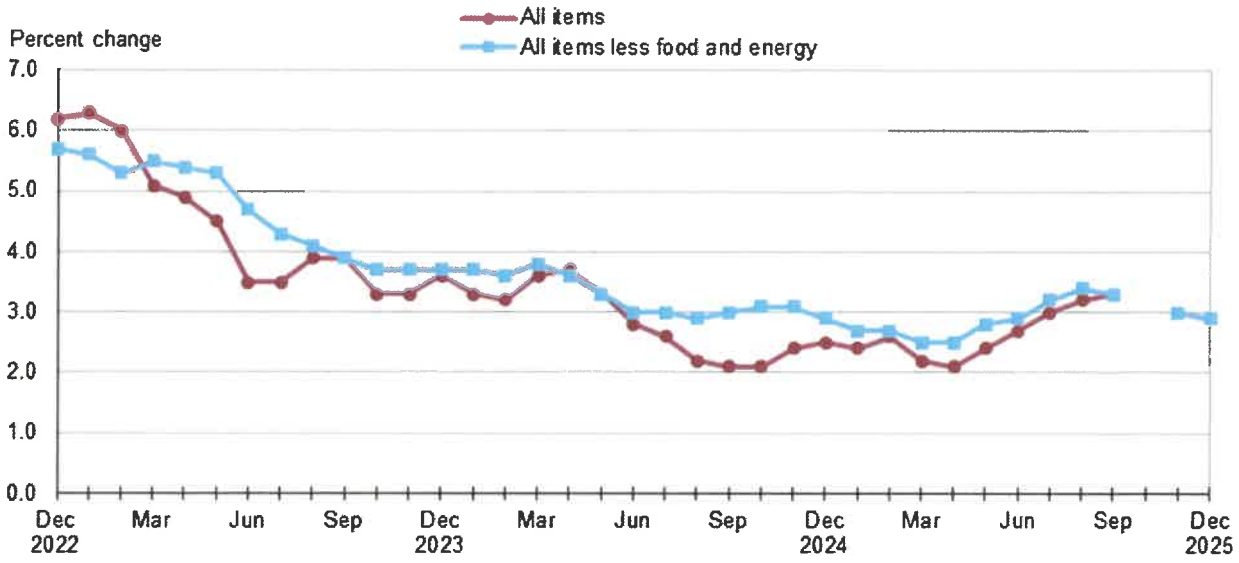


Table A. West region CPI-U 1-month and 12-month percent changes, all items index, not seasonally adjusted

Month	2021		2022		2023		2024		2025	
	1-month	12-month	1-month	12-month	1-month	12-month	1-month	12-month	1-month	12-month
January	0.2	1.4	0.9	7.7	0.9	6.3	0.7	3.3	0.6	2.4
February	0.5	1.6	0.8	8.1	0.5	6.0	0.4	3.2	0.6	2.6
March	0.7	2.4	1.3	8.7	0.5	5.1	0.9	3.6	0.5	2.2
April	1.0	3.9	0.7	8.3	0.5	4.9	0.6	3.7	0.5	2.1
May	0.8	4.7	0.8	8.3	0.4	4.5	0.1	3.3	0.3	2.4
June	0.9	5.1	1.2	8.8	0.3	3.5	-0.2	2.8	0.1	2.7
July	0.6	5.2	0.1	8.3	0.1	3.5	-0.1	2.6	0.2	3.0
August	0.2	5.0	0.0	8.1	0.4	3.9	0.1	2.2	0.3	3.2
September	0.2	5.3	0.3	8.3	0.4	3.9	0.2	2.1	0.3	3.3
October	0.8	6.0	0.7	8.1	0.1	3.3	0.1	2.1	-	-
November	0.5	6.5	-0.4	7.1	-0.4	3.3	-0.1	2.4	-	3.0
December	0.4	7.1	-0.4	6.2	-0.1	3.6	0.0	2.5	-0.2	2.9

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: February 23, 2026

Originating Dept: Administration

Signature (submitted by)

City Manager Approval

Subject: Draft TPAC Reboot Ordinance

Financial Impact:

Council sets the annual budget

Background/Discussion:

In 2012, the City Council established the Tourism Promotion Advisory Committee (TPAC) to advise the City on the use of Transient Lodging Tax (TLT) revenues and assist in developing tourism promotion strategies. Over the years, TPAC provided useful recommendations but also faced challenges typical of a standing committee: limited stakeholder representation, formal structures that slowed responsiveness, and overlap with other community organizations.

In August 2013 the City Council indicated that they wanted TPAC to "explore alternative structures for its committee and explore the feasibility of a joint relationship for tourism promotion with the Brookings Harbor Port District and the Brookings Harbor Chamber of Commerce.

At its April 7, 2014 workshop, the City Council discussed staff's concerns that TPAC was doing more than making recommendations and directed staff to draft an ordinance formally creating the committee and defining its role. Council met again on May 5, in a joint workshop with TPAC members, to discuss the draft ordinance.

June 22, 2020 there was a motion to adopt "Resolution 20-R-1191 disbanding the Tourism Promotion Advisory Committee, and request the City Manager bring back related ordinance changes.

September 22, 2025 staff presented to the council a proposed TPAC Reboot with a detailed financial history of the advisory committee.

January 26, 2026 staff gave a presentation about some proposed key changes in the makeup of the membership. (Staff has attached a Historical Review of TPAC for our new councilor and the public).

February 9, 2026 staff and council reviewed the original TPAC ordinance and made changes primarily to the membership of the ordinance.

The draft ordinance title will be publicly noticed according to the Brookings Municipal Code. It will then be on the March 9th City Council Agenda for discussion and adoption.

This draft ordinance includes amending parts of the code that has "Transient Occupancy Tax". City wide, the term used is "Transient Lodging Tax". Section 3 of the draft ordinance outlines the changes.

Attachment(s):

a. Draft Ordinance 26-O-818

IN AND FOR THE CITY OF BROOKINGS

STATE OF OREGON

ORDINANCE 26-O-818

IN THE MATTER OF ORDINANCE 26-O-818, AN ORDINANCE ADDING CHAPTER 2.57, TOURISM PROMOTION ADVISORY COMMITTEE AND REVISING TITLE 3 REVENUE AND FINANCE, CHAPTER 3.10 TRANSIENT OCCUPANCY TAX OF THE BROOKINGS MUNICIPAL CODE

Sections:

Section 1. Ordinances Identified.
Section 2. Adds Chapter 2.57 Tourism Promotion Advisory Committee
Section 3. Amends Chapter 3.10 Transient Occupancy Tax

Section 1. Ordinance Identified. This ordinance adds Chapter 2.57, Tourism Promotion Advisory Committee under Title 2 Administration and Personnel and amends Chapter 3.10 Transient Occupancy Tax under Title 3 Revenue and Finance of the Brookings Municipal Code.

Section 2. Adds Chapter 2.57 Tourism Promotion Advisory Committee to read as presented in Exhibit A attached hereto with additions designated in bold and underlined and deletions being bold and struck out.

Section 3. Amends Chapter 3.10 Transient Occupancy Tax as presented in Exhibit B attached hereto with additions designated in bold and underlined and deletions being bold and struck out.

First Reading: _____ Passage: _____
Second Reading: _____ Effective Date: _____
Signed by me in authentication of its passage on _____day of _____, 2026

ATTEST:

_____
Mayor Phoebe Pereda

_____
City Recorder Brooklyn Osterhage

Exhibit A

Title 2

FINANCE AND ADMINISTRATION

Changes to BMC:

(additions are bold and underlined, deletions are ~~bold and strikeout~~)

Chapter 2.57
TOURISM PROMOTION ADVISORY COMMITTEE

Sections:

2.57.010 Name.
2.57.020 Mission and goals.
2.57.030 Powers and duties.
2.57.040 Organization.

2.57.010 Name.

The Brookings City Council hereby creates the Tourism Promotion Advisory Committee.

2.57.020 Mission and goals

A. **The primary role of the Tourism Promotion Advisory Committee is to advise the City Council on the use of transient lodging tax (TLT) revenues allotted for tourism promotion pursuant to BMC Chapter 3.10.**

B. **Nothing in this chapter shall be interpreted as authorizing the City to conduct a tourism promotion campaign.**

C. **It is the goal of the City Council to expend tourism promotion funds in a coordinated and efficient manner with funding to be provided for a few selected projects and events each year.**

2.57.030 Powers and duties.

A. Duties and Responsibilities.

1. **The Tourism Promotion Advisory Committee is an advisory body to the City Council. It has no authority to spend or approve the expenditure of City funds. Its recommendations are made to the City Council through its minutes.**
2. **Committee members shall serve at the pleasure of the City Council.**
3. **Committee membership is honorary and without compensation.**
4. **All Committee meetings shall be open to the public and held in a place that is handicapped accessible.**
5. **Committee minutes, as prepared by staff and approved by the Committee, shall be submitted to the City Council for acceptance. The minutes shall be approved, with or without amendments, additions or corrections, by affirmative action of the Committee at its next meeting.**

2.57.040 Organization.

A. **Membership.**

1. **The Committee shall consist of five voting members to be appointed by the Mayor with approval of the City Council.**
2. **Insofar as possible, City residents shall have precedence over other applicants.**
    a. **All members of the Committee shall be residents of Curry County. At least two of the five members shall be residents of the City of Brookings. Non-city residents must live in the Urban Growth Boundary and have an economic interest, such as business ownership within the city. These members shall not be officials or employees of the City.**
    b. **No member of any other City Council-appointed board, Committee or Commission shall simultaneously serve on the Tourism Promotion Advisory Committee.**
3. **Meeting minutes shall be recorded by the City Manager, or his/her designee.**

B. **Terms of Appointment/Removal/Vacancies.**

1. **Terms shall be initially staggered so that two members serve a term of three years, two members serve a term of two years and one member serves a term of one year. Thereafter, all terms shall be for three years.**
2. **No member shall be eligible to serve for more than two full terms on the Committee.**
3. **Vacancies created by a mid-term resignation or termination shall be filled by appointment as provided under BMC Section 2.57.030 (A)(1).**
4. **Members may be removed by a majority vote of the City Council for any reason and at any time during the member's term of appointment. Failure of a member to attend less than fifty percent of regularly scheduled meetings shall result in automatic termination, unless the absences have been excused by the Committee's chair.**

C. **Election of Officers.**

1. **At the last meeting of each calendar year, a chair and vice-chair shall be elected from the voting members of the Committee to serve a one-year term.**
2. **Newly elected officers shall take their seats at the first meeting of the next calendar year.**
3. **No member shall serve more than two consecutive years in any one office.**

D. **Quorum/Rules/Meetings.**

1. **A majority of appointed Committee members shall constitute a quorum. The Committee shall meet at least once each quarter, at a time and place as may be fixed by consensus of the voting members, and at other times as deemed necessary by the City Manager when action is required on referrals from the agency. All meetings shall be open to the public and noticed in accordance with State Public Meeting Law (ORS Chapter 192).**
2. **Voting by the Committee on all matters shall be consistent with the process adopted by the City Council under BMC 2.05.160, with the exception that the staff member taking the minutes shall call the names of each member and record the votes.**
3. **Recommendations made by the Committee shall be submitted to the City Council in the manner prescribed by City administrative regulation.**

E. **Staffing**

1. **The City Manager or his/her designee, shall provide staff support to the Committee in the same manner as staff provides support to other committees and commissions to include;**
    a. **Preparation of reports containing recommendations for projects to achieve the goal of promoting tourism.**
    b. **Review and make recommendations for funding special events.**
    c. **Transmitting recommendations from the Committee to the City Council.**
2. **All projects, programs and contracts funded through allocation of TLT funds shall be administered by the City Manager or his/her designee.**

Exhibit B

Title 3

REVENUE AND FINANCE

Changes to BMC:
(additions are bold and underlined, deletions are ~~bold and strikeout~~)

Chapter 3.10

TRANSIENT ~~OCCUPANCY~~ LODGING TAX

Sections:

3.10.010 Definitions.

3.10.020 Tax imposed.

3.10.030 Collection of tax by operator – Rules for collection.

3.10.040 Operator's duties.

3.10.050 Exemption.

3.10.060 Registration of operator – Form and content – Execution – Certification of authority.

3.10.070 Due date – Returns and payments.

3.10.080 Penalties and interest.

3.10.090 Deficiency determination – Evasion, operator delay.

3.10.100 Redeterminations.

3.10.110 Security for collection of tax.

3.10.120 Lien.

3.10.130 Refunds.

3.10.140 Administration.

3.10.150 Use of transient room tax.

3.10.160 Appeals to the city council.

3.10.170 Violations.

3.10.180 Misdemeanor.

3.10.010 Definitions.

Except where the context otherwise requires, the definition given in this section governs the construction of this chapter.

A. “Hotel” means any structure, or any portion of any structure which is occupied or intended or designed for transient occupancy for 30 days or less for dwelling, lodging, or sleeping purposes, and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, and also means space in mobile home or trailer parks (including recreational vehicle, tent trailer and tent camping parks), or similar structures or space or portions thereof so occupied, provided such occupancy is for less than a 30-day period.

B. “City council” means the city council of the city of Brookings, Oregon.

C. “Occupancy” means the use or possession, or the right to the use or possession for lodging or sleeping purposes of any room or rooms in a hotel, **or single family residence registered with the City of Brookings as a short term rental (STR),** or space in a mobile home or trailer park, (including recreational vehicle, tent trailer and tent camping park), or portion thereof.

D. “Operator” means the person who is the proprietor of the hotel in any capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall be considered to be compliance by both.

E. “Person” means any individual, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

F. “Cash accounting” means the operator does not enter the rent due from a transient on his records when the rent is earned, whether or not it is paid.

G. “Accrual accounting” means the operator enters the rent due from a transient on his records when the rent is earned, whether or not it is paid.

H. “Rent” means the consideration charged, whether or not received by the operator, for the occupancy of space in a hotel, valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction, but shall not include charges to a condominium unit owner which are solely for cleaning or maintenance of such unit or personal use or occupancy by such owner, so long as the charges are made in connection therewith for space occupancy.

I. “Rent package plan” means the consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable to rent for determination of transient room tax under this chapter shall be the same charge made for rent when consideration is not a part of the package plan. The amount applicable for rent for determination of transient room tax under this chapter shall be that amount allocated to space rent, taking into consideration a reasonable value of other items in the rent package and taking into consideration charge for rent when the space is rented separately and not included in a package plan.

J. “Tax” means the tax payable by the transient or the aggregate amount of taxes due from an operator during the period for which he is required to report his collections.

K. “Tax administrator” means the financial administrator of the city of Brookings.

L. “Transient” means any individual who exercised occupancy or is entitled to occupancy in a hotel for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. The day a transient checks out of the hotel shall not be included in determining the 30-day period if the transient is not charged rent for that day by the

operator. Any individual so occupying space in a hotel shall be deemed to be a transient until the period of 30 days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy, or the tenancy actually extends more than 30 consecutive days. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified in this chapter may be considered. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient. [Ord. 93-O-342.B § 2; Ord. 80-O-342 § 1.]

3.10.020 Tax imposed.

For the privilege of occupancy in any hotel, on or after August 1, 1980, each transient shall pay a tax in the amount of six percent of the rent charged by the operator. For recreational vehicle, tent trailer and tent camping with self-pay slots, the tax shall be increased and assessed to the closest $0.25 interval. The tax constitutes a debt owed by the transient to the city which is extinguished only by payment by the operator to the city. The transient shall pay the tax to the operator of the hotel at the time when the rent is collected if the operator keeps his records on the cash accounting basis and when earned if the operator keeps his records on the accrual accounting basis. If rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services and commodities, other than the furnishing of rooms, accommodations, and space occupancy in mobile home parks or trailer parks. [Ord. 93-O-342.B § 3; Ord. 80-O-342 § 2.]

3.10.030 Collection of tax by operator – Rules for collection.

A. Every operator renting rooms or space for lodging or sleeping purposes in this city, the occupancy of which is not exempted under the terms of this chapter, shall collect a tax from the occupant. The tax collected or accrued by the operator constitutes a debt owing by the operator to the city.

B. In all cases of credit or deferred payment of rent, the payment of tax to the operator may be deferred until the rent is paid, and the operator shall not be liable for the tax until credits are paid or deferred payments are made. Adjustments may be made for uncollectibles.

C. The tax administrator shall enforce provisions of this chapter and shall have the power to adopt rules and regulations not inconsistent with this chapter as may be necessary to aid in the enforcement.

D. For rent collected on portions of a dollar, fractions of a penny of tax shall not be remitted.

E. In instances where credit is extended to the transient for charges for the rental of the unit through the use of a credit card or other similar transaction whereby the amount paid to the operator is discounted by contract between the operator and the issuer of the credit card, the amount of such discount shall be excluded from the definition of "rent" and no tax shall be imposed on the amount so discounted. [Ord. 80-O-342 § 3.]

3.10.040 Operator's duties.

Each operator shall collect the tax imposed by this chapter at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the operator's records, and any receipt rendered by the operator. No operator of a hotel shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded except in the manner provided by this chapter. [Ord. 80-O-342 § 4.]

3.10.050 Exemption.

No tax imposed under this chapter shall be imposed upon:

A. Any occupant for more than 30 successive calendar days with respect to any rent imposed for the period commencing after the first 30 days of such successive occupancy;

B. Any occupant whose rent is of a value less than $2.00 per day;

C. Any person who rents a private home, ~~vacation cabin~~ **short term rental (STR),** or like facility from any owner who rents such facilities incidental to his own use thereof;

D. Any occupant whose rent is paid for hospital room or to a medical clinic, convalescent home or home for the aged people, or to a public institution owned and operated by a unit of the government. [Ord. 80-O-342 § 5.]

3.10.060 Registration of operator – Form and content – Execution – Certification of authority.

Every person engaging or about to engage in business as an operator of a hotel in this city shall register with the tax administrator on a form provided by him. Operators engaged in business at the time the ordinance codified in this chapter is adopted must register not later than 30 calendar days after passage of the ordinance. Operators starting business after the ordinance is adopted must register within 15 days after commencing business. The privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of payment or collection of tax regardless of registration. Registration sets forth the name under which the operator transacts or intends to transact business, the location of his place or places of business and such other information to facilitate collection of the tax as the tax administrator may require. The registration shall be signed by the operator. The tax administrator shall, within 10 days after registration issue without charge a certificate of authority to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business of each registrant. Certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the tax administrator upon the cessation of business at the location named or upon its sale or transfer. Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed therein so as to be seen and come to the notice readily of all occupants and persons seeking occupancy. Said certificate shall, among other things, state the following:

A. The name of the operator;

B. The address of the hotel;

C. The date upon which the certificate was issued;

D. "This Transient ~~Occupancy~~ **Lodging** Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Lodging Tax Ordinance of the City of Brookings by registration with the tax administrator for the purpose of collecting from transients the lodging tax imposed by said city and remitting said tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of the city of Brookings. This certificate does not constitute a permit." [Ord. 80-O-342 § 6.]

3.10.070 Due date – Returns and payments.

A. The tax imposed by this chapter shall be paid by the transient to the operator at the time that rent is paid. All amounts of such taxes collected by any operator are due and payable to the tax administrator on a monthly basis on the fifteenth day of the following month for the preceding month, and are delinquent on the last day of the month in which they are due. The tax administrator has authority to classify and/or district the operators for determination of applicable tax periods, and shall notify each operator of the due and delinquent dates for the operator's returns.

B. On or before the fifteenth day of the month following each month of collection, a return for the preceding month's

tax collections shall be filed with the tax administrator. The return shall be filed in such form as the tax administrator may prescribe by every operator liable for payment of tax.

C. Returns shall show the amount of tax collected or otherwise due for the related period. The tax administrator may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of such amounts, and the amount of the rents exempt, if any.

D. The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the tax administrator at his office, either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.

E. For good cause, the tax administrator may extend for not to exceed one month, the time for making any return or payment of tax. No further extension shall be granted, except by the Brookings city council. Any operator to whom an extension is granted shall pay interest at the rate of one-half of one percent per month on the amount of tax due without proration for a fraction of a month. If a return is not filed, and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this chapter. [Ord. 80-O-342 § 7.]

3.10.080 Penalties and interest.

A. Original Delinquency. Any operator who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this chapter prior to delinquency shall pay 10 percent of the amount of the tax due in addition to the amount of the tax.

B. Continued Delinquency. Any operator who has not been granted an extension of time for remittance of tax due, and who failed to pay any delinquent remittance of tax due, and who failed to pay any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 15 percent of the amount of the tax due plus the amount of the tax and the 10 percent penalty first imposed.

C. Fraud. If the tax administrator determines that the nonpayment of any remittance due under this chapter is due to fraud or intent to evade the provisions thereof, a penalty of 25 percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections (A) and (B) of this section.

D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof without proration for portions of a month, on the amount of the tax due, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall be merged with and become a part of the tax herein required to be paid.

F. Petition for Waiver. Any operator who fails to remit the tax herein levied within the time stated shall pay the penalties herein stated; provided, however, the operator may petition the Brookings city council for waiver and refund of the penalty or any portion thereof and the Brookings city council may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof. [Ord. 80-O-342 § 8.]

3.10.090 Deficiency determination – Evasion, operator delay.

A. Deficiency Determination. If the tax administrator determines that the returns are incorrect, he may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns, or upon the basis of any information within his possession or that may come into his possession. One or more deficiency determinations may be made of the amount due for one or more than one period, and the amount so determined shall

be due and payable immediately upon service of notice as herein provided after which the amount determined is delinquent. Penalties on deficiencies shall be applied as set forth in BMC 3.10.080.

1. In making a determination the tax administrator may offset overpayments, if any, which may have been previously made for a period or periods, or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in BMC 3.10.080.

2. The tax administrator shall give to the operator or occupant a written notice of his determination. The notice may be served personally or by mail. If by mail the notice shall be addressed to the operator at his address as it appears on the records of the tax administrator. In case of service by mail of any notice required by this chapter, it shall be served by mailing such notice by certified mail, postage prepaid, return receipt requested.

3. Except in the case of fraud or intent to evade this chapter or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three years after the last day of the month following the close of the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires later.

4. Any determination shall become due and payable immediately upon receipt of notice and shall become final within 20 days after the tax administrator has given notice thereof; provided, however, the operator may petition redemption and refund if the petition is filed before the determination becomes final as herein provided.

B. Fraud, Refusal to Collect, Evasion. If any operator shall fail or refuse to collect said tax or to make within the time provided in this chapter any report or remittance of said tax or any portion thereof required by this chapter, or makes a fraudulent return or otherwise willfully attempts to evade this chapter, the tax administrator shall proceed in such manner as he may deem best to obtain the facts and information on which to base an estimate of the tax due. As soon as the tax administrator has determined the tax due that is imposed by this chapter from any operator who has failed or refused to collect the same and to report and remit said tax, he shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the tax administrator shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years of the discovery by the tax administrator of any fraud, intent to evade or failure or refusal to collect said tax, or failure to file return. Any determination shall become due and payable upon receipt of notice and shall become final within 20 days after the tax administrator has given notice thereof; provided, however, the operator may petition for redemption or refund if the petition is filed before the determination becomes final as herein provided.

C. Operator Delay. If the tax administrator believes that the collection of any tax or any amount of tax required to be collected and paid to the city will be jeopardized by delay, or if any determination will be jeopardized by delay, he shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination. The amount so determined as herein provided shall be immediately due and payable, and the operator shall immediately pay such determination to the tax administrator after service of notice thereof; provided, however, the operator may petition, after payment has been made, for redemption and refund of such determination, if the petition is filed within 20 days from the date of service of notice by the tax administrator. [Ord. 80-O-342 § 9.]

3.10.100 Redeterminations.

A. Any person against whom a determination is made under BMC 3.10.090 or any person directly interested may petition for a redetermination and redemption and refund within the time required in BMC 3.10.090. If a petition for redetermination and refund is not filed within the time required in BMC 3.10.090, the determination becomes final at the expiration of the allowable time.

B. If a petition for redetermination and refund is filed within the allowable period, the tax administrator shall reconsider the determination, and if the person has so requested in his petition, shall grant the person an oral hearing and shall give him 20 days' notice of the time and place of the hearing. The tax administrator may continue the hearing from time to time as may be necessary.

C. The tax administrator may decrease or increase the amount of the determination as a result of the hearing and if an increase is determined such increase shall be payable immediately after the hearing.

D. The order or decision of the tax administrator upon a petition for redetermination or redemption and refund becomes final 20 days after service upon the petitioner of notice thereof, unless appeal of such order or decision is filed with the Brookings city council within the 20 days after the service of such notice.

E. No petition for determination or redemption and refund or appeal therefrom shall be effective for any purpose unless the operator has first complied with the payment provisions hereof. [Ord. 80-O-342 § 10.]

3.10.110 Security for collection of tax.

A. The tax administrator, whenever he deems it necessary to ensure the compliance with this chapter, may require the operator subject thereto to deposit with him such security in the form of cash, bond or other security as the tax administrator may determine. The amount of the security shall be fixed by the tax administrator but shall not be greater than twice the operator's estimated average monthly liability for the period of which he files returns, determined in such a manner as the tax administrator deems proper, or $5,000, whichever amount is less. The amount of security may be increased or decreased by the tax administrator subject to limitations herein provided. The operator has a right to appeal to the Brookings city council any decision of the tax administrator made pursuant to this section. The operator's right to appeal is pursuant to BMC 3.10.160.

B. At any time within three years after any tax or any amount of tax required to be collected becomes due and payable or at any time within three years after any determination becomes final, the tax administrator may bring any action in the courts of this state, or any other state, or of the United States in the name of the city to collect the amount delinquent together with penalties and interest. [Ord. 80-O-342 § 11.]

3.10.120 Lien.

The tax imposed by this chapter together with the interest and penalties herein provided and the filing fees paid to the county clerk of Curry County, Oregon, and advertising costs which may be incurred when same becomes delinquent as set forth in this chapter shall be and, until paid, remain a lien from the date of its recording with the department of records, Curry County, Oregon, and superior to all subsequent recorded liens on all tangible personal property used in the hotel of an operation within Brookings and may be foreclosed on and sold as may be necessary to discharge said lien, if the lien has been recorded with the department of records in Curry County, Oregon. Notice of the lien may be issued by the tax administrator or his deputy whenever the operator is in default in the payment of said tax; interest and penalty shall be recorded with the department of records of Curry County, Oregon, and a copy sent to the delinquent operator. The personal property subject to such lien seized by any deputy or employee of the tax administrator may be sold by the department seizing same at public auction after 10 days notice which means one publication in a newspaper published in the city of Brookings, Oregon. Any lien for taxes shown on the records of the proper county official shall, upon payment of all taxes, penalties, and interest thereon, be released by the tax administrator when the full amount determined to be due has been paid to the city, and the operator or person making such payment shall have a receipt therefor stating that the full amount of taxes, penalties, and interest thereon have been paid and that the lien is hereby released and the record of lien is satisfied. [Ord. 80-O-342 § 12.]

3.10.130 Refunds.

A. Refunds by the City to the Operator. Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the tax administrator under this chapter, it may be refunded; provided a verified claim in writing therefor, stating the specific reason upon which the claim is founded, is filed with the tax administrator within three years from the date of payment. The claim shall be made on forms provided by the tax administrator. If the claim is approved by the tax administrator, the excess amount collected or paid may be refunded or may be credited on any amount then due and payable from the operator from whom it was collected or by whom paid, and the balance may be refunded to such operator, his administrators, executors or assignees.

B. Refunds by City to Transient. Whenever the tax required by this chapter has been collected by an operator, and deposited by the operator with the tax administrator, and it later is determined that the tax was erroneously or illegally collected or received by the tax administrator, it may be refunded by the tax administrator to the transient; provided a verified claim in writing therefor, stating the specific reason on which the claim is founded, is filed with the tax administrator within three years from the date of payment.

C. Refunds by Operator to Tenant. Whenever the tax required by this chapter has been collected by the operator and it is later determined that the tenant occupies the hotel for a period exceeding 30 days without interruption, the operator shall refund to such tenant the tax previously collected by the operator from that tenant as a transient. The operator shall account for such collection and refund to the tax administrator. If the operator has remitted the tax prior to the refund or credit to the tenant, he shall be entitled to a corresponding refund under this section. [Ord. 80-O-342 § 13.]

3.10.140 Administration.

A. Disposition and Use of Transient Room Tax Funds. All proceeds derived by the city of Brookings from the transient room tax funds shall be deposited and kept in the general fund of the city of Brookings**~~., except that 75 percent of the transient room tax collected from the Oregon State Park System shall be dedicated for maintenance of Azalea City Park.~~**

B. Records Required from Operators, Etc. – Form. Every operator shall keep guest records of room sales and accounting books and records of the room sales. All records shall be retained by the operator for a period of three years and six months after they come into being.

C. Examination of Records – Investigations. The tax administrator, or any person authorized in writing by him, may examine during normal business hours the books, papers and accounting records relating to room sales of any operator liable for the tax, and may investigate the business of the operator in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid.

D. Confidential Character of Information Obtained – Disclosure Unlawful. It shall be unlawful for the tax administrator or any person having an administrative or clerical duty under the provisions of this chapter to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any person required to obtain a transient occupancy registration certificate or pay a transient occupancy tax, or other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person; provided, that nothing in this section shall be construed to prevent:

1. The disclosure to, or the examination of records and equipment by another city of Brookings official, employee or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this chapter, or

collecting taxes imposed hereunder, or collecting city business license fees.

2. The disclosure, after the filing of a written request to that effect, to the taxpayer himself, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, or information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest and penalties; further provided, however, that the city attorney approves each such disclosure and that the tax administrator may refuse to make any disclosure referred to in this subsection when in his opinion the public interest would suffer thereby.

3. The disclosure of the names and addresses of any person to whom transient occupancy registration certificates have been issued.

4. The disclosure of general statistics regarding taxes collected or business done in the city. [Ord. 93-O-342.B § 4; Ord. 80-O-342 § 14.]

3.10.150 Use of transient room tax.

A. The city shall use 25 percent of the transient room tax collections each year to promote tourism.

B. The city finds and declares that expenditure of a portion of the transient room tax collections for tourism promotion will serve a public purpose. The city will derive economic benefits through attraction of visitors to the area. It is in the public interest to promote quality, integrity and reliability in all tourism and tourism related services and in information offered to visitors. Travel and recreation industries are important to the area as a whole, and tourist facilities and attractions serve the recreational and cultural needs of all visitors and residents. Further, the travel and recreation industries have become increasingly important to the economic growth of the area and will become more important in the future because of increased leisure time and declining employment opportunities in other traditional Oregon industries. There is a need to encourage communication and cooperation between the public and private sectors to promote the orderly growth and implementation of tourism-related objectives. It is important that visitors to the area be informed of the scenic and historic attractions, entertainment and recreation opportunities, restaurant facilities, lodging facilities and other matters of special interest. The area on the whole will benefit by attraction of tourists. [Ord. 07-O-581 § 2; Ord. 93-O-342.A § 2; Ord. 80-O-342 § 15.]

3.10.160 Appeals to the city council.

Any person aggrieved by any decision of the tax administrator may appeal to the city council by filing notice of appeal with the tax administrator within 20 days of the serving or the mailing of the notice of the decision given by the tax administrator. The council shall give the appellant not less than 20 days' written notice of the time and place of hearing of said appealed matter. Action by the council on appeals shall be decided by a majority of the members of the council present at the meeting where such appeal is considered. [Ord. 80-O-342 § 17.]

3.10.170 Violations.

It is unlawful for any operator or other person so required to fail or refuse to register as required herein, or to furnish any return required to be made, or fail or refuse to furnish a supplemental return or other date required by the tax administrator or to render a false or fraudulent return. No person required to make, render, sign or verify any report shall make any false or fraudulent report, with intent to defeat or evade the determination of any amount due required by this chapter. [Ord. 80-O-342 § 19.]

3.10.180 Misdemeanor.

Any person willfully violating any of the provisions of this chapter shall be guilty of a misdemeanor and may be punishable pursuant to Chapter 1.05 BMC, General Penalty, or by imprisonment in the city or county jail for a period of not more than six months, or by both such fine and imprisonment. [Ord. 16-O-757 § 2; Ord. 80-O-342 § 20.]