

MINUTES
March 12, 2012, 6:30PM
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: Time: 6:30PM

- 1. The pledge of allegiance**
- 2. Roll Call:**

	Present	Absent
Mayor James Wernicke	X	
Council Position #1 Jeff Crook	X	
Council Position #2 Larry Brennan	X	
Council Position #3 Brice Gregory	X	
Council Position #4 Doug Brand	X	
Council Position #5 Tamie Kaufman	X	
City Administrator Jodi Fritts	X	
Student Liaison Lyndsey Dixon	X	

- 3. Special Orders of Business:**
 - a. Proclamation celebrating 100 years of Girl Scouting
 - b. Interview potential Planning Commission candidate Debbie Collins
 - c. Update from Public Works Superintendent Will Newdall on Wastewater Treatment plant construction

The Mayor read the proclamation celebrating 100 years of Girl Scouting.

Interview potential Planning Commission candidate Debbie Collins: The Mayor introduced the potential Planning Commission candidate Debbie Collins. Councilor Crook asked if she promised to come to the meetings. She indicated that she would. Councilor Brand asked if she had done any public service before. She replied that she has worked with the public for a lot of years as far as volunteering, for example, at the Salmon Derby. Councilor Kaufman asked her if she had any things she'd like to see done. Collins replied that she's driven through different cities and seen different improvements that could be implemented within the city of Gold Beach. The Mayor asked CA Fritts if they needed to make a motion. CA Fritts explained that if the Council wanted to appoint Debbie Collins she did prepare a Resolution for the Resolution and Ordinance section.

Update from Public Works Superintendent Will Newdall on Wastewater Treatment plant construction: Public Works Superintendent Will Newdall gave an update on the Wastewater Treatment Plant project. He went over the February summary, which is a very detailed list that the engineer on site put together of what was accomplished. He wanted to point out a few things to the Council. In the summary, under "Work Accomplished, No. 6, Installed a 15" outside drop on manhole," he wanted the Council to look at a photo where it showed a piping cross. He indicated that this was not in the original specifications, and as they started getting into construction, he and Ron Hansen went out to inspect and found that the cross wasn't

being installed. He said that this is a very normal plumbing apparatus in a gravity sewer. Once they realized there was a problem, they got on the ball with the engineer and got a change order and had it installed. He said that it was not expensive. It was just punching a hole in a concrete manhole and assorted 15" plastic piping. It was very important in constructing a sewer of this kind.

He said that approximately 60% of the submittals have been turned in and approved, and that number means that the project is very healthy. He said that Stellar J has been submitting on all the equipment and the City is going to receive exactly what the specifications called for in the project. Some of the equipment is showing up on the site and that means that as they get into their construction sequencing, with the equipment already here, it allows them to steadily move through the project and not be waiting for some of the bigger pieces of equipment to show up.

He wanted to let the Council know about the construction schedule. When Stellar J first began the project, they gave a pretty aggressive construction schedule because it included in assumptions of work without weather conflicts. He said that they're now seeing a more realistic construction schedule now, and he didn't see any problem with the project finishing on time.

He encouraged the Council to go down to the fairgrounds and take a look at the massive excavation taking place at the fairgrounds pump station. He said that it's interesting because you don't see construction like this around Gold Beach very often.

4. Consent Calendar
None scheduled

There were no consent calendar items scheduled.

5. Citizens Comments

The Mayor indicated there were three requests to address the Council, two of which had to do with the termination of Jeff Ferguson. He indicated that Jeff Ferguson has a formal grievance procedure available to him, and he has the option of making that public. He also stressed that the Council, nor the employees of the City, could comment on his termination, as it is prohibited by law.

Robert Minshew, owner of Happy Days Malt Shop, addressed the Council indicating that he was speaking to them as an individual and as a business proprietor in the city of Gold Beach. He indicated that one of the reasons he selected to do business here in Gold Beach is Jeff Ferguson. He said that he became frustrated in Brookings with the situation that they had with marketing and promoting business and that it was a welcome sight when he came to Gold Beach and he began working with Jeff Ferguson. He indicated that the merchants in Gold Beach were facing one of the most challenging seasons ahead of them. He was hoping that the City could work things out with Jeff Ferguson.

Bob Manners addressed the counsel and indicated that he's on the Promotions Committee for the City of Gold Beach. He said that he was not questioning any decision-making by the City staff but just wanted to voice some concerns over methodology and process. He indicated that there are locomotive rumor trains getting up to full speed within the city of Gold Beach and his hope was that there would be some expeditious statement made to quell some of the rumors of fiduciary mismanagement and misappropriation of funds.

Katherine Valentine addressed the Council about a dog park, which had been discussed at a previous City Council meeting. She said that she left the meeting thinking that it would be a great idea and what could she do. As a result of that, she had approximately 80 signatures of people indicating interest. She indicated that it wasn't just people indicating interest, but also people saying that they'd like to help or contribute money or do fund raising. She gave CA Fritts a spreadsheet with a tally of what people were interested in helping with.

6. Public Hearing
None scheduled

There was no public hearing scheduled.

7. Citizen Requested Agenda Items
None submitted

There were no citizen requested agenda items.

8. Public Contracts and Purchasing
None Scheduled

There were no Public Contracting or Purchasing items.

9. Ordinances & Resolutions
a. Resolution R1112-26 Correcting terms of office Budget Committee
b. Resolution R1112-27 Approving security upgrade funding request
c. Resolution R1112-28 Appointment to Planning Commission

CA Fritts explained the purpose of R1112-26 which revises the terms of office for the Budget Committee. The Resolution has been changed from four-year terms to three-year terms. State budget law allows three-year terms. The Resolution re-appoints the same people that were appointed last year and corrects the terms to expire in 2014 instead of 2015.

MOTION: Councilor Tamie Kaufman made a motion to approve Resolution R1112-26, a Resolution rescinding and replacing Resolution R1011-25, confirming appointments to the budget committee and setting terms of office. Councilor Doug Brand seconded.

Mayor Wernicke called for discussion or debate. Hearing none, he called for the vote.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

Resolution R1112-27 – Approving security upgrade funding request: CA Fritts explained the purpose of R1112-27. This Resolution was discussed at the last meeting. In FY 2010-11 a Resolution was passed to use the risk management money that’s received from CIS for specific things and this Resolution was coming back to the Council formalizing what was discussed at the last meeting.

MOTION: Councilor Jeff Crook made a motion to adopt Resolution R1112-27, a Resolution rescinding and replacing Resolution R1011-21, risk management security upgrades for City Hall. Councilor Tamie Kaufman seconded.

Mayor Wernicke called for discussion or debate. Hearing none he called for the vote.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

Resolution R1112-28 – Appointment to Planning Commission: CA Fritts explained that this was the motion she referred to earlier in the meeting regarding filling the last vacancy on the Planning Commission. If the City Council was ready to appoint Debbie Collins to the Planning Commission, she had the resolution ready for that.

MOTION: Councilor Larry Brennan made a motion to adopt Resolution R1112-28, a Resolution approving appointment to the Planning Commission. Councilor Jeff Crook seconded.

Mayor Wernicke called for discussion or debate. Hearing none, he called for the vote.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

10. Miscellaneous Items (including policy discussions and determinations)

- a. Expiration and continuation of fire truck levy
- b. Discussion of alternate fine schedule for municipal court fines
- c. Draft revisions to Business Plan
- d. Information on annual verified Statement of Economic Interest (SEI)
- e. Discussion of whether to regulate mobile vendors

Expiration and continuation of fire truck levy: CA Fritts explained that the fire truck levy is a big ticket item in the budget. She contacted the assessor's office, and the fire truck levy expired this year. She explained that the fire truck levy needed to continue so that in 10 years another vehicle can be purchased. She said that the Fire Chief is proposing to buy another tanker rather than another engine, but the next vehicle to be bought in about 10 years would be the replacement of another engine. She indicated that the oldest engine that the city has right now is a 1989 and would be cycled out to a smaller district and then the City could purchase a new one. She thought that the engine that the fire department has right now was bought in 2002.

CA Fritts explained that at the business plan meeting she had talked about trying to get the fire truck levy on the May election ballot, but the timelines in order to get on the May election had already expired. She said that there are two more elections, one in September and one in November, and that if the process gets started, the fire truck levy could get put on the September ballot. If it passed, it would be in time for this year's tax and there wouldn't be a break.

CA Fritts explained that the reason why the Fire Department's equipment needs to be the best is that it is directly related to the ISO rating, which is related to the fire insurance rates. If the ISO rating is reduced or drops below a certain point, the rise in fire insurance rates is going to far exceed the levy. She said it's a good investment to keep the good fire insurance rating. She said that the City in September got an excellent rating as far as equipment goes and that they definitely want to keep that.

CA Fritts explained that if the City Council wants to proceed with putting the fire truck levy on the ballot in September, there would need to be a Resolution at the June meeting. The week of June 11, 2012, a draft ballot title would be sent to Lauren Sommers, the City attorney, for her to review to make sure it meets the statutory requirements to be put on the ballot. If it does, then it would have to be posted on the City's website and published in the newspaper for a certain amount of time. After publishing, there is a statutory seven-day appeal period where someone can

appeal the ballot title to the Circuit Court. If there is no appeal, then it would be placed on the September 18, 2012, ballot.

CA Fritts said that what she needed was a motion from the City Council directing her to begin the process of starting the local option fire truck levy.

Councilor Tamie Kaufman had a question about the cost of being put on the September ballot, that she thought the cost was divided by how many measures were put on the ballot. CA Fritts answered that she had talked to the assessor's office and wanted to ensure that if the levy got put on the ballot in September that it would be in time for this year's tax. She said that if they wanted to proceed with this, she would ask the clerk's office if it would cost any more money to put it on the September ballot. Councilor Tamie Kaufman said that she would like to weigh the difference in cost because if the fire truck levy is the only thing on the ballot in September, the City would have to pay all of the cost, but in November, since it's a presidential election year, there will be a lot on the ballot and the cost would be divided. CA Fritts indicated that they have until June to decide which way they wanted to go and she would have a couple of months to do some research. If the Council decides it would cost too much money to put the fire truck levy on the September ballot, then they could put it on the November ballot, knowing that the City wouldn't collect it for the FY 2013 but instead be collected on the back end of it.

MOTION: Councilor Jeff Crook made a motion to direct staff to begin the process of ensuring the local fire truck levy is included on the September 18, 2012, election ballot. Councilor Tamie Kaufman seconded.

Mayor Wernicke called for discussion or debate.

Councilor Doug Brand asked if they should not amend it to find out about the cost. CA Fritts said that they could get started, and then if she finds out that it's going to cost too much money, they have a buffer of time until June and she could bring it back to the next meeting. She indicated whether it was put on the September or November ballot, either way, they still need to start the process of writing the ballot.

Mayor Wernicke called for the vote.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

Discussion of alternate fine schedule for municipal court fines: CA Fritts explained that the State has changed the way that fines are assessed and charged on January 1, 2012. The State changed the bail schedule, and it could have an effect on the City

financially. The State will now get more of the ticket money. She said that the City of Eugene has an alternate way of assessing fines so that they collect the \$60 that the State requires but they increased the amount of the fine so that it goes back to what they were receiving previously, thus the revenue wasn't reduced. She indicated that that was an option that the City of Gold Beach could implement, that when you get cited within the city limits of Gold Beach, you would have a different bail schedule than if you were to get cited outside of the city limits of Gold Beach. In doing that, there would be a bigger portion of the money that would stay with the City.

Mayor Wernicke made the comment that the City of Gold Beach funds their own municipal court and the police department and that he couldn't understand the rationale behind the way the fines are to be assessed and charged. He said that he could understand it if the State was funding the municipal court and the police department, but not when the City is funding their own.

Councilor Larry Brennan asked CA Fritts about how the City of Eugene handles this, if the City of Eugene adopted the State code as the City ordinance and that then allowed them to direct the violations under City ordinance rather than State code. CA Fritts replied that the City of Eugene didn't write their own new traffic code. They just said that they are now adopting the State code. If you're in the city of Eugene and you speed, you're actually violating a City ordinance.

Councilor Larry Brennan asked CA Fritts if the City would have to do the same thing. CA Fritts replied that the City could do something similar to what Eugene has done. The City wouldn't be rewriting the code, just adopting it as their own. She indicated that Lauren Sommers, City attorney, cautioned that there is the possibility in the not so distant future that a lot of cities will do the same thing and the State will catch on. Lauren Sommers suggested that if this is something that the Council wants to do, then it should be done soon because somebody may alert the State that we're trying to get around their fine schedule. The Mayor commented that if the City does it now, it may be a way to get it grandfathered in. CA Fritts agreed.

Councilor Tamie Kaufman asked CA Fritts if she knew what the financial impact might be either way. CA Fritts replied that she thought potentially it could be a lot because the City had been sending the State \$45 per ticket and now it's \$60. She didn't know off the top of her head the number of tickets that the police department was writing, but an additional \$15 could add up to a lot. Councilor Tamie Kaufman commented that also the City has the legal fees of doing this. CA Fritts agreed and said that was another caution that the City attorney had, that the Council needs to know that the legislature may change the State traffic code and they typically change it every legislative session, and if the Council chose to do this, it would have to be written as a living document.

Councilor Doug Brand asked if the Chief had any input. Chief Dixon explained that he's read some emails that have come out through ODOT regarding the whole change. It's now a minimum fine, no longer a bail. He said that he talked to Municipal Judge Black, and he indicated that he just attended today a seminar. Judge Black told him that under this new schedule he has the ability to reduce fines

more than he would have previously. In reducing any fine to anything under \$60, then the City has to make up the difference to the State. He gave an example of a teenager being cited for not wearing a bicycle helmet, a pretty low level offense, and if the judge wanted to fine him \$25 just to make a statement that he has to wear a helmet, the City would have to pay the additional \$35.

CA Fritts was asked if a motion needed to be made. She replied that she thought that they should have the City attorney on the phone at the next meeting to discuss the process with the Council.

Draft revisions to Business Plan: CA Fritts told the Council that she thought that she had captured all of the proposed changes but that she wanted to bring it back to the Council to look over and, if there were any changes, they could be made and then at the next meeting the Resolution could be brought back to adopt the revised Business plan. It was decided the Council would review the revisions to the Business Plan and let CA Fritts know of any changes that need to be made.

Information on annual Verified Statement of Economic Interest (SEI): CA Fritts indicated that she got an email stating the information was going to be mailed out on March 15, 2012.

Discussion on whether to regulate mobile vendors: CA Fritts indicated that a local businessperson had contacted her a couple of months ago regarding mobile vendors in the city of Gold Beach. She explained to the Council that the City doesn't regulate mobile vendors other than requiring them to get a business license. The concern that was brought to her attention was that businesspeople that own restaurants are subject to system development charges, sewer and water charges, have to pay rent, and are subject to licensing requirements. Mobile vendors don't have those costs, although they do have to comply with and pass the Health Department requirements.

CA Fritts said that she made a call out to the city managers' list asking how their cities regulate mobile vendors. She said that there was a mixed bag of responses. Some said that you don't want to regulate them, others said that they have regulated them for years. She asked the Council if they would like her to put information together on how other cities regulate the mobile vendors so that they could review it. There was general discussion about this issue and the consensus was to have her put together the information so that the Council could take a look at how other cities handle this.

The Mayor invited Bob Minshew to speak. He said that this is an ageless problem and he has dealt with it for most of his adult life. He said that he had a restaurant in Folsom, CA, where they had lots of events. He indicated that the vendors would come in on the special events and take away his business. He said that it was not a fair practice. He felt that the issue should be addressed.

The Mayor invited Tony Antunes to speak. He said that he is not opposed to allowing mobile vendors for special events, fairs, and farmers markets through the

course of four or five days, but he did have an issue with a mobile vendor pulling into town during the summer months and wanting a piece of the pie. He indicated that the restaurants in Gold Beach are here year-round, and they support the community and give back to the community. The mobile vendors come into town, don't employ people, and take their money and leave. He felt that the issue should be addressed.

11. City Administrator's Report

To be presented at meeting

CA Fritts gave a report which is attached to these minutes.

12. Mayor and Council Member Comments

- a. Mayor James Wernicke
- b. Councilors
 - 1) Jeff Crook
 - 2) Larry Brennan
 - 3) Brice Gregory
 - 4) Doug Brand
 - 5) Tamie Kaufman
- c. Student Liaison, Vacant

The Mayor reported that Tidewater has appealed to LUBA after the commissioners denied their permit to harvest gravel. He thought that the City should make an appearance before LUBA if the opportunity arises.

Student Liaison, Lyndsey Dixon, indicated that Spring Break is in two weeks.

13. Citizens Comments

Jeff Ferguson requested to speak. The Mayor explained to him that he had a procedure that he is to follow and that nothing that he had to say at the meeting was going to be interpreted as part of that procedure. He told him that if he wanted to file a grievance, he should come before the Council and do it properly. The Mayor wanted to ensure that the record was clear. With that, he invited him to speak

Jeff Ferguson apologized for being late. He said that he had someone call earlier in the day to find out what he needed to do to speak at the meeting. That person was told that before 7:00 he needed to fill out a form to speak. He indicated he did that at 6:50, trying to follow procedure, and it was a big surprise to find out that that portion of the meeting was already over. He indicated that he would like the opportunity to speak but could tell from the Mayor's directive at the start that the Council didn't want to hear it.

The Mayor replied that the Council could not talk about the personnel matter. He told him that if he wanted to file a grievance, then they all could talk about it and it could be public. He told him that was the procedure to follow and he didn't want any mix-up in what's being said in this meeting to interfere with the grievance process.

14. Executive Session

There was no executive session.

The next regularly scheduled meeting of the Gold Beach City Council is Monday, April 9, 2012, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

MOTION: Councilor Jeff Crook made a motion to adjourn. Councilor Larry Brennan seconded the motion.

Mayor Wernicke called for discussion or debate. Hearing none he called for the vote.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

15. Adjourn Time: 7:35 PM


Candy Cronberger, City Recorder

ATTACHMENT TO MINUTES FOR MARCH 12, 2012

ORIGINAL COUNCIL AGENDA PACKET



AGENDA
March 12, 2012, 6:30PM
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: Time: _____

1. **The pledge of allegiance**
2. **Roll Call:**

	Present	Absent
Mayor James Wernicke		
Council Position #1 Jeff Crook		
Council Position #2 Larry Brennan		
Council Position #3 Brice Gregory		
Council Position #4 Doug Brand		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison Lyndsey Dixon		

3. **Special Orders of Business:**
 - a. Proclamation celebrating 100 years of Girl Scouting
 - b. Interview potential Planning Commission candidate
 - c. Update from Public Works Super, Will Newdall on Wastewater Treatment plant construction

4. **Consent Calendar**
None scheduled

5. **Citizens Comments**
As presented to the Mayor at the beginning of the meeting

6. **Public Hearing**
None scheduled

7. **Citizen Requested Agenda Items**
None submitted

8. **Public Contracts and Purchasing**
None

9. **Ordinances & Resolutions**
 - a. Resolution R1112-26 correcting terms of office Budget Committee
 - b. Resolution R1112-27 approving security upgrade funding request
 - c. Resolution R1112-28 appointment to Planning Commission

Gold Beach City Council Agenda
March 12, 2012

The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community

10. Miscellaneous Items (including policy discussions and determinations)

- a. Expiration and continuation of fire truck levy
- b. Discussion of alternate fine schedule for municipal court fines
- c. Draft revisions to Business Plan
- d. Info on annual Verified Statement of Economic Interest (SEI)
- e. Discussion on whether to regulate mobile vendors

11. City Administrator's Report

To be presented at meeting

12. Mayor and Council Member Comments

- a. Mayor James Wernicke
- b. Councilors
 - 1) Jeff Crook
 - 2) Larry Brennan
 - 3) Brice Gregory
 - 4) Doug Brand
 - 5) Tamie Kaufman
- c. Student Liaison, Lyndsey Dixon

13. Citizens Comments

As presented to the Mayor at the beginning of the meeting

14. Executive Session

None scheduled

The next regularly scheduled meeting of the Gold Beach City Council is Monday, April 9, 2012 at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon

15. Adjourn Time: _____

The location of the hearing/meeting is accessible to the disabled. Advance notice is requested if special accommodations are needed. Call 541-247-7029 so that appropriate assistance can be provided. The City of Gold Beach is an affirmative action EEOE and complies with section 504 of the rehab act of 1973. Complaints of discrimination should be sent to: USDA, Attention Director, Office of Civil Rights, Washington, D.C. 20250-9419

Gold Beach City Council Agenda

March 12, 2012

The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community

AGENDA ITEM #3

SPECIAL ORDERS OF BUSINESS

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 3 a.

Council Hearing Date: March 12, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Proclamation celebrating 100 years of Girl Scouting

SUMMARY AND BACKGROUND:

March 12th is the 100 year anniversary of the Girl Scouts. The Girl Scouts of Oregon and SW Washington have requested the Mayor to proclaim 2012 as "Year of the Girl".

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- Copy of the proclamation celebrating 100 years of Girl Scouting

REQUESTED MOTION/ACTION:

The Mayor will read the proclamation and proclaim 2012 as the "Year of the Girl"

COPY OF REPORT SENT TO:

Council



Proclamation Celebrating 100 years of Girl Scouting

WHEREAS, March 12, 2012, marks the 100th anniversary of Girl Scouts of the USA, which began in 1912 when Juliette "Daisy" Gordon Low gathered 18 girls in Savannah, Georgia, to provide them the opportunity to develop physically, mentally, and spiritually; and,

WHEREAS, for 100 years, Girl Scouting has helped build millions of girls and women of courage, confidence, and character who act to make the world a better place; and,

WHEREAS, the award-winning Girl Scout Leadership Program helps girls discover themselves and their values, connect with others, and take action to make the world a better place; and,

WHEREAS, the Girl Scout Gold Award, the highest honor in Girl Scouting, requires girls to make a measurable and sustainable difference in their community and honors leadership in the Girl Scout tradition; and,

WHEREAS, core programs around Science, Technology, Engineering, and Math (STEM), environmental stewardship, healthy living, financial literacy, and global citizenship help girls develop a solid foundation in leadership; and,

WHEREAS, through the dedication, time, and talent of thousands of volunteers of different backgrounds, abilities, and areas of expertise, the Girl Scout Program is brought to more than 20,000 girls in grades K-12 across the state of Oregon and Southwest Washington; and,

NOW, THEREFORE, be it resolved that I, James H. Wernicke, Mayor of the City of Gold Beach, do hereby congratulate the Girl Scouts of the USA for their 100 years of leadership and expertise as the voice for and of girls, and proclaim 2012 as "Year of the Girl."

Dated this 12th of March, 2012

James H. Wernicke, Mayor

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. **3 b.**

Council Hearing Date: March 12, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Interview potential Planning Commission candidate

SUMMARY AND BACKGROUND:

An application for appointment to the Planning Commission has been received from Debbie Collins. Collins is a city resident and meets the requirements for appointment to the PC.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- Copy of the application from Debbie Collins

REQUESTED MOTION/ACTION:

If the Council approves the candidate, a resolution for appointment is an agenda item under section 9. Ordinances & Resolutions

COPY OF REPORT SENT TO:

Council

CITY OF GOLD BEACH APPLICATION FOR APPOINTMENT TO
BOARD, COMMISSION OR COMMITTEE

I am interested in serving as a member of the City Planning Commission POS# _____

Name Debbie Collins

Mailing address PO Box [REDACTED] Gold Beach, OR

Resident address IF DIFFERENT FROM ABOVE _____

[REDACTED] St. Gold Beach, OR

Home telephone # [REDACTED] Work telephone # [REDACTED]

Current employment Port of Gold Beach

Your area of interest parking, city beautification
and growth

Why do you want to serve? to become more familiar
with my community and the
people involved with it.

Previous service in this appointed position or a similar position
— none —

Other volunteer activities on occasion other
functions; Salmon Derby for CAF

Does your schedule allow you to attend daytime meetings? in an emergency

Does your schedule allow you to attend evening meetings? yes

Does your schedule limit the days you could attend meetings? no

Additional
comments:

Jodi is doing a wonderful
job getting the City in order.
Thank you.

A copy of my Oregon Driver's License # [REDACTED] is attached

By my signature below, I certify that I meet the requirements listed below for
this vacant position. I also understand my residency may be verified

Debbie Collins

3/7/12
DATE:

REQUIREMENTS:

City Council Position:

Resident of City of Gold Beach for one year
prior to appointment

Planning Commission:

Four members must be city residents: One
member can reside within the Urban Growth
Boundary

Budget Committee:

Resident of City of Gold Beach

Promo Committee:

Two members chosen from Chamber: Two
members chosen from GB Motel Owners
Association: One member at large, directly
involved with the tourist industry and chosen
by the City Council

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 3 c.

Council Hearing Date: March 12, 2012

Department: Public Works

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Wastewater treatment plant construction update

SUMMARY AND BACKGROUND:

Public Works Superintendent, Will Newdall, will give an update on the construction progress.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- None

REQUESTED MOTION/ACTION:

None

COPY OF REPORT SENT TO:

Council and Public Works

AGENDA ITEM #9

ORDINANCES & RESOLUTIONS

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. **9 a.**

Council Hearing Date: March 12, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Resolution R1112-26 Budget Committee Appointments

SUMMARY AND BACKGROUND:

The Council adopted Resolution R1112-25 last month confirming reappointments to the Budget Committee. The wrong year was put in for expiration of terms. Most city commissions/committees have four (4) year terms. By state law, budget committee terms are for three (3) years. This resolution rescinds and replaces R1112-25 and corrects the term expiration dates.

FINANCIAL IMPACT:

None at this time.

DOCUMENTS ATTACHED:

- Resolution R1112-26, a resolution rescinding and replacing R1112-25 and confirming appointments to the budget committee and setting terms of office and a copy of R1112-25 for reference.

REQUESTED MOTION/ACTION:

A motion to approve/deny Resolution R1112-26

COPY OF REPORT SENT TO:

Council

RESOLUTION R1112-26

**A RESOLUTION RESCINDING AND REPLACING RESOLUTION
R1112-25: CONFIRMING APPOINTMENTS TO THE BUDGET
COMMITTEE AND SETTING TERMS OF OFFICE**

WHEREAS: Resolution R1112-25 was adopted February 13, 2012 which confirmed appointments to the City of Gold Beach Budget Committee and set terms of office; and

WHEREAS: Resolution R1112-25 erroneously set the new terms for four (4) years contrary to Oregon Budget law; and

WHEREAS: By Oregon law, budget committee terms shall be staggered and shall be for a period of three (3) years;

NOW, THEREFORE, BE IT RESOLVED that the Gold Beach City Council hereby rescinds Resolution R1112-25 and replaces it with this resolution and appoints:

Sandra Jill Benson to fill the vacant Position #1 on the Gold Beach Budget Committee, term to expire on December 31, 2014 and;

Kate Freedman to fill the vacant Position #4 on the Gold Beach Budget Committee, term to expire on December 31, 2014

Olivia Israel to fill the vacant Position #5 on the Gold Beach Budget Committee, term to expire on December 31, 2014 and;

Reaffirms the previous appointments of:

Position #2: Bob Derby expires December 31, 2013
Position #3: Dave Sanders expires December 31, 2013

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 12th DAY OF MARCH, 2012.

APPROVED BY:

James H. Wernicke, Mayor

ATTEST:

Candy Cronberger, City Recorder

RESOLUTION R1112-25

A RESOLUTION CONFIRMING APPOINTMENTS TO THE BUDGET COMMITTEE AND SETTING TERMS OF OFFICE

WHEREAS: The appointment and term of office procedures are set forth in the Gold Beach Administrative Code Section 1.125(2) & (3); and

WHEREAS: Three vacancies exist on the Budget Committee; and

WHEREAS: The City Council advertised for interested persons to fill the vacancies;

NOW, THEREFORE, BE IT RESOLVED that the Gold Beach City Council hereby appoints:

Sandra Jill Benson to fill the vacant Position #1 on the Gold Beach Budget Committee, term to expire on December 31, 2015 and;

Kate Freedman to fill the vacant Position #4 on the Gold Beach Budget Committee, term to expire on December 31, 2015

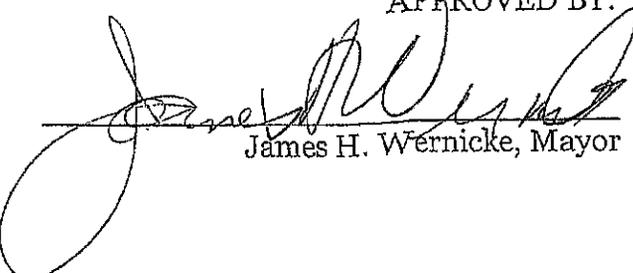
Olivia Israel to fill the vacant Position #5 on the Gold Beach Budget Committee, term to expire on December 31, 2015 and;

Reaffirms the previous appointments of:

Position #2: Bob Derby expires December 31, 2013
Position #3: Dave Sanders expires December 31, 2013

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 13th DAY OF FEBRUARY, 2012.

APPROVED BY:


James H. Wernicke, Mayor

ATTEST:


Candy Cronberger, City Recorder

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 9 b.

Council Hearing Date: March 12, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Resolution R1112-27 rescinding and replacing R1011-21

SUMMARY AND BACKGROUND:

Resolution R1011-21 authorized the City Administrator to submit a funding request to CIS insurance for specific city hall security upgrades. Proposed changes to that funding request were discussed and approved at the February 13th meeting. Resolution R1112-27 formalizes those approved changes.

FINANCIAL IMPACT:

None; the proposed work will be funded by CIS

DOCUMENTS ATTACHED:

- A copy of Resolution R1112-27: a resolution rescinding and replacing R1011-21. A copy of Resolution R1011-21 is also attached.

REQUESTED MOTION/ACTION:

A motion to approve/deny Resolution R1112-27

COPY OF REPORT SENT TO:

Council & Chief Andrews

RESOLUTION R1112-27

**A RESOLUTION RESCINDING AND REPLACING RESOLUTION
R1011-21: RISK MANAGEMENT SECURITY UPGRADES FOR CITY
HALL**

- WHEREAS:** Resolution R1011-21 was adopted January 11, 2011; and
- WHEREAS:** The resolution authorized the City Administrator to submit a funding request to City County Insurance (CIS) Services for risk management incentive funding of specific security upgrades to City Hall; and
- WHEREAS:** The specific request had not yet been submitted; and
- WHEREAS:** The Police Chief and City Administrator would like to use the incentive funding for security improvements to the public service windows of the business office and the police department office, and to purchase and install video security systems in the City Hall lobby and Council Chambers; and
- WHEREAS:** The proposed change to the funding request was discussed and approved by the City Council at the February 13, 2012, council meeting subject to preparation of a resolution.

NOW, THEREFORE, BE IT RESOLVED that the Gold Beach City Council hereby rescinds Resolution R1011-21 and replaces it with this resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 12th DAY OF MARCH, 2012.

APPROVED BY:

James H. Wernicke, Mayor

ATTEST:

Candy Cronberger, City Recorder

RESOLUTION R1011-21

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO SUBMIT
A FUNDING REQUEST TO CIS FOR CITY HALL SECURITY UPGRADES**

WHEREAS: The City of Gold Beach's insurance carrier, CityCounty Insurance Services (CIS), offers incentive funding to municipalities for risk management initiatives; and

WHEREAS: The City of Gold Beach has \$5,830 available in grant funding from CityCounty Insurance Services for risk management initiatives; and

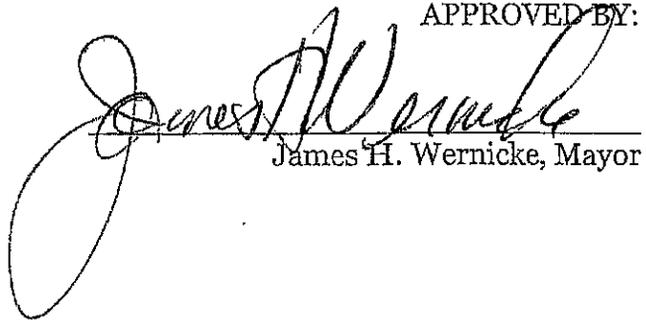
WHEREAS: City staff will expend approximately \$2,100 of these incentive funds to purchase security upgrades for City Hall including installing internal and external video and audio security systems;

WHEREAS: Enhancing security measures at City Hall reduces potential loss exposure.

NOW THEREFORE, BE IT RESOLVED: the City Council of the City of Gold Beach authorizes the City Administrator to submit a request to CityCounty Insurance Services (CIS) for funding in the amount of \$2,100 to purchase and install security upgrades for City Hall.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 11TH DAY OF JANUARY 2011.

APPROVED BY:


James H. Wernicke, Mayor

ATTEST:


Jodi Fritts, City Recorder

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. **9 c.**

Council Hearing Date: March 12, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

**TITLE: Resolution R1112-28 Planning Commission
Appointments**

SUMMARY AND BACKGROUND:

There is currently one vacancy on the Planning Commission due to position expirations on December 31st. We have had one application for appointment to the vacant position.

FINANCIAL IMPACT:

None at this time.

DOCUMENTS ATTACHED:

- Resolution R1112-28: A resolution confirming appointments to the planning commission and setting terms of office

REQUESTED MOTION/ACTION:

A motion to approve/deny Resolution R1112-28

COPY OF REPORT SENT TO:

Council

RESOLUTION R1112-28

A RESOLUTION CONFIRMING APPOINTMENTS TO THE PLANNING COMMISSION AND SETTING TERMS OF OFFICE

WHEREAS: The appointment and term of office procedures are set forth in the Gold Beach Administrative Code Section 1.120(2) & (3); and

WHEREAS: A vacancy exists on the Planning Commission; and

WHEREAS: The City Council advertised for interested persons to fill the vacancies;

NOW, THEREFORE, BE IT RESOLVED that the Gold Beach City Council hereby appoints:

Debbie Collins to fill the vacant Position #4 on the Gold Beach Planning Commission, term to expire on December 31, 2015 and;

Reaffirms the previous appointments of:

Position #1: Kate Rambo	expires December 31, 2013
Position #2: Bill Matthey	expires December 31, 2015
Position #3: Roy Lavender	expires December 31, 2013
Position #5: Brent Thompson	expires December 31, 2013

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 12TH. DAY OF MARCH 2012.

APPROVED BY:

James H. Wernicke, Mayor

ATTEST:

Candy Cronberger, City Recorder

AGENDA ITEM #10

MISC ITEMS

**INCLUDING POLICY DISCUSSIONS &
DETERMINATIONS**

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 10 a.

Council Hearing Date: March 12, 2012

Department: Fire & Administration

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Fire Truck levy expiration and continuation

SUMMARY AND BACKGROUND:

The FY 2011-2012 budget document stated the last year for contributions to the local option fire truck levy, approved by voters in November of 2004, was FY 2012-2013. When beginning preliminary annual budget process it was discovered that the last year for contributions was actually FY 2011-2012: meaning the levy expired after the collection of the November 2011 taxes.

Staff then began the process of determining whether the levy should be continued, and if so, when the process needed to be approved by the Council and then the voters. After consultation with the Fire Chief it was determined the levy needs to continue in order for the City to have adequate financial reserves to purchase a fire vehicle in another 10 years. It is important that the City maintain the current standard of fire apparatus. The quality of our equipment is directly related to our ISO (International Standards Organization) rating. ISO reports our rating to insurance carriers for determination of fire insurance premiums—if our rating is downgraded it will significantly impact the cost of insurance within our city and the fire district.

Once staff determined the need to continue the levy, we researched the election filing deadlines. Unfortunately, the time limit for including the levy on the May 15th ballot has expired. This may not necessarily be a negative.

As discussed at the March 5th meeting, the County and the School District are planning ballot measures for the May 15th election—it's possible that having our levy on the same ballot may be too much for voters to consume. The next available election date is September 18th. In order to be considered for that election, we must have completed the required preliminary work no later than July 19th. Staff recommends that the Council pursue the September election date with the following schedule:

June 11: resolution by the council to begin the ballot referral process

Week of June 11: send the draft ballot title (proposed measure) to legal counsel for review

June 18th: Post the approved ballot title to the City website and send to the Reporter for publication in the June 20th edition of the paper

June 21-June 27: Seven day appeal period

If no appeal is filed with the Circuit Court the measure will be included on the September 18th election ballot

If the voters approve the measure it should allow for inclusion in the November 2012 taxes (staff will verify with the Tax Assessor before the meeting on March 12th)

FINANCIAL IMPACT:

Significant if our ISO rating is downgraded, or if the levy is not renewed and the fire truck purchase is required to be made from regular General Fund revenue.

DOCUMENTS ATTACHED:

- Copy of the current Fire Truck Levy information and a copy of the Secretary of State City election referral process

REQUESTED MOTION/ACTION:

A motion directing staff to begin the process of ensuring the Local Option Fire Truck Levy is including on the September 18th election ballot.

COPY OF REPORT SENT TO:

Council and Fire Chief

RESOLUTION R0405-1

**A RESOLUTION OF THE CITY OF GOLD BEACH, CURRY COUNTY,
OREGON, TO SUBMIT TO THE VOTERS OF THE CITY A MEASURE
CONCERNING A SEVEN (7) YEAR CAPITAL PROJECTS LOCAL
OPTION TAX FOR A NEW FIRE TRUCK**

RECITALS:

- A. The City's 2004-05 tax base of \$ 356,651, was historically established by Constitutional limitation, and the Council has not received approval of a new tax base proposal since that time.
- B. It appears necessary to the Council of the City of Gold Beach, Oregon that a Capital Projects Local Option Tax should be established for the City in order to finance the acquisition of a new fire truck.

NOW, THEREFORE, THE CITY OF GOLD BEACH RESOLVES AS FOLLOWS:

Section One. The Measure hereinafter set forth shall be submitted to the legal voters of the City of Gold Beach, Oregon, at an election to be held on November 2, 2004 for their adoption or rejection:

**MEASURE SUBMITTED TO THE
VOTERS BY THE COUNCIL
MEASURE NO.**

SEVEN YEAR CAPITAL PROJECTS LOCAL OPTION FIRE TRUCK TAX

Shall City of Gold Beach impose \$ 40,000 per year for seven years for purchase of a fire truck beginning in 2005-06? This measure may cause property taxes to increase more than three per cent.

This measure imposes \$40,000 per year for seven years to purchase a replacement fire truck. Fire trucks average a useful life of thirty years. New fire trucks currently cost between \$300,000 and \$600,000. Purchase of the new fire truck is expected by June 30, 2012. The Gold Beach Wedderburn Rural Fire Protection District, to which the City provides fire protection services, will contribute \$91,000 to the purchase price. The total amount to be raised by this local option tax is \$280,000.

Section Two. The proposed Measure shall be placed upon the official ballot by the City Administrator. There shall be furnished to the County Clerk for Curry County a certified copy of

the ballot title for the Measure. The City Attorney shall prepare and the City Administrator shall furnish the ballot title for the Measure and direct that the County Clerk for Curry County place the Measure upon the ballot to be used at the election to be held on November 2, 2004 to be voted upon by the electors of the City.

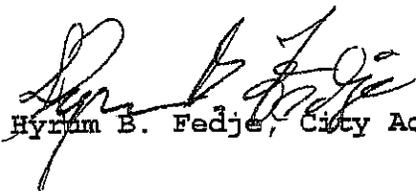
Section Three. The City Administrator is directed to give not less than ten days notice of the election by publication of one notice thereof in a newspaper published within the City.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, CURRY COUNTY, OREGON THIS 26th DAY OF JULY, 2004.



Karl Popoff, Mayor

ATTEST:



Hyrum B. Fedje, City Administrator

NOTICE OF CITY MEASURE ELECTION
CITY OF GOLD BEACH

NOTICE IS HEREBY GIVEN THAT ON NOVEMBER 2, 2004, A MEASURE ELECTION WILL BE HELD IN CURRY COUNTY, OREGON.

THE FOLLOWING SHALL BE THE BALLOT TITLE OF THE MEASURE TO BE SUBMITTED TO THE CITY'S VOTERS ON NOVEMBER 2, 2004.

CAPTION (10 words)

SEVEN YEAR CAPITAL PROJECTS LOCAL OPTION FIRE TRUCK TAX

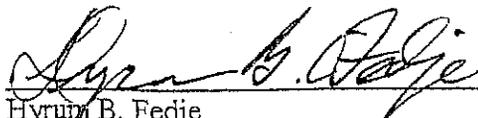
QUESTION (20 words)

Shall City impose \$40,000 for seven years for purchase of a fire truck beginning in 2005-06?

SUMMARY (175 words)

This measure imposes \$40,000 for seven years to purchase a replacement fire truck. Fire trucks average a useful life of thirty years. New fire trucks currently cost between \$300,000 and \$600,000. Purchase of the new fire truck is expected by June 30, 2012. The Gold Beach Wedderburn Rural Fire Protection District, to which the City provides fire protection services, will contribute \$91,000 to the purchase price. The total amount to be raised by this local option tax is \$280,000. This measure may cause property taxes to increase more than three per cent.

The following authorized city official hereby certifies the above ballot title is true and complete.


Hyrum B. Fedje
City Administrator

7-27-04
Date Signed

GENERAL ELECTION OFFICIAL BALLOT
CURRY COUNTY, OREGON NOVEMBER 2, 2004

SUMMARY AND FINANCIAL IMPACT STATEMENT SEE INSERT

PROPOSED TO THE PEOPLE BY THE GOVERNING BODY OF THE COUNTY BOARD OF COMMISSIONERS

MEASURE 31

AMENDS CONSTITUTION: DELETES LAW PERMITTING REMOVAL OF ELECTION FOR PUBLIC OFFICE WHEN OFFICE FOR OFFICE DIES

RESULT OF "YES" VOTE: "Yes" vote amends current law authorizing law providing that an individual public office may be removed for that office dies.

RESULT OF "NO" VOTE: "No" vote retains current law which contains no provision for removal of an election for a public office when nominee for that

YES ←
NO ←

MEASURE 32

AMENDS CONSTITUTION: DELETES PROVISION DEALING WITH FEES ON MOTOR VEHICLES.

RESULT OF "YES" VOTE: "Yes" vote allows for removal of mobile homes to be used for other uses.

RESULT OF "NO" VOTE: "No" vote retains current law of taxes and fees on mobile homes.

YES ←
NO ←

PROPOSED BY THE PEOPLE BY PETITION

MEASURE 33

AMENDS MEDICAL MARIJUANA ACT: REQUIRES MARIJUANA LICENSES FOR SUPPLYING CAREGIVERS; RAISES POSSESSION LIMIT

RESULT OF "YES" VOTE: "Yes" vote amends current Medical Marijuana Act requires creating licenses for caregivers in supply

MEASURE 35

AMENDS CONSTITUTION: LIMITS NONECONOMIC DAMAGES (DEFINED) RECOVERABLE FOR PATIENT INJURIES CAUSED BY HEALTHCARE PROVIDER'S NEGLIGENCE OR RECKLESSNESS

RESULT OF "YES" VOTE: "Yes" vote limits recovery of noneconomic damages (defined) for negligent or reckless injury to patient by healthcare provider to \$500,000 (adjusted annually for inflation).

RESULT OF "NO" VOTE: "No" vote retains current law, which places no limit on jury award of noneconomic damages (defined) for injury caused by negligence, recklessness of health care provider.

YES ←
NO ←

MEASURE 36

AMENDS CONSTITUTION: ONLY MARRIAGE BETWEEN ONE MAN AND ONE WOMAN IS VALID OR LEGALLY RECOGNIZED AS MARRIAGE

RESULT OF "YES" VOTE: "Yes" vote adds to Oregon constitution declaration of policy that only marriage between one man and one woman is valid or legally recognized as marriage.

RESULT OF "NO" VOTE: "No" vote retains existing constitution without a provision declaring that only marriage between one man and one woman is valid or legally recognized as marriage.

YES ←
NO ←

MEASURE 37

REQUIRES GOVERNMENTS MUST PAY OWNERS, OR FORGO ENFORCEMENT, WHEN CERTAIN LAND USE RESTRICTIONS REDUCE PROPERTY VALUE

RESULT OF "YES" VOTE: "Yes" vote requires that governments pay owners, or forgo enforcement by repealing, changing, not applying restrictions, when certain land use restrictions reduce owners' property value.

RESULT OF "NO" VOTE: "No" vote rejects requiring that governments pay owners or forgo enforcement by repealing, changing, not applying restrictions, when certain land use restrictions

LOCAL MEASURE

CITY OF GOLD BEACH MEASURE 08-45

SEVEN YEAR CAPITAL PROJECTS LOCAL OPTION FIRE TRUCK TAX

QUESTION: Shall City impose \$40,000 for seven years for purchase of a fire truck beginning in 2005-06?

SUMMARY: This measure imposes \$40,000 for seven years to purchase a replacement fire truck. Fire trucks average a useful life of thirty years. New fire trucks currently cost between \$300,000 and \$600,000. Purchase of the new fire truck is expected by June 30, 2012. The Gold Beach Wedderburn Rural Fire Protection District, to which the City provides fire protection services, will contribute \$91,000 to the purchase price. The total amount to be raised by this local option tax is \$280,000.

YES ←
NO ←

City Referral Process

A city referral is a resolution prepared by the city governing body to place a measure on the ballot for electors of the city to decide.



City charter or ordinance requirements do not supersede state statutes relating to the referral process. These requirements may be reviewed with the city or county elections official or the Elections Division at 503 986 1518 before filing the referral with the city elections official.

Ballot Title

ORS 250.035, 250.041, 250.275, 250.285 and 250.296

City Governing Body

A city governing body may prepare a ballot title. If the city governing body prepares the ballot title, it must comply with all statutory requirements and be filed with the city elections official.



If the ballot title does not comply with statutory requirements legal challenges to the measure could occur.

If the city governing body does not prepare its own ballot title the city elections official forwards two copies of the referral to the City Attorney for preparation of the ballot title.

City Attorney

After receiving copies of the text of the referral, the City Attorney must prepare a ballot title and file it with the city elections official. Oregon law requires that the ballot title contain the following elements:

→ a caption that does not exceed 10 words

The caption must reasonably identify the subject of the referral.

→ a question that does not exceed 20 words

The question must plainly phrase the chief purpose of the referral so that an affirmative response corresponds to a yes vote on the referral.

and

→ a summary of the referral that does not exceed 175 words

The summary shall be concise and impartial and summarize the referral and its major effect.



Preparation of Ballot Title

After receiving copies of the text of the referral, the City Attorney has 5 business days to prepare a ballot title and file it with the city elections official.



Additional ballot title requirements apply to referrals requesting a general obligation bond, a local option tax, or a permanent rate limit.



For further information you may contact the Elections Division, the county elections official, or the Oregon Department of Revenue, Property Tax Division 800 356 4222.

City Referral Process (cont.)

City Elections Official

After receiving the ballot title from the city governing body or City Attorney, the city elections official publishes notice of receipt of ballot title. The publication must include all of the following:

- a statement that the ballot title has been received
 - notice that an elector may file a petition for a review of the ballot title
 - the deadline for filing a petition for review of the ballot title with the Circuit Court
- and*
- the ballot title provided by the city governing body or the City Attorney or information on how to obtain a copy of the ballot title



Publication of Notice

A notice that the ballot title has been received must be published in the next available edition of a newspaper of general circulation in the city.

In addition, the notice may also be published on the city's web site for a minimum of seven days.

The notice must be published prior to the deadline to file a petition to review the ballot title.

- 2 If a registered voter files a petition to review a ballot title with the Circuit Court, the voter must also notify the city elections official in writing that the petition has been filed.



Petition to Review Ballot Title

The deadline to file a petition to review the ballot title is no later than the 7th business day after the ballot title is filed with the city elections official.



Notification of City Elections Official

The notice must be filed with the city elections official no later than 5pm on the first business day following the day the petition is filed with the Circuit Court.



If this notice to the city elections official is not timely filed, the petition to the Circuit Court may be dismissed.

Circuit Court

- 1 After a petition to review a ballot title is filed, the Circuit Court conducts its review. The review of the ballot title by the Circuit Court shall be the first and final review.
- 2 After reviewing the ballot title the Circuit Court renders its decision and certifies a ballot title meeting the requirements of ORS 250.035 to the city elections official.

Registered Voter

- 1 Any registered voter dissatisfied with the ballot title may petition the Circuit Court to review the ballot title issued by the city governing body or the City Attorney. The petition must name the city governing body or the City Attorney as the respondent depending upon who prepared the ballot title. The petition must state the reasons the title filed with the court is insufficient, not concise or unfair.

City Referral Process (cont.)



Petition to Review Ballot Title

The deadline to file a petition to review the ballot title is no later than the 7th business day after the ballot title is filed with the city elections official.



Notification of City Elections Official

The notice must be filed with the city elections official no later than 5pm on the first business day following the day the petition is filed with the Circuit Court.



If this notice to the city elections official is not timely filed, the petition to the Circuit Court may be dismissed.

Circuit Court

- After a petition to review a ballot title is filed, the Circuit Court conducts its review. The review of the ballot title by the Circuit Court shall be the first and final review.
- After reviewing the ballot title the Circuit Court renders its decision and certifies a ballot title meeting the requirements of ORS 250.035 to the city elections official.

Certification of Referral to Ballot *ORS 254.095*

A statement of city referrals, including final ballot titles, must be filed with the county elections official.

City Elections Official

The city elections official shall submit the final ballot title and text of the referral and certify to the county elections official on the Notice of City Measure Election (SEL 802) both of the following:

- notice was published in accordance with ORS 250.275(5)

and

- the ballot title challenge process has been completed



See form SEL 802 Notice of City Measure Election.



A city referral must be filed with the county elections official no later than the 61st day before the election in which the city governing body intends the referral to appear on the ballot. Referrals that fail at the September election may be resubmitted no later than the 47th day before the November election.

If the county prints a voters' pamphlet, the city elections official shall submit an impartial, simple and understandable statement explaining the measure and its effect.



Explanatory Statement

An explanatory statement on a city referral must be filed no later than the 61st day before the election in which the city governing body intends the referral to appear on the ballot.



The county elections official will not accept a city referral unless it is accompanied by form SEL 802 and an explanatory statement.

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 10 b.

Council Hearing Date: March 12, 2012

Department: Municipal Court &
Administration

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Alternate fine schedule for municipal code violations

SUMMARY AND BACKGROUND:

On January 1, 2012, a new statewide fine schedule went into effect for basic violations such as speeding. The fine schedule changes the way ticket revenue is distributed and could greatly impact the amount of fines the City is able to retain. Staff contacted legal counsel about the possible impacts of the changes. Lauren Sommers, our legal counsel, has provided an explanation of the changes and an opinion about an alternate fine schedule within the city limits.

FINANCIAL IMPACT:

Could be significant depending on the number of citations issued and processed by the City.

DOCUMENTS ATTACHED:

- Copy of the letter from Lauren Sommers

REQUESTED MOTION/ACTION:

A motion from the council on how to proceed/not proceed with adopting an alternate fine schedule for violations within the city limits

COPY OF REPORT SENT TO:

Council, Police Chief, Municipal Judge

Local Government Law Group ^{PC}

a member of SPEER HOYT LLC

J. Kenneth Jones*
Carolyn H. Connelly
Christy K. Monson
Ross M. Williamson*
Lauren A. Sommers
Teresa J. Wilson, *Of Counsel*
Russell D. Poppe, *Of Counsel*
John A. Wolf, *Of Counsel*
*Admitted in Washington

RECEIVED
MAR 01 2012
CITY OF GOLD BEACH

February 29, 2012

**Via Email To: jfritts@goldbeachoregon.gov and
First Class Mail**

Jodi Fritts
City Administrator
City of Gold Beach
29592 Ellensburg Avenue
Gold Beach, OR 97444

Re: HB 2712 Requirements

Dear Jodi:

You asked our office to review and outline the requirements of HB 2712 and the City's options moving forward.

The Difference between Existing Law and HB 2712

Violations of State Statutes

Currently, state law requires a calculation to determine the base fine for violation offenses. The base fine consists of a foundation amount, a unitary assessment, an offense surcharge and a county assessment.

Minimum, Maximum and Presumptive Fines

For all violation offenses committed on or after January 1, 2012, HB 2712 eliminates the base fine calculation and sets specific minimum, maximum and presumptive fines for classified violations (Class A, B, C and D), as well as for many specific fine violations. The presumptive fine is not the maximum fine a court can impose, it is the fine amount that the defendant can pay to resolve the violation without having to do anything else, unless the defendant is required to appear by law or by the court. ORS 153.061 as

amended by Or Laws 2011, c 597, §25. The court can impose a higher fine, up to the maximum allowed by statute, if the court (or the law) requires the defendant to appear.

NEW HB 2712 FINE AMOUNTS

Type of Violation	Presumptive Fine	Presumptive Fine for highway work zones, school zones and safety corridors	Minimum Fine	Maximum Fine
Class A	\$435	\$870	\$220	\$2,000
Class B	\$260	\$520	\$130	\$1,000
Class C	\$160	\$320	\$80	\$500
Class D	\$110	\$220	\$60	\$250
Specific Fine Violation	1) The amount specified by statute; or 2) The greater of: a) 20% of the maximum fine for the violation; or b) the minimum fine for the violation.	Twice the amount of the presumptive fine for the specific fine violation.	Not less than 20% of the presumptive fine for the specific fine violation, unless otherwise provided by law.	\$2,000 or the maximum amount otherwise established by law for the specific fine violation.

Or Laws 2011, c 597, §§2, 3, and 4; ORS 153.018 as amended by Or Laws 2011, c 597, §7.

A new fine schedule incorporating the HB 2712 changes has been published by the Office of the State Court Administrator and is available at [http://www.ojd.state.or.us/web/ojdpublishations.nsf/Files/11eMM003sh.pdf/\\$File/11eMM003sh.pdf](http://www.ojd.state.or.us/web/ojdpublishations.nsf/Files/11eMM003sh.pdf/$File/11eMM003sh.pdf). I have also enclosed a copy of the new state fine schedule with this letter for your convenience. You will note that the new fine schedule is much smaller than previous Base Fine Schedules because many of the offenses that were separately listed in previous fine schedules have been reclassified, eliminating the need for separate listing.

Replacement Fine

In addition, for all violation offenses committed on or after January 1, 2012, HB 2712 eliminates the various assessment components previously included in the base fine calculation (the unitary assessment, offense surcharge, and county assessment) and replaces them all with a single Replacement Fine. The amount of the Replacement Fine is either: 1) \$60; or 2) the amount of the fine if the fine is less than \$60. Or Laws 2011, c 597, §6b. Municipal courts are required to remit Replacement Fines to the Department of Revenue not later than the last day of the month following the month in which a payment on a judgment is received by the court. Or Laws 2011, c 597, §50.

Parking Violations

Under current law, parking violations are specifically exempt from the unitary assessment. ORS 137.290(1). Based on information from the League of Oregon Cities, it appears that the intent of the drafters of HB 2712 was to continue to exempt parking violations from the Replacement Fine. However, HB 2712 completely repealed ORS 137.290 (the statute exempting parking violations from the unitary assessment), and unfortunately did not adopt new language exempting parking violations from the Replacement Fine.

As written, it appears that under HB 2712, parking violations committed on or after January 1, 2012, are subject to the Replacement Fine. As noted above, the amount of the Replacement Fine is \$60 or the amount of the fine if the fine is less than \$60. Parking fines are generally less than \$60, which means that in most cases HB 2712 would require the City to remit the entire amount of the parking fine to the Department of Revenue.

It is our understanding that the Legislature intends to adopt a bill clearly exempting parking violations from the Replacement Fine in the 2012 special session. However, until that bill takes effect, HB 2712 is the law, and cities are required to apply the Replacement Fine to parking violations. We suggest that the City create a separate account to hold the parking Replacement Fines, so that those monies are segregated and can easily be transferred to the Department of Revenue if that becomes necessary or reabsorbed by the City if the Legislature exempts parking violations from the Replacement Fine. I reviewed the Legislature's website this morning and it appears that two bills exist which would exempt parking fees from the Replacement Fine. One of the bills appears to be dead in committee, but the other may still be adopted before the Legislature adjourns. I know the League has been tracking this matter and I am sure they will let cities know if and/or when the bill is adopted.

Replacement Fines only apply to violations committed on or after January 1, 2012. Further, Replacement Fines are not required to be transferred to the Department of Revenue until the last day of the month following the month in which the fines are

received by the municipal court. For this reason, the first batch of Replacement Fines is not due to the Department of Revenue until the end of February, 2012. The 2012 Special Legislative Session begins on February 1, 2012, and the target date for sine die is February 29, 2012. Given this timeline, hopefully the Legislature will address parking violations and make these changes effective prior to the date Replacement Fines must be transferred to the State.

Violations of City Ordinances

ORS 153.025 and City Ordinance Violations

ORS 153.025, as amended by Or Laws 2011, c 597, §111, specifically provides that cities are not required to use the violation classifications created by statute (Class A, B, C, D), or the presumptive fines established by HB 2712, for violations of the cities' own ordinances. ORS 153.025 allows cities to set higher or lower presumptive fines for violations of city ordinances than the presumptive fines imposed by statute. In addition, if a city does not use violation classifications it will not be bound to the minimum and maximum fines attached to those classifications. However, cities are bound by the decisions of the Oregon courts declaring that where the same conduct gives rise to both a statutory violation and a city ordinance violation, neither the minimum nor the maximum fine for violation of the city ordinance can exceed the minimum or maximum fines for violation of the comparable state statute. *City of Portland v. Dollarhide*, 300 Or 490 (1986).

X As we discussed on the phone, relying on ORS 153.025, the City of Eugene has adopted its own fine schedule, rather than relying on the schedule created by the State Court Administrator. In addition, the City of Eugene has adopted the State Traffic Code by ordinance so that violation of the State Traffic Code within Eugene city limits also constitutes a violation of city ordinances. The City of Eugene also adopted ORS Chapter 153 (the violations chapter), except for the provisions setting minimum fines and base fine requirements. Eugene then adopted its own Base Fine Schedule, including higher base fine amounts than the amounts that would be arrived at using the statutory calculation. Gold Beach could do the same thing.

Gold Beach has similarly adopted the State Traffic Code (as well as other statutory violations) by ordinance so that violation of the State Traffic Code within the Gold Beach limits also constitutes a violation of city ordinances. In addition, Gold Beach has adopted ORS Chapter 153. Adopting its own fine schedule gives the City more discretion, allowing the City to set presumptive fines for violations of city ordinances, including violations of the State Traffic Code (as adopted by ordinance), at a level that would allow the City to make money, rather than lose money (or at least hold itself harmless) from the Replacement Fine. The only limitation is that, where the same conduct gives rise to both a statutory violation and a city ordinance violation, the City

ordinance minimum and maximum fines cannot exceed the minimum or maximum fine for the comparable state statute.

As an example, the City adopted the state traffic code in section 6.050 of the Gold Beach Traffic Code. The Traffic Code provides that violation of the State Traffic Code constitutes an offense against the City. Therefore, violation of the State Traffic Code within the City constitutes violation of the city code. Because the City adopted the State Traffic Code, the same conduct (for example, speeding), violates both state statute and city ordinance. In that case, the minimum and maximum fines for violation of the city ordinance cannot exceed the minimum and maximum fines for violation of the comparable state statute. However, the City's presumptive fine CAN exceed the presumptive fine set by statute for the violation. This allows the City to adopt its own fine schedule which sets presumptive fines higher than those set by statute.

Replacement Fine

There appears to be some question as to whether the Replacement Fine applies to city ordinance violations. According to the League of Oregon Cities, the intent of the Legislature was not to apply the Replacement Fine to city ordinance violations. However, as written, HB 2712 appears to apply the Replacement Fine to ALL violations, including violations of city ordinances. The League appears to be hopeful that the Legislature will clarify the situation in the upcoming 2012 Special Session, but unlike parking fees (discussed in more detail above), there does not appear to be universal agreement that city ordinance violations should be exempt from the Replacement Fine. As of this morning, the bill exempting city ordinances from the Replacement Fine appears to be dead in committee. However, since the City is not bound by the statutory presumptive fine amounts, the City arguably can set presumptive fines for city ordinance violations at a level that holds the City harmless from the Replacement Fine. As discussed in more detail above with regard to parking violations, we recommend that the City create a separate fund to segregate the Replacement Fines for violations of city ordinances until the Legislature clarifies whether the Replacement Fine is applicable to city ordinance violations.

Recommendations

 If the City wants to adopt its own Fine Schedule, we recommend amending the City Code to adopt the most recent version of the State Traffic Code and other state statutory violations. You will also need to continue readopting the Code each time the state statutes are amended in the future (which probably means an amendment following each legislative session). Although the City's Code currently adopts entire ORS chapters by reference, the Oregon courts have declared that cities cannot preemptively adopt future statutory amendments, so a court would look at the year the City Code section was last amended and presume that the City had adopted the statutes in effect at that time. In order to ensure that the City has adopted the most

Jodi Fritts, City Administrator
City of Gold Beach
February 29, 2012
Page 6 of 6

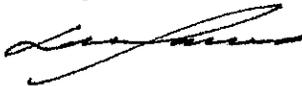
current version of the State Traffic Code (and other statutory violations language), the City will need to readopt it after each legislative session. In addition, the City should readopt ORS Chapter 153 as amended by HB 2712, with the exception of the presumptive fine statute.

Regarding the Replacement Fine, for the moment, the safest course is for the City to assume that the Replacement Fine applies to parking violations and city ordinance violations. To address this, as noted above, we recommend that the City segregate the Replacement Fines for offenses committed on or after January 1, 2012, in a separate account. These funds can be transferred to the Department of Revenue if required, or if the Legislature clarifies that the Replacement Fine does not apply, re-absorbed back into the appropriate city fund.

* A word of caution. It is our understanding that most cities have not adopted their own fine schedule for violations where fines are set by statute. Obviously, if all cities adopted state law violations as city ordinance violations and set their own fine schedules, fines for the same conduct could be strikingly different in different cities. The state goals of HB 2712 include uniformity and ease of administration. Although we believe that ORS 153.025 currently allows the City to adopt state law violations as city ordinance violations and set its own fine schedule, there is some risk that if many cities do the same, the Legislature will choose to close that loophole. This is not to say that the City should not adopt its own fine schedule. In fact, adopting its own fine schedule could be a good fiscal decision for the City. However, it will also entail a fair amount of work as the fine schedule will need to be created and then amended after every legislative session. There is also the possibility (albeit a small one) that the Legislature could prohibit cities from adopting their own fine schedules in the future.

Please let me know if you have questions or concerns about any of this. I would be happy to meet with you, the Mayor and/or the Municipal Court Judge to discuss this in more detail if you think it would be helpful.

Sincerely,



Lauren Sommers
lauren@speerhovt.com

LAS:cc

Enclosure

2012 "SCHEDULE OF FINES" ON VIOLATIONS (SOF-12)

**PRESUMPTIVE, MINIMUM, AND MAXIMUM AMOUNTS
FOR VIOLATION OFFENSES IN OREGON**

EFFECTIVE JANUARY 1, 2012

Office of the State Court Administrator
Oregon Judicial Department

ABOUT THE SCHEDULE

Effective Date: Oregon Laws 2011, chapter 597 (HB 2712), eliminated the complex structure of calculated "base fines" on violations in favor of explicit "presumptive fines" for classified violations and many unclassified "specific fine violations." The law also set new minimum and maximum fines on violations. The new presumptive fines and minimum and maximum fine amounts apply to offenses committed on or after January 1, 2012.

Effective January 1, 2012, this "schedule of fines" (SOF-12) supersedes MBFS-11 and all previous fine schedules and summaries for violations committed on or after that date.

Purposes: The Office of the State Court Administrator is publishing SOF-12 as a helpful guide for courts and law enforcement. The schedule is not a substitute for reading the actual law. The legislature may adopt changes in 2012 to clarify some provisions passed in 2011; we will update this schedule as needed.

SOF-12 provides summarized information on

- the amount a citing enforcement officer must enter on the citation in the place designated for "presumptive fine" when charging a person with a violation offense under state law, regardless of the court the officer cites the person to appear in, and
- minimum and maximum amounts courts can impose on conviction.

The presumptive fine is not the maximum fine a court can impose. It is the fine amount the defendant can pay to resolve the violation offense without having to do anything else, unless the law or the court requires the defendant to appear. (See ORS 153.061 as amended by Or Laws 2011, c 597, §25.) The court can impose a higher fine, up to the maximum statutory sanction, if the law or the court requires the defendant to appear.

Offenses Included: SOF-12 includes amounts for Class A, B, C, and D violations and common "specific fine violations." Many offenses separately listed in MBFS-11 and prior schedules are not separately listed in SOF-12 because various changes in 2011 reclassified offenses and removed offense-specific provisions, eliminating the need for separate listing.

What Presumptive Fines Are Not/Do Not Do: The presumptive fines listed in SOF-12

- are not bail, security-release amounts, or security-release deposit amounts; they do not affect security-release procedures under ORS 135.265;
- do not include any moneys for restitution or costs; and
- do not apply to misdemeanors or felonies.

Where to Find Schedules: SOF-12 and earlier schedules are posted in PDF on the Oregon Judicial Department's website -- www.courts.oregon.gov/OJD.

- Click on **Materials & Resources**.
- Click on the **Court Rules** tab.
- Using the drop-down menu under "Complete List of Rules," select **Fines on Violations**.
- Click on **Go**.

(a)	(b)	(c)	(d)	(e)
2012 Schedule of Fines on Violations	Presumptive Fine	Minimum Fine	Maximum Fine (Individuals)	Maximum Fine (Corporations)
Standard				
(1) Class A violation	\$435	\$220	\$2,000	\$4,000
(2) Class B violation	\$260	\$130	\$1,000	\$2,000
(3) Class C violation	\$160	\$80	\$500	\$1,000
(4) Class D violation	\$110	\$60	\$250	\$500
Traffic Violation in Special Zone				
(5) Class A violation	\$870	\$220	\$2,000	\$4,000
(6) Class B violation	\$520	\$130	\$1,000	\$2,000
(7) Class C violation, speed only	\$320	\$80	\$500	\$1,000
(8) Class D violation, speed only	\$220	\$60	\$250	\$500
Drugs and Alcohol				
(9) <u>A Viol.</u> OLCC licensee furnishing alcohol to a minor, 471.410(6), <u>first offense</u>	\$435	\$220	\$2,000	\$4,000
(10) <u>SF Viol.</u> OLCC licensee furnishing alcohol to a minor, 471.410(6), <u>second offense</u> (third or subsequent is a Class A misd.)	\$860	\$172	\$2,000	\$2,000
(11) <u>A Viol.</u> Allow minor to consume alcohol on property, 471.410(9), <u>first offense</u>	\$435	\$220	\$2,000	\$4,000
(12) <u>SF Viol.</u> Allow minor to consume alcohol on property, 471.410(9), <u>second or subsequent offense</u>	\$1,000	\$200	\$2,000	\$2,000
(13) <u>SF Viol.</u> Delivery of less than 5 grams of marijuana for no consideration, 475.860(3)(b), (within 1000 ft. of a school is a Class C misd.)	\$650	\$130	\$2,000	\$2,000
(14) <u>SF Viol.</u> Possession of less than an ounce of marijuana, 475.864(3) (within 1000 ft. of school is a Class C misd.)	\$650	\$130	\$2,000	\$2,000
(15) <u>SF Traffic Viol.</u> Refusal to take test for Intoxicants, 813.095	\$650	\$130	\$2,000	\$2,000
Special Traffic Violations				
(16) <u>SF Traffic Viol.</u> Speeding 100 mph or greater, 811.109(5)	\$1,150	\$230	\$2,000	\$2,000
(17) <u>A Viol.</u> Careless driving, injury or death of vulnerable user, 811.135(3)	N/A must appear	N/A	\$12,500	\$12,500
(18) <u>SF Traffic Viol.</u> Unlawful parking in a winter recreation parking area, 811.590	\$30	\$6	\$2,000	\$2,000
(19) <u>SF Traffic Viol.</u> Bicycle helmet, 814.485 and 814.486	\$25	\$5	\$2,000	\$2,000
(20) <u>SF Traffic Viol.</u> Motor-assisted scooter helmet, 814.534 and 814.536	\$25	\$5	\$2,000	\$2,000
(21) <u>SF Traffic Viol.</u> Skateboarder, scooter rider, in-line skater helmet, 814.600	\$25	\$5	\$2,000	\$2,000

(a)	(b)	(c)	(d)	(e)
2012 Schedule of Fines on Violations	Presumptive Fine	Minimum Fine	Maximum Fine (Individuals)	Maximum Fine (Corporations)
Overweight--Schedule I				
(22) 1,000 or less	\$100	\$20	\$2,000	\$2,000
(23) 1,001 - 2,000	\$150	\$30	\$2,000	\$2,000
(24) 2,001 - 3,000	\$200	\$40	\$2,000	\$2,000
(25) 3,001 - 5,000	\$300	\$60	\$2,000	\$2,000
(26) 5,001 - 7,500	(a) * 0.15	(b) * 0.20	\$2,000	\$2,000
(27) 7,501 - 10,000	(a) * 0.16	(b) * 0.20	\$2,000	\$2,000
(28) 10,001 - 12,500	(a) * 0.20	(b) * 0.20	amt in (b)	amt in (b)
(29) 12,501 and over	(a) * 0.24	(b) * 0.20	amt in (b)	amt in (b)
Overweight--Schedule II				
(30) 100 - 5,000	\$200 + (a) * 0.10	(b) * 0.20	\$2,000	\$2,000
(31) 5,001 - 10,000	\$350 + (a) * 0.15	(b) * 0.20	\$2,000	\$2,000
(32) 10,001 - and over	\$600 + (a) * 0.30	(b) * 0.20	amt in (b)	amt in (b)
Overweight--Schedule III				
(33) 100 - 5,000	\$200 + (a) * 0.15	(b) * 0.20	\$2,000	\$2,000
(34) 5,001 - 8,250	\$350 + (a) * 0.20	(b) * 0.20	\$2,000	\$2,000
(35) 8,251 - 10,000	\$350 + (a) * 0.20	(b) * 0.20	amt in (b)	amt in (b)
(36) 10,001 - and over (Class C misd.)	N/A	N/A	N/A	N/A
Miscellaneous Other Violations				
(37) <u>SF Viol.</u> Scrap metal business violation, 165.107, <u>first through third offense</u>	\$1,000	\$200	\$2,000	\$2,000
(38) <u>SF Viol.</u> Scrap metal business violation, 165.107, <u>fourth or subsequent offense</u>	\$5,000	\$1,000	\$5,000	\$5,000
(39) <u>SF Viol.</u> Unlawful air pollution in the second degree, 468.936	\$5,000	\$1,000	\$25,000	\$25,000
(40) <u>D Viol.</u> Operating manually propelled boat w/o aquatic invasive species permit, 830.565	\$30	\$30	\$250	\$500
(41) <u>D Viol.</u> Operating motor boat w/o aquatic invasive species permit, 830.565	\$50	\$50	\$250	\$500

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**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 10 c.

Council Hearing Date: March 12, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Business Plan Review

SUMMARY AND BACKGROUND:

The Council held a special meeting March 5th to review and update the adopted city Business Plan. The proposed changes have been made and are ready for review.

FINANCIAL IMPACT:

None at this time but the plan contains financial goals and policies

DOCUMENTS ATTACHED:

- Draft of the proposed changes/amendments to the city Business Plan.

REQUESTED MOTION/ACTION:

Review the draft changes/amendments and suggest corrections. A resolution will be prepared for the April meeting to adopt the approved changes/amendments.

COPY OF REPORT SENT TO:

Council & Department Heads

City of Gold Beach Business Plan

REVISED MARCH 2012

Goals & Objectives	Priority/Action Items	Responsible Party	Target
GOAL 1: Achieve Fiscal Sustainability			
<ul style="list-style-type: none"> • Sufficient revenue to sustain City services at appropriate levels. • Provide competitive employee compensation. • Balanced revenue system that recognizes demands on City services by residents, businesses and visitors. • Stable, effective and accountable management. • Include sustainability considerations in purchasing decisions. • Encourage new private investment in the City. • Expedite implementation of approved development plans. 	1	CA	ONGOING
	2	CA/CC	09/2010 03/2013
	3	CA	06/2011 ONGOING
	4	CA	09/2010 COMPLETED
	5	CA	12/2010 03/2013
	6	CA/PWS	April annually ODD YEARS
	7	CA	April annually
	8	CA	ONGOING
	9	CA	11/2010 REVISIT 11/2013
	10	PWS	ONGOING
GOAL 2: Enhance Quality of Life in Gold Beach			
<ul style="list-style-type: none"> • Enhance opportunities for social interaction among citizens of the community. • Encourage the development of recreational activities and community events that benefit all ages. 	1	CC	07/2010- 05/2011 REVISIT
	2	CA/CC	07/2010- 05/2011 ONGOING
	3	CC	08/2010 REVISIT 2015

KEY:

CC = City Council
FC = Fire Chief

CA = City Administrator

PC = Police Chief

PWS = Public Works Superintendent

City of Gold Beach Business Plan

REVISED MARCH 2012

Goals & Objectives	Priority/Action Items	Responsible Party	Target	
<ul style="list-style-type: none"> Promote and assist in developing educational opportunities. 	4	Pursue opportunities to enhance education outreach and workforce/VOCATIONAL training programs for Gold Beach residents.	CA Ongoing	
	5	Provide community events and activity schedule	CA ONGOING	
	6	Update and maintain park facilities	PWS ONGOING	
	GOAL 3: Improve Internal Systems			
	Positive workplace environment and employee morale.			
	Assure internal consistency and efficiency.			
Excellent customer service.				
1	Conduct quarterly workshops AS PART OF REGULAR COUNCIL MEETINGS to review progress on goals. SCHEDULE JANUARY: Review Goals 1 & 2 APRIL: Review Goals 3 & 4 JULY: Review Goals 5 & 6 SEPTEMBER: Review Goals 7 & 8	CA/CC	10/2010 ONGOING	
2	Review and update administrative policies and procedures. COMPLETED REVIEW AT SAME TIME AS TEAMSTERS CONTRACT AND SALARY STUDY	CA/CC	09/2010 EVERY 3 RD YEAR 2013	
3	Review and update personnel policies and procedures. COMPLETED REVIEW AT SAME TIME AS TEAMSTERS CONTRACT AND SALARY STUDY	CA/CC	08/2010	
4	Complete public works standards and specifications for new plant.	PWS	09/2010 ONGOING	
5	Regularly review and update organizational chart.	CA	Ongoing	
6	Review and update Municipal Code.	CC	Ongoing	
7	Integrate infrastructure data into GIS.	PWS/FC/PC	06/2011 ONGOING	
8	Computerize, catalog and back-up City records	CA	06/2011 12/2012 THEN ONGOING	

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City of Gold Beach Business Plan

REVISED MARCH 2012

Goals & Objectives	Priority/Action Items	Responsible Party	Target
GOAL 4: A Safe Community Adequately staffed, equipped and housed police and fire departments. Maintain streets in a safe/serviceable condition. Provide clean drinking water and compliant wastewater treatment. Improve personal/family preparedness.	9	CA	10/2010 ONGOING
	10	CA	09/2010 ONGOING
	1	PC	07/2013 ONGOING
	2	CA	07/2015
	3	PWS/CA	05/2011 CHECK
	4	CA	07/2010 ONGOING
	5	CA/CC	09/2010 ONGOING
	6	CA/PWS	07/2010 ONGOING
	7	CA/PWS	07/2010 ONGOING
	GOAL 5: Complete Capital Projects and Identify Future Capital Needs		
Complete approved capital projects in a timely and cost efficient manner. Provide infrastructure to support economic growth.	1	PWS/CA	03/2013 07/2013
	2	PWS	06/2011 COMPLETED
	3	CA/PWS	11/2011 ONGOING
	4	CA/CC	07/2011 ONGOING
	5	PWS	07/2011 CHECK

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City of Gold Beach Business Plan

REVISED MARCH 2012

Goals & Objectives	Priority/Action Items	Responsible Party	Target
	6	CA/PWS	Ongoing
GOAL 6: Influence Economic Growth			
Establish development policies and public improvements/standards that recognize economic trends. Secure needed resources. Establish policy that City is pro-growth.	1	CC	01/2011 SUMMER 2012
	2	CC	09/2010 AGENCY FORMED 07/2010
	3	CA	Ongoing
	4	PWS/CA	07/2011 ONGOING
	5	CA/ PLANNING COMM	05/2011 ONGOING
GOAL 7: Effective Intergovernmental Relations			
Influence regional, state, national policy on issues important to achieving City goals. Secure grant funding. Efficient use of City resources. Orderly urban growth. Achieve City goals through strategic partnerships.	1	CA/CC	Ongoing
	2	CA/CC	Ongoing
	3	CA/CC	Ongoing

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City of Gold Beach Business Plan

REVISED MARCH 2012

Goals & Objectives	Priority/Action Items	Responsible Party	Target	
GOAL 8: Update City Planning				
Become more proactive in planning activities	1	Update the current city sign code and incorporate it into the zoning ordinance	CA/CC	05/2011 12/2012
		Develop general zoning standards for "hot button" topics such as: <ul style="list-style-type: none"> • Homeless shelters • Wind turbines • No pornography near schools • Credit for on-street parking and parking in general • Viewscope/viewshed protection standards • Height limits – generally • Maximum/minimum setbacks in commercial and high density residential zones • Affordable housing 	ASD/CC	03/2012
	2	Investigate the ODOF Safe Routes to School program for possible grant opportunities for the library sidewalk and other pedestrian/bike path projects.	CA	11/2010 ONGOING
	3	Update the land division code	CA/CC	06/2012 06/2013
	4	Formulate site review/site design standards for building permit and land use applications. This would include landscaping requirements OPEN SPACE OPTIONS.	CA/CC	07/2011 06/2013
	5	Triage the current Comprehensive Plan and begin the process of updating the chapters (current comp plan circa 1984).	CA/CC	04/2011 12/2012
6				

KEY:

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**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. **10 d.**

Council Hearing Date: March 12, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Annual Verified Statement of Economic Interest (SEI)

SUMMARY AND BACKGROUND:

The annual Verified Statement of Economic Interest (SEI) documents will be mailed out by the state on March 15th.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- Copy of information about SEI forms from the Government Ethics Commission.

REQUESTED MOTION/ACTION:

No action required: information only

COPY OF REPORT SENT TO:

Council

STATEMENT OF ECONOMIC INTEREST INFO

Thank you to everyone for returning your Public Official Lists. As we roll into SEI season, I have outlined below some reminders that will help things run more smoothly.

- The Annual Verified Statement of Economic Interest (SEI) is scheduled to be mailed out on March 15, 2012.
- If you have any changes to your Public Official List between now and April 15th, please send me an email with the information so we can take appropriate action. If a Public Official notifies the Oregon Government Ethics Commission (Commission) that they have left their position prior to April 15th, the Commission will need written confirmation from you before we will remove them from our database.
- A sample SEI form is available on our website. That form is for **reference purposes only**. Please remind your Public Officials that Sample Forms will not be accepted as filings. If a duplicate form is needed, please contact this office and a Commission staff member can email, fax, or mail a duplicate form.
- We encourage all Public Officials to keep a copy of their SEI in case we do not receive the original.
- The two primary reasons SEI's are returned to the Public Official for additional information is that the signature or Sources of Income spaces are left blank. (The Income question does not relate only to the public position they hold, but must consider all sources of household income. Please refer to the definition of income on page 3 of the SEI form. Only sources are to be listed, not amounts.)
- Please emphasize to your Public Officials the importance of filing the forms timely as penalties for late filings may apply.

We will be here to support you and your Public Officials throughout this process so please call or email us at any time.

Thanks!

Amber Carson
Administrative Specialist
Government Ethics Commission
3218 Pringle Rd SE, Suite 220
Salem, OR 97302
Phone: 503.378.5105
Fax: 503.373.1456
Website: www.oregon.gov/ogec

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 10 e.

Council Hearing Date: March 12, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Discussion on possible regulation/prohibition of mobile vendors

SUMMARY AND BACKGROUND:

Staff was asked by a citizen to discuss with the Council possibly prohibiting or regulating mobile vendors—specifically food vendors—within the city limits.

FINANCIAL IMPACT:

None at this time

DOCUMENTS ATTACHED:

- None at this time

REQUESTED MOTION/ACTION:

Discussion item only at this time.

COPY OF REPORT SENT TO:

Council

