



MINUTES
April 8, 2013
City Council Meeting

Note: These minutes are a near-verbatim transcript of the meeting.

Call to order: Time: 6:30 pm

1. The pledge of allegiance

2. Roll Call:

	Present	Absent
Mayor Karl Popoff	X	
Council Position #1 Jeff Crook		Resigned
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 Vacant		

3. Special Orders of Business:

a. WWTP Project Update-Public Works Super, Will Newdall

Public Works Superintendent, Will Newdall, updated the Council on the WWTP project.

Mayor Karl Popoff: Any questions for Will. There were none.

Mayor thanked Councilor Jeff Crook for the service he rendered to the City and wished him the best.

b. Proclamation for Mayors Day of Recognition for National Service

Mayor read Proclamation into record and Proclaimed April 9th the Day of Recognition for National Service. See attached.

4. Consent Calendar

None scheduled

There were no consent calendar items scheduled.

5. Citizens Comments

As presented to the Mayor at the beginning of the meeting

Brent Thompson, 29509 Crook St, Gold Beach & member of the planning commission. Recently we had a public hearing on the Sign Code and at that meeting we had no public there. With a goal of citizen involvement my suggestion is that we pay for local advertisement to get this issue out. I have some examples of notices to solicit and elicit comments from people. Even if we have to pay to get our public meetings into the newspaper the more exposure we have the more citizen involvement we will have and more help with the issues. The City of Gold Beach policy manual section 102 on Information and Communication Systems seems to be missing newspaper and newsletters. I think that we

am hoping to hear back from them before our next meeting. So, second reading is tabled until next month.

c. *Resolution R1213-10 OPRD grant application for skatepark*

Fritts; This topic has been around for several years. We discussed last Fall about applying for a grant through Parks & Recreation. They will only grant money to governmental agencies. We have entered into an agreement, or will if they agree to the terms of it, with the skate park group. OPRD require that we retain ownership interest for a 25 year period in anything that they help us build. The grant has to be turned in next week and part of the grant package is a resolution in their format that the governing body is agreeable to the grant program.

Mayor: Has everyone had a chance to read the Resolution? Any comments?

Councilor Kaufman: Why did we decide to go with a lease and not ownership or was that not offered? At one time the City wanted nothing to do with the skate park, and I think that that has changed.

Fritts; Yes, we did talk to the skate park. Understandably so, they are a little gun shy about dealing with the City. While they are thrilled that we are willing to help they are a little bit concerned. They were not willing to sign the property over. They were not opposed to the lease agreement because there is an out for both sides in this agreement. It may be that we may not get the grant. If the grant is not awarded, the lease goes away for the purpose of this grant.

MOTION: Councilor Larry Brennan made a motion to approve Resolution R1213-10, a resolution authorizing the City Administrator to apply for a local government grant from OPRD for completion of the Bullfrog Skate Park. Councilor Tamie Kaufman seconded the motion.

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

Record of Vote	Ayes	Nays	Abstain
Council Position #1 VACANT			
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			

Fritts: Thank you very much. I will keep the council informed on the status of this grant application.

10. *Miscellaneous Items (including policy discussions and determinations)*
 - a. *Direction on security for the fair*

Mayor: Fair security was at one time the Sheriff's Posse, then we had the City Police to help with the traffic control and the parade. So, what I understand now is that they want to use our Police force exclusively?

Fritts: That is how it has been for the past several years. We have to add officers to cover just for the Fair. The Port and Public Works helps with the fair parade and we feel it is a public service that we need to offer. But, as for the security from 10 am-10pm we have to have an officer there the whole time. We need guidance from the Council as to how much security do you want us to provide. This issue flares up every year, then dies down after the fair. We would like a policy decision as to what level of security you want us to provide to them.

Mayor: Chief Dixon, please give us your input as to what direction you would like this to go. You are the one who is handling this.

Chief Dixon Andrews: A little history, in talking with PJ, my predecessor, when he came here fair security was the City doing it with help from the Sheriff's office and other agencies. He would meet with the Chiefs and Sheriff monthly and would emphasize that it is a County Fair so let's all of us who live in the County step up and share equally in the security for the fair. In my tenure, each year fewer and fewer agencies have stepped up until recently it has fallen to us exclusively.

Every year Ron Crook from the fair board will contact me to arrange security for them and I will go to the Chiefs meetings and everyone agrees that they will take a day each so all the days are covered. As it turns out, something comes up for those other agencies and then we lose coverage and the City has to cover those days at the fair. Each year we have fewer and fewer agencies helping.

It is my understanding that the Fair Board used to pay the Sheriff's Posse, but when they quit paying, the Sheriff's Posse stopped covering security because they were doing it as a fund raiser for the Posse. So, now it falls to us. Jodi and I have contacted other county fairgrounds to see how they provide security and found that County Fairs are normally held on county property and that jurisdiction falls to the Sheriffs. If the county fair is held within the city limits, but is on a piece of property that the county owns, so the City derives no tax income from it then it still falls to the Sheriffs. Of the Cities that provide security, such as Redmond, they are contracted and paid by the Fair Board. We have been doing this for free while a private security company gets paid to keep guard at night. So, we would like to get some direction on this.

Mayor: To begin with, if there is an emergency you would have to leave to go to it anyway.

Councilor Brennan: From where I am from, Arizona, if you needed security it was not for free. Someone is paying these officers time and a half. The officers who are off are welcome to work for the fairgrounds. I just don't see us as a city offering our officers to work for nothing because we are paying them if the fair doesn't. If we have an officer off that weekend and the fair wants to pay them I am fine with that.

Councilor Brice Gregory: And to add to that it is not just that they have our officers for free, but the fair brings in an influx of people who are not normally here. They are mostly at the fair, but they are also out and about in town. So, our officers need to be in town making sure it is safe first.

Councilor Brand: Where I am from we had a fee schedule set up for off-time work that was on a voluntary basis. If you wanted to work a bank you were paid so much, if you wanted to work a basketball game you were paid so much. We could do the same thing here, if the officer is off and wants to work, fine, but they get paid for it.

Mayor: This has been my experience as well when I was in law enforcement in Columbia, S.C. The off duty officers who worked were paid by the entity that needed the protection. Any other comments on this? What direction does the council want to go on this?

Councilor Brand: I think we should advise the Fair Board to budget the cost of security and when fair time comes around they can contact the Chief and he can contact the officers and schedule volunteers to cover the times with the understanding that they will be paid.

Councilor Brennan: If they can pay for nighttime coverage, why can't they pay for daytime security coverage?

Councilor Kaufman: Is there a difference between police patrol and security at the fair?

Chief Andrews: Not really in that venue. We are there as a presence to deter crime. There are always a few calls, thefts, lost child. We do leave to cover city calls if we need to.

Fritts: But, their (the fair) expectation is that we are there the whole time.

Chief: Correct

Councilor Kaufman: When I was a kid and the Sheriff's Posse did it, they had a uniform, did not carry a gun, but were there as a presence. Seems to me that security should be a little lesser level than our police officers.

Mayor: You run into a little bit of a problem with that as to how far security can go without going over the line. So liability plays into this too. Personally, if we have off duty officers that want to earn a little extra money, then great. If we don't, then we offer the regular service that we do and if a call comes in for a police officer then they leave. Otherwise, the Fair Board can pay for security if they want security. Our first responsibility is to our City.

Chief Andrews: They have been getting our services for free. I am assuming the fair is a for-profit venture. My thought is that they should hire private security. If there is a police issue they can call 911 and we will respond as fast as we can. Unless we are being reimbursed for our time, then we should not be just sitting out there and not patrolling our town.

Councilor Brand: The Fair has not received monetary gain from the county since 1997, so they are a money making entity. They do have to watch their purse strings. Everything they

get from the fair goes back into buildings and maintenance. That is where they generate their money correct?

County Commissioner Susan Brown: (from the audience) They don't break even. The county waves a lot of fees for them in administrative services. The county picks up about \$20,000 in payroll because the fair cannot support that.

Mayor: Is the council ready to give the CA direction on this as to how you want to proceed? Do you want to do that tonight?

Councilor Brand: If county is going to look at the budget on Wednesday I think we ought to do something tonight. I would like to see a fee schedule set up for our off duty officers to work at fair.

Fritts: We can do that.

Chief Andrews: You can't force someone to work the fair on their off-time. What I would like is a contract for 20 hours so I can schedule off-duty officers who want to work for a fee and then detail someone on duty to backfill coverage if necessary.

Councilor Brand: I don't know how you would do it, but we had an officer under the Sheriff's department who would put into a book all the events that needed coverage and then try to fill them. But, we knew what we were getting paid before we signed up.

Councilor Kaufman: Do we have a large enough force to do that? Sometimes you have a hard time just covering the week, don't you?

Chief Andrews: Yes, Friday night is typically our biggest night for people. Wednesday nights we have the most people on swing shift. Compared to Thursday, Friday, Saturday, Sunday what we are shorter on day shift, so I would have to bring someone in on overtime or I work it myself.

Councilor Kaufman: I don't think you are understanding my question. They are suggesting we set up a fee schedule and I am asking if we really have officers rested enough to do that.

Chief Andrews: Yes, I have people that are on their days off.

Fritts: It would be overtime and that is the problem for us. .

Councilor Kaufman: They are willing to work, have the energy to work, we don't have the money to pay them.

Fritts: We have been paying them, but that whole week is overtime for us.

Councilor Gregory: It costs the City money for the County Fair to be in town.

Mayor: I think what Doug is suggesting is that the County offer up the money. In other words, figure out what the going rate would be for an officer to work 8 hours and then the

Fair would pay that wage, we wouldn't have to. Then, if an officer was available, fine, if not, perhaps a Brookings officer might want to work.

Councilor Kaufman: I'm looking at it from a risk management standpoint. The more your employees work the more likely they are to have an injury, the more likely to make a mistake the more tired they are. Those kinds of things.

Councilor Brennan: If the City says we will do it, then the officers don't have a choice, they have to work.

Councilor Gregory: Is this the only event throughout the year that puts this kind of strain on our force, right?

Chief Andrews: Yes, pretty much.

Councilor Gregory: What if we just said to the County Fair that they need to hire an external entity to come in to work the fair. Or would you be willing to work something out with all the police entities throughout the County to present to the Fair the wages of having police coverage.

Chief Andrews: I'm sure if it is fair to compare the cost of wages for police from the various cities or hiring a private security like the do for night shift, the cost of the private entity is much less. Even if they choose to pay for law enforcement, if we get a city call, we leave.

Councilor Gregory: It used to be that the whole county would help. If it were to be a county wide effort again, would you provide coverage for your portion?

Fritts: I am not opposed to that. If the other agencies would agree to that provided that the Fair would not say, "Well, Brookings did not show up, so we need you to show up" If we say we are available for day 2 of the fair, we will cover it—you need to figure out the rest of the time.

Councilor Gregory: Yes, put it all back on the Fair to make their own arrangements. We will commit to our piece of the county fair security, but not be responsible for all the other entities in the county.

Chief Andrews: That is the scenario I attempted to orchestrate this last year. I even offered to take Saturday which is the biggest day of the fair. With the exception of two reserves, a trooper walking through on one day and a deputy walking through on another day, that was it.

Fritts: Maybe that is what we should do, say to the County Fair the City of Gold Beach will cover Saturday, the fair and fair parade. The Fair Board needs to figure out the rest of the days.

Mayor: I agree with that too. Right now we don't have the law enforcement available to us. At one time we have the Sheriffs Deputies to help arrange the cones and assist with the

parade. It seems to me Chief that the Fair needs to be responsible for their own security and our police would be available to them as you normally would be anyway.

Councilor Kaufman: *To Fritts:* are you looking for a motion?

Fritts: I think we are just looking for direction. Chief, if you are ok with us saying we will cover Saturday and then you (Fair Board) need to figure out Thursday, Friday and Sunday because it just keeps falling back to us and we can't accommodate you.

Councilor Kaufman: The Fairgrounds can get in writing who has agreed to show up.

Mayor: The only thing we will be worried about is Saturday.

Fritts: Saturday we will cover the fairgrounds and the parade and it is up to the Fair Board to figure out and cover the rest of the days. If they cannot find people they can hire security or make other arrangements. We have always been their fall back and we can't do that. We will always respond to 911 regardless of the day.

Councilor Brand: So, we are going to do this for free?

Mayor: Yes, we have been doing this for years for free.

Fritts: For that one day, I'm willing to do that. We are part of the county and I think we should do our fair share. I'm not opposed to that but the whole—4 days we are stuck with it if one of the other agencies doesn't show up-- that I don't like. It puts a strain on us because we can't plan for it. If Brookings says they are going to be there and then doesn't show up we now have to call in additional officers on OT--we are not going to do that anymore. If we pick a day—Saturday—then we know we need additional staff and we can plan for it.

Councilor Brennan: And we pretty much do that anyway because of the parade right?

Councilor Gregory: *To the Chief*—is that something you can live with?

Chief Andrews: Yes, I can live with anything. I think everyone should step up and participate. It is a county fair, every entity should be involved. But, I don't think it should be on us every year to help the fair figure out what they have for security. I think this is a good first step toward them doing that. We are taking the biggest day of the fair with the parade, we've got it covered, we've done it before, and we know the drill. The rest of the days should be easy for the fair board to schedule coverage.

Fritts: I think that shows that, yes the fair is in the city limits and we are willing to take the biggest day.

Mayor: Yes, I think we are doing our share. I'm good with that. Anything further?

Councilor Kaufman asked the Mayor if they could take a brief break
10 minute break

Mayor: We didn't take the whole 10 minutes but we are going to reconvene at 7:35pm

b. Request from the City of Brookings regarding County financial crisis

Mayor: We have Commissioner Susan Brown here and hope to be able to direct questions to her.

Commissioner Brown: Yes, I have all the information here with me.

Mayor: CA would you give us a little bit of background on this please.

Fritts: For that past couple of months the three City Managers and three Mayors of Gold Beach, Brookings, and Port Orford have been meeting to talk about the County's financial situation as it would relate to the Cities. There are certain things that would have a huge impact on our communities. If the jail went away, if we don't have patrol deputies what would that mean for the urban growth area for people who think they are in the City but are not.

The last couple of meetings we've had, Brookings has taken the lead and put forth some ideas that I don't know that I am totally comfortable with. If the roles were reversed and the county came to us and said "I've just rewritten your charter and here it is" I don't think we would like that. So, I think we need discuss with the county what we can do to help, but I am not comfortable with telling the county what to do.

I don't know if that was what Brookings intended by they have requested that the City sign on to their plan and make a motion endorsing it. That is up to you (the council) and Mayor Popoff to decide if that is how the City wants to proceed. I don't feel that that is an administrative duty. I feel that that is a legislative policy decision if you choose to go with the ideas Brookings has come up with.

Mayor: I don't feel comfortable with that either. We are at a crisis, something has to be done. Whatever we can do as a City to help you, super. We are all in this together.

Councilor Brennan: Susan, what is the county's reaction to this whole proposal from the City of Brookings.

Commissioner Brown: I can't speak for the other two commissioners, but I don't think they are pleased with the dialogue from the cities. They would prefer that the cities get on board with the levy that was proposed by the commissioners and support that fully. I think Brookings intentions when it started to look at some alternatives, that the levy was not the only option. We had another meeting Friday where we worked out six alternatives for funding scenarios that would take the place of this levy. It is a tax measure, but it is a tax measure that takes into consideration real numbers in the county.

Fritts: So, the six that you sent to me today you had discussed with him?

Commissioner Brown: Yes, that is what we discussed on Friday. A lot of those alternate plans came from numbers that we came up with on Friday. I think that the City of Brookings does understand that our county is in a real crisis, but that this proposed levy is too much for

our citizens to bear at this point. I am in agreement with that. That is why I am glad we got to go over these numbers on Friday.

The current levy proposition is asking for 4.5 million additional dollars from the tax payers. The \$1.97 to the county and \$1.84 to the city. Their claim is that the city uses 38% of the services; the county uses 62% of the services. But the tax rate is only 7% difference as opposed to the 24% difference in actual services. So, that was where I had my first issue.

The county also has \$1.5 billion dollars in assessed value; the three cities combined only have just under one billion dollars. So, the cities already have less assessed value that they are going to be taxed on, that is why they are getting that higher rate. So, it is worth having that rate looked at. Fortunately, it is put in simple figures so the city folks are paying as much as the county essentially for services.

It is only a five year levy and it does not offer any long term solution to the county's problems. It still leaves the general fund for the county in trouble because it does not take the Sheriff, DA, or Juvenile off the general fund. So if these agencies do go over their budget it comes out of the general fund.

This past week we've had our budget meetings and we have already seen two of our public safety departments go over budget with the levy and still need more money from the general fund. And that is with the \$4.5 million dollars. So, they are asking for more than they need. We in Curry County are in a position that we can only pay for what is essential. We don't want to fill Christmas stockings. We want to provide services at an adequate level until we can figure out some permanent funding source for the County. So, that has been my stance on this. Let's look at what the tax payers can bear and look at only what we need to ask for, not what we want to ask for--which is very different. The public safety departments have been surviving on about \$3.6 million dollars for the last several years. So, this \$4.5 million is already an increase over what the county has been using to sustain services.

Alternative #1-Taking out the \$810 thousand extra dollars that the levy had added in above what we are doing right now. So it changes the levy numbers to \$1.93 and \$0.92 in the city respectively.

Alternative #2-Along with alternative #1, removing the communication towers expenses because a lot of that is paid for under Title III county roads department and has been taken over by them. So that changes the numbers to county \$1.86, city \$0.85. You can see already how we are getting lower and more reasonable.

Alternative #3-Staying with existing staffing levels in Public Safety departments. The current levy is recommending hiring more people in Juvenile, DA, and Deputies amounting to 10-12 additional personnel. Maintaining current staffing levels brings the numbers to \$1.44 county, \$0.92 city. These are estimates, but we are getting closer on these two numbers.

Alternative #4-The county does not have a transient lodging tax, the three cities do. We talked about we can implement a transient lodging tax in all unincorporated areas but get an executive order or get it legislated so that we could use 100% of those funds in the general fund to back fill into the general fund for, say five years, before it goes to its intended use for promotions. So, that would take about \$600 thousand dollars into the county for public safety. Then we are looking at \$1.52 county, \$0.92 city.

Alternative #5-If we could only get 30% of the transient lodging tax it would take those numbers to \$1.80 county, \$0.92 city.

Alternative #6-Applying all the deductions above (1-5) the numbers come to \$1.37 county, \$0.85 city. So, we are proposing a three year levy so that we have time to form this into a permanent taxing district. This would still provide the same level of service that the county has been using over the past five years at \$3.6 million dollars. And, the county also gets in about \$1.7 million dollars annually from Federal monies, State money, fees, and contracts which will continue to come in. So, now we are looking at about a \$5.2 million budget with that State and Federal money.

So, these are the six alternatives we have laid out to give us time to look at something more permanent and reasonable for the tax payer. I am looking at this hopefully, from a tax payer point of view.

Councilor Brennan: Do you have time before the levy to do this?

Fritts: No, this would have to be on the November ballot.

Mayor: So, we are still looking at a time issue.

Commissioner Brown: The County has funding until May 2014, so we are looking at six months that we would have to look for some gap funding. If it is the transient lodging tax that would go into effect immediately. Do we look at some TANs (tax anticipation notes), do we look at borrowing from the road funds and pay it back in the next fiscal year. If we can find a solution that will be permanent I think it is worth working towards.

Councilor Brand: Last year I believe I was told that the TOT tax would amount to \$230 thousand for the County.

Commissioner Brown: At 30%, with 70% going to tourism. Sure. But, if we could get the whole amount, 100%, to come into the general fund for a while it would be between \$600-\$700 hundred thousand.

Councilor Brand: Didn't the legislature in 2011 change the numbers to 304 something 511?

Fritts: There were some larger communities who were trying to change the ratio specifically for law enforcement.

Commissioner Brown: We don't know if it will work, but we think it would be worth the approach to the Governors' office. I don't think the state even wants to come in and do this.

Fritts: I think the idea was to do it for fiscally distressed counties, not that just anybody could do it. This it would be a special law for counties like Curry.

Commissioner Brown: Right, such as the bill several years ago that allowed to take from the road fund and not have to pay it back if you were a fiscally distressed county. We fell into one of those.

Mayor: I am a little confused Commissioner. Initially, the county was going to be out of money in July. Then, I heard from you, March. And now I have just heard from you again, May.

Commissioner Brown: May is the actual burn down day. The county will always have a little over \$2 million dollars every year just in its own resources that come in. So, we still collect our own taxes, we still have our OLCC, we get that every year. As well as the franchise, O&C funding, the Title III. This year we still have reserves, fund carryover that is going to be left over from this year going into next year.

Right now we have about \$5.2 million dollars projected and that will take us through the next year. Depending on how we spend, it could take us through May or it could take us through March. So the projections are fuzzy. If anything major happens that money will get spent faster. If this levy fails and we are going to try for something in November. This might be the time to look at relook at tightening up to make that money last a little bit longer until we can get something going. The county is not out of money July 1. We still have our income that comes in annually.

Mayor: What I was referring to was concerning the law enforcement. Didn't the Sheriff mention that he was going to quit in July because there would be no real funding for the Sheriff's Department to operate effectively past that time? I have not talked with him personally, this is what I have heard. Do you have any information on that.

Commissioner Brown: No, because it is contingent on funding for the next fiscal year. There has been a lot of scare tactics that were focused on July 1. I think that the Sheriff, at the last budget workshop, understood that July 1 we are not out of money. We still have our reserves. I know the Pilot carried the story that he might be next after we saw Under-Sheriff Rector's resignation. I think John Bishop is dedicated to Curry County. He has been here a long time. I think he could get on with this levy and we could give him some stable funding, he would be in good shape.

The other alternative, there is the September special election that has been budgeted for in the County. This could be something that we could get on that election then it would hit the time for taxes, would hit tax cycle. I think that is a June deadline to get it on for September. So, this is something else we could present to the public. This is why it is important to get the cities onboard. This is good for your citizens as well as the counties. With the cities and the county behind it we could do this.

Councilor Brand: What happened to the obvious long term solution of 1% or 2% sales tax? That is easy except for the 5% that has been in the papers squawking about this.

Commissioner Brown: Another thing we are looking at are the recommendations from previous citizens committees such as the sales tax. None of those ideas were fully vetted and this is a good time to look at those before we put it to a vote.

Councilor Brand: And what kind of monies will the 1% or 2% sales tax generate?

Commissioner Brown: That is what we need to look at--sales. The amount of money that comes through Curry County yearly. Some of those numbers are staggering. How do we capture those? Can we capture those? We need to get everyone involved to figure this out. It is all of our homes, county. A quick plug - We are going to meet here this Wednesday at 6pm and every other week. It is just a group of citizens that want to work on these issues for the county. We invite everyone to get involved.

Councilor Brand: I know as a business, I would have no problem with a 1% or 2% sales tax.

Councilor Gregory: I'm sure you have heard this, have we completely exhausted all options for O&C, timberland or funds? If they won't pay us, why can't we go after the land? It seems like we are spending an awful lot of time on taxes to the general public. Why can't we use the land we don't have access to tax?

Commissioner Brown: This is always the big question. For years people have been trying to figure out how that happens. I think Rocky is still working on it and the senators are working on this and if it happens that will be wonderful. But, it is still years in the making. Any plan they have will be delayed, looked at and will take years to get an answer on. We cannot rely on it. We have to look at what we can do now.

Councilor Brand: We have one of our state senators sitting on the budget committee for natural resources. He sits on the committee for us, but voted for \$4 billion dollars for Egypt. I can't see that he is working for us.

Commissioner Brown: I can't get into national politics because we could be here all night.

Councilor Kaufman: Did any of the persons from Brookings that voted on the original proposal come tonight?

Fritts: The proposal in the packet? No. Their manager, Gary Milliman, at our last meeting on Thursday, brought the packet from their previous Monday's meeting and asked that I give it to you to review. They have "Invited the City Council of the cities of Gold Beach and Port Orford to join with the City council of the City of Brookings in offering a proposal for addressing the current Curry County financial crisis and charting a course for long-term management stability of our County government." So, yes they did. The City of Brookings hired their City Attorney to write a draft charter for the County. Which I find odd.

Commissioner Brown: We have our citizens group working on that. I hope I have answered some of the questions that you've had.

Fritts: It helped a lot Susan, thank you.

Councilor Kaufman: Perhaps you could clarify: one of the things in the Brookings proposal was to merge our 911 with Brookings 911. If I recall from an earlier conversation where the Sheriff spoke, part of the jail coverage that they consider a minimum thing is that 911 dispatcher covers the jail. So, if we remove that dispatcher to Brookings then we have not enough coverage for the jail.

Commissioner Brown: You are correct. Our 911 dispatchers are also certified for the jail. It is a matter of looking at the 911 fees which apparently the Commissioners some time ago allocated over to Brookings. So, this is being looked into and we will just have to wait to see what happens with that.

Fritts: The other issue too is that in order for Brookings to be able to dispatch the other cities officers they will have to use the repeaters that are owned by the county. So, there would have to be some kind of co-operative agreement to allow that to happen. I am not opposed to a one 911 center in the county. Years ago I worked for the Sheriff's office and I think that two centers are redundant. But, we need to figure out how all that is going to get fleshed out before we say here is the answer. There are pros and cons to both sides. Brookings has the newer facility, but we have the whole jail situation, the towers are owned by the county. I think that is going to be a more long term discussion rather than a short term one.

Commissioner Brown: This is why it is so important to have everyone at the table when we are making these decisions. County or not, this will affect everyone.

Mayor: If any of these have any chance of passing in September or November I think the cities and county will need to work in unison to put forth something that is factual that the people can easily understand. We have heard in the past that people are concerned that if they pass one levy that in the next month their home taxes will be quadrupled. But, the way things have been going, the people have been given nothing concrete to understand the dire straits we are in.

Commissioner Brown: We need to do a much better job of marketing.

Mayor: Yes, a much better job of marketing in letting people know exactly what the truth is about all of this.

Commissioner Brown: Marketing should not be about what the Sheriff or DA or Juvenile needs it should be about what the taxpayer needs and is willing to bear. It should all be about the taxpayer. The taxpayer needs to have someone watching out for their money to see that what they are working for is being spent correctly.

Councilor Gregory: Currently that is not the consensus that is out there. The consensus is that the county has been squandering the tax payer's money. This is not my feeling, but the public consensus is that the county has been squandering their money and are not willing to give their money to this.

Commissioner Brown: I have been very frustrated through this process sifting through the budgets, the exercise of putting them through with some passing. They are adding money into departments that have nothing to do with law enforcement. And then the Board of Commissioners all of a sudden has an extra \$100 thousand dollars. They have departments that are hiring and beefing up. What worries me about that is not the perception of the public, but that we are exploiting the county. This is a five year levy; we are hiring all these folks, then in five years say we are out of money again and lay those people off. Why would we do that? We need to stay skinny until we work our way to where we can afford to hire. I

am very concerned that these things come off the taxpayers back and it shouldn't be that way. We need to be more responsible.

Mayor: Couldn't we have something that didn't require five years? Perhaps three years?

Commissioner Brown: Yes, these alternatives we worked on were for a three year levy so that we can then meld it into a permanent solution. We keep the rates low enough we can ramp up slowly. When we have folks here whose average wage is \$30 thousand dollars, the average home assessed value is \$168 thousand. We are not a rich county. The folks who live in the city, their tax rate is going to go up over five dollars per thousand. How many folks can afford that.

Councilor Gregory: They are worried about losing their homes and putting food on their table.

Councilor Kaufman: I just have one more question. One of the things I keep hearing is that the courthouse is in the Tsunami inundation zone. I don't believe that is 100% accurate. It is in the earthquake portion if we have the sudden earthquake. But, when they redid the numbers and changed it then it was put into the zone that if you feel the earthquake you need to get out of there. But it is not in the part that the Tsunami waves are coming from Japan zone. I don't think people understand that. Pelican Bay is built in the Tsunami zone and the guards are told to lockdown and leave.

Mayor: If that jail was in the Tsunami zone, which it was not on the original draft, where was 911 moved? To the basement.

Councilor Kaufman: Most of our buildings won't be here. I think it is a moot point and no sense discussing moving the building somewhere else.

Mayor: Anyone else have any questions for the Commissioner? None. We want to thank you for coming here tonight. So council, what do we want to do with this?

Councilor Kaufman: I don't want to vote for it.

Fritts: I have been going to the meetings that Susan has been talking about and I will continue to go to those meetings. So, how about if I keep you informed about what it going on and as we get closer to the levy we can discuss it. I don't think we need to make a decision tonight.

Mayor: I don't think we need to make a decision tonight either. Whatever we do we are going to have to work in unison with everyone. We are going to have to come up with something that makes us all as happy as we can be. It will require compromise, but we must be in unison.

Fritts: I think that is a good thing Mayor. We want to work cooperatively with Brookings and Port Orford, but we are not ready to commit to anything just yet.

Councilor Gregory: Have we heard anything from Port Orford on this at all? Do we have any idea where they stand on any of this?

Mayor: Port Orford is standing pretty much in Brookings camp.

Fritts: They have some minor disagreements, but mostly stand with Brookings. They are meeting in the next week or two so we can see what Port Orford is going to do. I think that we should say that the city is trying to help come up with a solution and that means working with everyone. I am not ready to pass a resolution or motion like they are asking for. I don't feel I have enough information to feel good about that.

Councilor Kaufman: I think I will begin attending the Wednesday meetings.

Fritts: There are about 20 people in a broad range of ages. Susan, is there anyone from Brookings on the GRR committee?

Commissioner Brown: Yes, we have several people from Brookings.

Mayor: One thing I did like on that committee was the rule. Immediately they segmented different assignments on interests and where volunteers wanted to work. Jodi volunteered for a couple of them. This committee I think might be a little different.

Fritts: They are working from the document that was created last year and I attended a few of those meetings. Those people worked really hard so this new committee has some of the people from the former committee. They are committed to fleshing out some of those ideas that came up. I would feel better if we observe and participate a little more in what they are doing. See what we can do to help them.

Councilor Kaufman: I think tomorrow Commissioner Smith is speaking at the Chamber lunch and I think he may have a different opinion than Commissioner Brown.

Fritts: Susan will be there also.

Councilor Kaufman: We want people working together, not fighting.

Fritts: So far Brookings has put forth what they feel are good ideas that they want us to sign on to. I don't think they are bad ideas, I just don't think they are really good ideas.

Mayor: I don't want to take over the county. We are going to have to come up with something that we can all work together on. Whatever takes place it will affect all of us. It is a general consensus to wait on this.

Fritts: Yes, we are willing to cooperate, but we are not ready to take an official position yet.

Mayor: Any other comments on this subject? None

c. Upcoming meetings and trainings

Fritts: Chamber luncheon tomorrow, all three commissioners will be there. They usually have a good lunch there, so come on down.

Urban renewal - Tomorrow is the first official showing of the plan to the Planning Commission. On the 17th I will be presenting the plan to the County Commissioners as a requirement of the Urban Renewal ORS. They do not need to agree or disagree, we are just required to present it to them. Monday, 22nd is our meeting to formally present the plan to the council.

Budget - This week the first Budget Meeting, Thursday, April 11th, 6:30pm per the published notice here in the City Hall. We have another meeting scheduled for the 18th if we need it.

Travel Oregon – Rural Tourism Studio-we will talk about this a little bit at the Chamber luncheon tomorrow. Travel Oregon has chosen the Southcoast (Brookings to Bandon) as the recipient of the Rural Tourism Studio program. This is a special program only available in rural areas to help communities with tourism economic development. The kickoff meeting for this will be May 6th. There will be more information coming about this. I'm excited about this.

11. City Administrator's Report
Will be presented at meeting

CA Fritts presented her Administrator's report on activities of the past month. A copy of the report is attached to these minutes.

12. Mayor and Council Member Comments

a. *Mayor Karl Popoff:* Nothing

b. *Councilors*

1) *Vacant*

2) *Larry Brennan:* Nothing

3) *Brice Gregory:* Nothing

4) *Doug Brand:* The numbers from March Visitor Center, February's numbers were 12,700 dollars. \$23,000 dollars is awesome. That is money that is spent in our town. A lovely young lady came into our store and left me with some words of wisdom "Without change there would be no butterflies."

5) *Tamie Kaufman:* Are we supposed to be here for the meeting tomorrow night?

Fritts: No, it is not a requirement.

Councilor Kaufman: I understand the Port had some issues with the urban renewal plan?

Fritts: Yes, I did contact them with no response. The paper reported that they had some concerns. In our meeting on February 26th Elaine, our Urban Renewal Contractor, said that she had some concerns because no other cities have done this before. I told her that I felt that it is important to meet individually with the taxing districts because we have never had Urban Renewal and I want to make sure they totally understand what we are doing and it is not the City trying to tell them what to do.

We got a list from the Elections office of all the people on all of the districts in our city and I mailed an invitation to their home address so they would have it inviting them to the February open house. Elaine did her Power Point Urban Renewal 101 presentation. The only people who showed up were the Library. They had a lot of questions, but they had some input that we actually put into the plan. That was the purpose of the meeting--to get input from the districts. The library said one of the things they have been putting money aside for is to put a community center on the western portion of their parcel. This is exactly what Urban Renewal can help with.

So, I called the Port and invited them to tomorrow's meeting. I hope they come. The questions the paper reported they had would have been answered at that meeting if they had come.

Councilor Kaufman: We heard earlier in this meeting about getting citizen involvement, but you actually sent a personal letter to a large segment of people and only a handful of people showed up?

Fritts: And I sent a follow-up letter saying "Wish you had come to the meeting, here is what we talked about". Debbie was there because she is a Planning Committee member. A gentleman from the Cemetery District was on the Library board and was representing both.

Councilor Kaufman – It takes a lot to get people to show up.

13. Citizens Comments

As presented to the Mayor at the beginning of the meeting

14. Executive Session

None scheduled

The next scheduled meeting of the Gold Beach City Council is Monday, April 22, 2013, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

MOTION: Councilor Larry Brennan made the motion to adjourn. Councilor Brice Gregory seconded the motion.

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

Record of Vote	Ayes	Nays	Abstain
Council Position #1 VACANT			
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: 8:30 pm

ATTACHMENT TO MINUTES FOR APRIL 8, 2013

ORIGINAL COUNCIL AGENDA PACKET



AGENDA
April 8, 2013, 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 Karl Popoff		
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 Vacant		

3. Special Orders of Business: (pages 4-11)

- a. WWTP Project Update-Public Works Super, Will Newdall
- b. Proclamation for Mayors Day of Recognition for National Service

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 (pages 12-16)

- a. Perry & Irene Smith—request for backyard chickens
 Staff request for clarification on R1213-02

8. Public Contracts and Purchasing

None scheduled

9. Ordinances & Resolutions (pages 17-39)

- a. First Reading: Ordinance 646 LS Networks Franchise
- b. Second Reading: Ordinance 647 FOG amendment to Utility Code
- c. Resolution R1213-10 OPRD grant application for skatepark

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)**
(pages 40-110)
 - a. Direction on security for the fair
 - b. Request from the City of Brookings regarding County financial crisis
 - c. Upcoming meetings and trainings

11. **City Administrator's Report**
Will be presented at meeting

12. **Mayor and Council Member Comments**
 - a. Mayor Karl Popoff
 - b. Councilors
 - 1) Jeff Crook
 - 2) Larry Brennan
 - 3) Brice Gregory
 - 4) Doug Brand
 - 5) Tamie Kaufman
 - c. Student Liaison, Vacant

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

14. **Executive Session**
None scheduled

The next scheduled meeting of the Gold Beach City Council is Monday, May 13, 2013, 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

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



TABLE OF CONTENTS

Agenda Item	Page
Agenda	
Table of Contents	3
3. Special Orders of Business	4-11
7. Citizen Requested Agenda Item	12-16
9. Ordinances & Resolutions	17-39
a. First Reading Ordinance No. 646 LS Networks Franchise	18-31
b. Second Reading FOG ordinance	32-35
c. Resolution R1213-10 OPRD grant application	36-39
10. Misc. Items-including policy discussions and determinations	40-110
a. Direction on security for fair	41
b. Request from the City of Brookings	42-107
c. Upcoming meetings and trainings	108-110



SPECIAL ORDERS OF BUSINESS

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 3 b.

Council Hearing Date: April 8, 2013

TITLE: Proclamation Mayors Day of Recognition for National Service

SUMMARY AND BACKGROUND:

Curry County Retired Seniors Volunteer Program (RSVP) will receive a Senior Corps grant from the Corporation for National and Community Service this year. April 9th has been declared the National Mayors Day of Recognition for National Service. The CNCS has requested that the City participate in this national day of recognition.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- Proclamation, CNCS information, and RSVP information

REQUESTED MOTION/ACTION:

The Mayor will read the proclamation

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council, Vickie McGuiness-RSVP Director



Mayors Day of Recognition **for National Service**

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and

WHEREAS, national service participants serve in more than 70,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and,

WHEREAS, AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with mayors across the country to support the Mayors Day of Recognition for National Service on April 9, 2013.

THEREFORE, BE IT RESOLVED that I, Karl Popoff, Mayor of Gold Beach, do hereby proclaim April 9, 2013, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our city, to thank those who serve; and to find ways to give back to their communities.

Dated this 8th day April, 2013

Karl Popoff, Mayor

RECEIVED

FEB 28 2013

MAYORS DAY OF RECOGNITION FOR NATIONAL SERVICE CITY OF GOLD BEACH

Dear Mayor **Karl Popoff**:

Recently, the U.S. Conference of Mayors and the Corporation for National and Community Service announced the first ever **Mayors Day of Recognition for National Service** to be held on April 9, 2013. The goals of this day are to highlight the impact of national service and thank individuals serving in AmeriCorps and Senior Corps programs across the country. Full details about the Day of Recognition can be found in the attached press release.

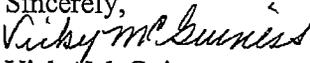
In **Gold Beach** we actively engage national service members and volunteers in efforts to address important community needs. Notable contributions made by national service volunteers and members locally include:

- ✓ 138 of national service volunteers serving in city (Senior Corps)
- ✓ 20 partner agencies supporting services of volunteers stations/sites

We hope you will consider joining mayors nationwide in celebrating the Mayors Day of Recognition for National Service. Registration is easy and can be done online by going to the www.nationalservice.gov/mayorsforservice link on the press release and clicking on the "Sign Up Today!" button.

Naturally, we are excited about this opportunity to shine a spotlight on the value of national service in Gold Beach and stand ready to work with you in your efforts to participate in the inaugural Mayors Day of Recognition for National Service.

For more details or to sign on, please contact my office or the Corporation for National and Community Service Oregon State Program Director Amy Daily 503-326-3304, adailey@cns.gov

Sincerely,

Vicky McGuinness
RSVP Director

February 20, 2013

The Honorable Karl Popoff
Mayor of Gold Beach
Gold Beach, OR 97444

Dear Mayor Popoff,

I am pleased to inform you that the Corporation for National and Community Service (CNCS) has awarded a 2013 Senior Corps RSVP grant to one or more organizations in your city. These grants are the result of the Fiscal Year 2013 Senior Corps RSVP Competition. A brief summary of each grant awarded in your city, including local contact information for the grantee, is attached.

Established in 1971 and now one of the largest senior volunteer organizations in the nation, Senior Corps RSVP taps the skills, talents, and experience of thousands of Americans age 55 and older. In 2009, Congress passed the Serve America Act, the most sweeping expansion of national service in a generation. This landmark law provided for the competition of the Senior Corps RSVP program beginning in 2013. In this competition, CNCS funded Senior Corps RSVP projects that support volunteers 55 years and older serving in a diverse range of activities that meet specific local and community needs and respond to National Performance Measures.

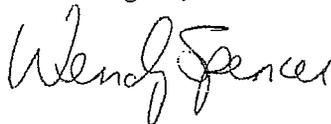
These new grants will build on the impact of the Senior Corps RSVP program. In FY 2012, for example, more than 320,600 volunteers:

- Delivered more than 47 million hours of service in their communities;
- Served in more than 38,000 community organizations, called volunteer stations;
- Served 563,200 veterans;
- Mentored more than 82,590 children;
- Provided independent living support to 742,800 adults, primarily frail seniors;
- And provided respite services to nearly 24,000 family or informal caregivers.

In a time of growing social and economic challenges, national service is a critical and cost-effective method to engage America's citizens in solving problems in their communities. Our agency seeks to expand opportunities for Americans of all ages and make service a transformative experience for all who serve and for the communities that they support.

I welcome the opportunity to discuss national service with you at your convenience. Please do not hesitate to contact me or Kimberly L. Allman, Acting Director of Government Relations, at (202) 606-6707.

Warmest regards,



Wendy Spencer
Chief Executive Officer

Senior Corps 2013 RSVP Grants

Project Sponsor: Curry County Board of Commissioners
94235 Moore Street, Suite 213
Gold Beach, OR 97444-0746

Contact: David Itzen
itzend@co.curry.or.us

Project Name: Curry County RSVP

Service Area: Curry County Oregon; Brookings/Harbor, Gold Beach, Port Orford/Langlois.

Estimated volunteers: 285 pending final FY 2013 appropriation

CNCS Award Amount: Up to \$38,406 pending final FY 2013 appropriation

Grant Type: New RSVP grants - funds will support RSVP projects in established geographic service areas that were competed per the Serve America Act beginning in 2013. These competitive grants ensure investment in quality programming within communities across the country

Program Primary Focus Area: **Healthy Futures**
Grants will meet health needs within communities including access to care, aging in place, and addressing childhood obesity. Grant activities will:

- Increase seniors' ability to remain in their own homes with the same or improved quality of life for as long as possible;
- Increase physical activity and improve nutrition in youth with the purpose of reducing childhood obesity and increasing access to nutritious food, and
- Improve access to primary and preventive health care for communities served by CNCS-supported programs (access to health care).

For Immediate Release
Thursday, January 17, 2013

Contact: Sandy Scott, CNCS, 202-355-2173, pressoffice@cns.gov
Mark McDonald, City of Philadelphia, 215-686-6210, press@phila.gov

Mayor Nutter Announces Mayors Day of Recognition for National Service on April 9

More than 75 mayors already signed on to recognize impact of national service

(Washington DC.) – Mayors across the country will participate in a national day of recognition this April 9 to highlight the impact of national service in their cities and thank individuals who serve, Philadelphia Mayor Michael A. Nutter, President of the U.S. Conference of Mayors, announced today at the group’s annual winter meeting.

As part of his president’s report, Mayor Nutter told the assembled mayors that more than 75 of their colleagues across the country have already signed onto the effort, the first-ever Mayors Day of Recognition for National Service.

“National service is a vital resource for America’s cities,” said Mayor Nutter. “By unleashing the power of citizens, AmeriCorps and Senior Corps programs have a positive and lasting impact – making our cities better places to live. I invite mayors across the country to join me on this day to thank those who serve and recognize the passion, idealism and cost-effective problem-solving that comes from national service programs in our cities.”

The initiative will be led by U.S. Conference of Mayors President Michael Nutter, the Corporation for National and Community Service (CNCS), Cities of Service, and other organizations.

“Mayors are leaders who get things done, responding every day to needs in their cities,” said Wendy Spencer, CEO of CNCS. “I commend Mayor Nutter for his outstanding leadership, and thank all those mayors joining in this important effort to recognize the impact of national service on the critical challenges facing our cities.”

As the federal agency for service and volunteering, CNCS annually engages more than four million citizens in service at more than 70,000 sites across the country through AmeriCorps, Senior Corps, and other programs. CNCS leverages federal and private funds to support organizations that achieve measurable results where the need is greatest. A significant portion of this investment is focused on cities. CNCS has investments in more than 500 cities with a population of at least 30,000. Last year, CNCS leveraged more than \$1 billion in investments for organizations operating or based in these cities. National service also plays a key role in many smaller cities and towns and rural areas.

The initiative has already gained support from a diverse range of mayors including big cities (Michael Bloomberg of New York, Vincent Gray of Washington, D.C., Antonio Villaraigosa of Los Angeles, Rahm Emanuel of Chicago), to mid-size cities (Mark Stodola of Little Rock, Richard Berry of Albuquerque, NM; Jim Suttles of Omaha, NE; and Scott Smith of Mesa, AZ; U.S. Conference of Mayors Vice President) and

smaller cities (Walter Maddox of Tuscaloosa, AL; Robert Macdonald of Lewiston, ME; and John Engen of Missoula, MT). A full list is available [here](#).

On the Mayors Day of Recognition for National Service, mayors will participate in a variety of activities, including visiting national service programs, hosting roundtables at City Hall, issuing proclamations, and communicating about national service through social media. Participating in the day will highlight the importance of citizen service, show support for nonprofit and national service groups, recognize the role national service members play in focusing community volunteers and inspire more residents to serve in their communities.

For more information on the Mayors Day of Recognition for National Service, including background and participating mayors, visit www.nationalservice.gov/mayorsforservice.

###

The Corporation for National and Community Service is a federal agency that engages more than four million Americans in service through its AmeriCorps, Senior Corps, Social Innovation Fund, and other programs, and leads the President's national call to service initiative, United We Serve. For more information, visit www.nationservice.gov.



CITIZEN REQUESTED AGENDA ITEMS

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 7 a.

Council Hearing Date: April 8, 2013

TITLE: Clarification on Resolution R1213-02-Backyard Chickens

SUMMARY AND BACKGROUND:

After several public hearings the Council passed Resolution R1213-02 which allows the keeping of backyard chickens under specific conditions. Staff would like to request Council clarification on what the intent of the Council was in allowing the "...*keeping of chickens in residential use areas...*" Staff has interpreted this to mean those areas of the City that are ZONED residential. There are areas of the City that are zoned Commercial but where single-family dwellings are the only use on the parcels. Was the intent of the resolution to be that backyard chickens could be allowed accessory to *all* residences in *all* zones?

Citizens Perry & Irene Smith have applied for a backyard chicken permit. Their parcel is zoned Commercial and their residence is the only use on the parcel. They requested to speak to the Council regarding their request.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- Perry's Citizen Requested Council Agenda Item form, copy of R1213-02

REQUESTED MOTION/ACTION:

Clarification on the intent of the Council regarding the use of backyard chickens in non-residential zones with dwellings.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council, the Perrys



City of Gold Beach
29592 Ellensburg Avenue
Gold Beach, OR 97444
541-247-7029

CITIZEN REQUESTED COUNCIL AGENDA ITEM

I WISH TO BE PLACED ON THE AGENDA FOR THE FOLLOWING DATE:

April 8, 2013

NAME: Perry and Irene Smith

ADDRESS: 29760 Hillcrest St

PHONE: 928-308-2332 EMAIL: smiths.5@netzero.com

Representing:

I will be representing myself

I will be representing (Organization Name) _____

NATURE OF BUSINESS TO BE PRESENTED: _____

Residential use zoning for having chickens in the backyard. Regarding resolution R 1213-02

RESOLUTION R1213-02

A RESOLUTION PROVIDING FOR STANDARDS TO ALLOW THE KEEPING OF BACKYARD CHICKENS WITHIN THE CITY OF GOLD BEACH

WHEREAS, in August 2012, the City Council received a request from a citizen to amend the Gold Beach Zoning Ordinance to allow for the keeping of backyard chickens for personal use; and

WHEREAS, several cities have eased restrictions on the keeping of backyard chickens for domestic purposes; and

WHEREAS, on August 13, 2012, the City Council discussed proposed regulations to allow the limited, responsible, ~~keeping of chickens in residential use areas~~ and directed staff to prepare an ordinance amendment allowing for the keeping of backyard chickens for personal use; and

WHEREAS, Ordinance No. 641 amended Ordinance No. 634 (The Gold Beach Zoning Ordinance) to redefine the definition of LIVESTOCK to permit backyard chickens under specific standards as defined by resolution of the City Council; and

WHEREAS, a public hearing on the permit fee for a Backyard Chicken Permit was held on October 8, 2012, in order to take testimony and consider the administrative costs associated with the program.

NOW, THEREFORE, BE IT RESOLVED: the City Council of the City of Gold Beach, Oregon, adopts the following standards for the keeping of backyard chickens within residential use areas of the City:

1. A permit shall be obtained from the City prior to the keeping of chickens. A permit is issued to the property and renters must obtain written approval from the property owner to apply for a permit.
2. The keeping of chickens shall be limited to the purpose of egg collection for personal, non-commercial use.
3. No more than six (6) chickens are allowed on any one parcel, and the **keeping of a rooster is prohibited.**
4. Chickens shall only be kept upon property occupied by a single family dwelling.
5. Chickens may not be slaughtered or killed except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia (for example due to an injury or sickness) when surrendered to a licensed veterinarian for such purpose, or as otherwise expressly permitted by law.

6. Chickens shall be kept in an enclosed coop or run at all times.
7. Chickens shall be kept for personal, non-commercial use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.
8. All chickens shall be housed in a coop.
9. Chickens and chicken coops shall only be located in a rear yard.
10. Chicken coops shall be limited to eighty (80') square feet and the highest point of the coop shall be no more than six feet tall above grade.
11. Chicken coops shall be kept clean, dry, free of vermin and noticeable odors, and in good repair.
12. Chicken coop and/or run shall be setback a minimum ten feet from all property lines.
13. In order to minimize potential impacts to aquatic habitat, no coop shall be sited within a riparian area as defined by the Zoning Ordinance.

The permit fee for a Backyard Chicken Permit shall be set at: \$_____.

Passed by the City Council of the City of Gold Beach, County of Curry, State of Oregon, this 8th day of October, 2012.

James H. Wernicke, Mayor

ATTEST:

Candy Cronberger, City Recorder



ORDINANCES & RESOLUTIONS

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 9 a.
Council Hearing Date: April 8, 2013

TITLE: Ordinance 646 Franchise agreement with LS Networks

SUMMARY AND BACKGROUND:

This matter originally came before the Council in January. There were some questions at that time. I have consulted with our attorney and have made appropriate changes to the original ordinance. I can discuss the specific answers at the meeting.

FROM JANUARY REPORT: LS Networks seeks a franchise agreement with the City of Gold Beach to utilize city rights-of-way for utility service—internet. A representative from LSN will be present at the meeting to give background about their company and discuss the proposed franchise agreement. Our legal counsel has been working with LSN for a few months to draft a mutually beneficial franchise ordinance. The LSN representative has requested that this agenda item be moved to the beginning of the meeting because she plans to attend the Brookings City Council meeting tonight as well.

The ordinance is too long for a single meeting adoption so it will require two meetings to adopt it if the council is satisfied with the agreement.

FINANCIAL IMPACT:

After clarification with our attorney, LSN is proposing a 7% of gross revenue franchise payment.

DOCUMENTS ATTACHED:

- Copy of Ordinance 646

REQUESTED MOTION/ACTION:

If the council is satisfied with the proposal then the ordinance will require two readings to enact.

Suggested Motion:

I move that the Council adopt Ordinance No. 646, establishing a non-exclusive franchise for LS Networks, and approve the first reading of the ordinance by title only.

If the motion is approved, the City Administrator will read the ordinance title into the record. The process is repeated at the next council meeting and the ordinance is enacted and becomes effective on the 30th day after enactment.

ORDINANCE NO. 646

**AN ORDINANCE ESTABLISHING A NON-EXCLUSIVE FRANCHISE FOR
LIGHTSPEED NETWORKS INC. DBA AS LS NETWORKS**

WHEREAS, LightSpeed Networks, Inc., doing business as LS Networks (“Grantee”), is an Oregon Corporation that provides or intends to provide communication services in the City of Gold Beach (the “City”) and other surrounding areas; and

WHEREAS, providing communication services requires the installation, operation and maintenance of wires, cables, conduits, poles, equipment, appliances, and associated structures to be located within the Rights-of-Way of City; and

WHEREAS, the City of Gold Beach is authorized by state statutes and its own Charter to grant non-exclusive franchises to persons desiring to occupy the Rights-of-Way within the City; and

WHEREAS, City desires to set forth the terms and conditions by which LS Networks shall use the Rights-of-Way of City,

NOW, THEREFORE, the City of Gold Beach ordains as follows:

SECTION 1: Definitions

- 1.1 **Communication Services:** Any service provided for the purpose of transmission of information including, but not limited to, voice, video, or data, without regard to the transmission protocol employed, whether or not the transmission medium is owned by the provider itself and whether or not the transmission medium is wireline. Communications service includes all forms of telephone services and voice, video, data or information transport, but does not include: (1) cable service; (2) open video system service, as defined in 47 C.F.R. 76; (3) private communications system services provided without using the public rights-of-way; (4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; and (5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act.
- 1.2 **Gross Revenues:** means any and all compensation in whatever form (grant, subsidy, exchange, or otherwise) received directly or indirectly by Grantee for any Communications Services (as defined in this Section) provided within the franchise area or in any way connected with the operation of Grantee’s Facilities, including but not limited to: revenues from customers; any fees related to Grantee’s Communications Services; use, access, or attachment

charges paid to the Grantee by other communications services or carriers; and revenue from the lease of any Grantee Facilities, including wire, cable, facility, pole, duct, conduit or similar transmission equipment. All such revenues remain subject to applicable FCC rules and regulations which exclude revenues from internet access services while prohibited by law.

- 1.3 Facilities or Facility: Any tangible component of Grantee's Communication Services operation.

SECTION 2: Grant of Franchise and General Utility Easement

City hereby grants to LS Networks, hereinafter referred to as Grantee, the non-exclusive right, privilege and authority to construct, maintain, operate, upgrade, and relocate its wires, cables, conduits, poles, equipment, appliances, and associated structures (collectively referred to herein as "Facilities") in, under, along, over and across the present and future streets, alleys, public ways and public places (collectively referred to herein as "Rights-of-Way") within the City, for the purpose of:

- 2.1 The provision of Communication Services as defined in this agreement.
- 2.2 This Franchise does not authorize Grantee to install or use its Facilities in the Rights-of-Way for anything other than the provision of such Communication Services.

SECTION 3: Term

The term of this Franchise Agreement is for ten (10) years, commencing after the effective date of this ordinance, unless terminated sooner as provided within this agreement.

SECTION 4: Renewal

At least one hundred-twenty (120) days prior to the expiration of this Franchise, Grantee and City shall either agree to extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise. This Franchise may not be renewed until any and all duly noticed violations or defaults in the Grantee's performance of the Franchise have been cured, or a plan detailing the corrected action to be taken by Grantee has been approved by City.

SECTION 5: Acceptance by LS Networks

Within sixty (60) days after the passage of this ordinance by City, Grantee shall file an unqualified written acceptance thereof with the City Manager which shall be the effective date of the ordinance. Otherwise the ordinance and the rights granted herein shall be null and void.

SECTION 6: Non-Exclusive, Limited Franchise

The rights, privileges and franchise herein granted shall not be deemed exclusive and the right is hereby reserved to the City to grant any other persons, companies, corporations or associates similar rights. This Franchise is intended to convey limited rights and interests only as to those Rights-of-Way in which the City has an actual interest. It is not a warranty of title or interest in any Rights-of-Way; it does not provide the Grantee with any interest in any particular location within the Rights-of-Way; and it does not confer rights other than as expressly provided in this Franchise. This Franchise is subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record that may affect the Rights-of-Way. Nothing in this Franchise shall be deemed to grant, convey, create, or vest in Grantee a real property interest in land, including fee, leasehold interests, or easements.

SECTION 7: City Regulatory Authority

In addition to the provision herein contained, City reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Oregon, the laws of Oregon or City Ordinances. Specifically, the City reserves the right to:

7.1 Construct, install, maintain, remove, relocate, replace, and operate any City Facility, Rights-of-Way, or public place.

7.2 Do any work that City may find desirable on, over, or under any Rights-of-Way or public place in accordance with all applicable federal, state or local regulations.

7.3 Exercise any power that the City currently holds, or may hereafter be authorized or granted by the laws of the state of Oregon or the City Charter or ordinances.

7.4 Vacate, alter, or close any Rights-of-Way or public place. Whenever the City shall vacate any Rights-of-way or public place for the convenience or benefit of any person or governmental agency or instrumentality, the City shall provide Grantee with the standard notice provided for vacations. If any Rights-of-Way or portion thereof used by Grantee is vacated by the City during the term of this Franchise, unless the City Council specifically reserves to Grantee the right to continue its installation in the vacated Rights-of-Way or Grantee secures such right from an appropriate third party who will have title to the area, Grantee shall at its own expense relocate that portion of its Facilities and restore, repair, or reconstruct the Rights-of-Way where such relocation has occurred to the same or better condition as before the relocation, unless otherwise instructed by the City. In the event of failure, neglect, or refusal of Grantee, after thirty (30) days written notice from the City, to

relocate the portions of its Facilities or to restore, repair, or reconstruct the Rights-of-Way, the City may do such work or cause it to be done at Grantee's sole cost and expense. Upon receipt of a demand for

payment from City, Grantee shall promptly reimburse the City for the costs the City incurred. The City shall make reasonable efforts to assist Grantee in identifying potential available alternative locations within the Rights-of-Way.

7.5 Abate any nuisance or dangerous condition.

7.6 In addition to the reservations contained in this Franchise and existing applicable ordinances, adopt such additional generally applicable regulations for the construction, maintenance, and operation of Grantee's Facilities as the City finds necessary in the exercise of its police powers or for the orderly development of the City (including but not limited to: zoning, land use, historic preservation ordinances, standard specifications, design standards and drawings, other safety or construction standards, and other applicable requirements), or for the protection of City Facilities.

SECTION 8: Indemnification

8.1 Grantee shall indemnify, defend, and hold City, its elected and appointed officials, officers, agents, and employees, harmless from any and all claims, damage, loss, liability, cost, or expense, including court costs and attorney fees or expenses, of any kind or character growing out of or arising from any of Grantee's negligent acts or willful misconduct done under this Franchise, or from the installation, maintenance, or operation of the Grantee's Facilities, except when directly resulting from the negligence or willful misconduct of the City's officers, employees, or agents.

8.2 Grantee also hereby agrees to indemnify and hold City harmless from any damages, claims, additional costs or expenses assessed against or payable by the City arising out of or resulting, directly or indirectly, from Grantee's failure to remove, adjust or relocate any of its facilities within a six (6) month period following written notice from the City to relocate, unless Grantee's failure arises directly from the negligence or willful misconduct of the City's officers, employees, or agents or from causes beyond Grantee's reasonable control.

8.3 In any situation in which the City is found legally liable to Grantee for damage to Grantee's facilities, City's liability shall be limited to the cost of repair or replacement of the damaged facilities, whichever is less. City shall not be liable to Grantee for lost revenue, lost profits, incidental or consequential damages or claims of third parties arising from damage to Grantee's facilities. Grantee covenants that it will not assert any claim against the City for any liability, loss, or damage excluded under this Section 8.

SECTION 9: Annexation

9.1 Extension of City Limits. Upon annexation of any territory to the City, the rights granted herein shall extend to the annexed territory to the extent the City has such authority. All Facilities owned, maintained, or operated by Grantee located within any Rights-of-Way of the annexed territory shall thereafter be subject to all of the terms hereof.

SECTION 10: Planning, Design, Construction and Installation of Facilities

10.1 Grantee or its agent may make all necessary excavations in the City's Rights-of-Way for the purpose of constructing, servicing, or maintaining its Facilities. Provided, however, that Grantee's use of the Rights-of-Way shall be subject to the City's authority to prescribe which Rights-of-Way will be used and the location within the Rights-of-Way, and shall be subject to all City-established requirements concerning permitting, insurance, bonding, work scheduling, and payment of administrative fees for permits, which authority is hereby expressly reserved to the City. Grantee shall install and maintain all Facilities in a manner that does not injure or interfere with the Rights-of-Way, the City's property, or any property belonging to another person within the City limits. Grantee shall, at its own expense, repair, renew, remove, relocate, change, or improve the Facilities from time-to-time as may be necessary to accomplish this purpose.

10.2 Grantee's use of the Rights-of-Way and all construction or relocation by Grantee shall be subject to and shall comply with all standard specifications and any special provisions of the City, the Charter and ordinances of the City, and all other applicable federal, state, and local laws and regulations. No work affecting the Rights-of-Way shall be done by the Grantee without first obtaining the permits required by the City, which may include plan submittal, approval and the payment of fees before work begins.

10.3 Where Grantee installs its Facilities under or adjacent to any existing paved Rights-of-Way, the Rights-of-Way shall be overlaid with a new asphalt surface after construction. Where Grantee installs its Facilities along the route of a planned bicycle path or pedestrian trail, City may require Grantee to construct the bicycle path as a condition of plan approval. All such path and trail repair and construction shall be at Grantee's expense.

10.4 Upon completion of construction of any new Facilities, Grantee shall promptly furnish City with two (2) sets of "as built" plans showing the exact location and construction details of all of Grantee's Facilities. New plans will be furnished promptly for any additions or modifications.

10.5 Nothing in this ordinance shall be construed in any way to prevent the City from constructing and maintaining any public improvement in any Rights-of-Way.

In its construction and maintenance of public improvements, the City shall endeavor not to obstruct or prevent the free use by Grantee of its Facilities.

10.6 Grantee shall at all times maintain all of its Facilities in a good state of repair. Motorized vehicles shall not be allowed on any public bicycle paths, pedestrian trails and landscaped areas, except when necessary to install, remove, or repair Grantee's Facilities. Except in an emergency, permission shall be obtained from the City before using motorized vehicles on any public bicycle paths, pedestrian trails and landscaped areas. Any damage to any Rights-of-Way caused by Grantee shall be repaired by Grantee at no cost to the City. Grantee shall have a representative available to locate Grantee's Facilities for persons who need to excavate in the public way.

10.7 All structures, lines, and equipment erected by Grantee within the City shall be located so as to cause minimum interference with the proper use of streets and public places, and so as to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the streets or public places.

10.8 Except in the case of emergency repairs, no newly overlaid street or newly constructed street shall be excavated by Grantee for a period of five (5) years from the time of completion of the street overlay or the street construction, unless specifically authorized in writing by City. Such authorization shall not be unreasonably withheld. This paragraph shall not prohibit boring under a street, so long as the road surface and base are undisturbed. When any excavation is made by Grantee, Grantee shall, within seven (7) calendar days, restore the affected portion of the street, private property or public place to the same condition, as far as practicable, as it was prior to the excavation. Restoration activity by the Grantee shall be done in compliance with all applicable local and state specifications, requirements, and regulations in effect at the time of such restoration, and shall be guaranteed for a period of one (1) year following inspection and acceptance of the restoration by the property owner. If Grantee fails to restore, within seven (7) calendar days, the affected portion of the street, private property, or public place to as good a condition in which it was prior to the excavation, City may make the restoration, and the reasonable costs of making the restoration, including the cost of inspection, supervision, and administration shall be paid by Grantee. City may grant an extension to the seven (7) calendar day requirement of this paragraph, for good cause, if requested by Grantee in writing.

SECTION 11: Relocation of Facilities

11.1 City shall have the right to require Grantee to change the location of any Facility within the public Rights-of-Way when the public convenience requires such change; and the expense thereof shall be paid by Grantee. Should Grantee fail to remove or relocate any such Facility by the date established by City, the City may effect such removal or relocation, and the expense thereof shall be paid by Grantee, including all costs and expenses incurred by the City due to Grantee's delay. If City

requires Grantee to relocate its Facilities, the City will make a reasonable effort to provide Grantee with assistance in finding an alternate location. City shall give Grantee written notice to relocate its facilities at least six months prior to the date established by the City as the deadline for relocation.

11.2 Should it ever become necessary to temporarily rearrange or temporarily remove Grantee's Facilities at the request of a private person or business, Grantee shall perform such rearrangement or removal as expeditiously as possible upon receipt of reasonable written notice from the business or person desiring the temporary change of the Facilities. The notice shall:

- (a) be approved by the City;
- (b) detail the route of movement,
- (c) provide that the costs incurred by Grantee in making the temporary change be borne by the person or business giving said notice.
- (d) provide that the person or business giving the notice shall indemnify and hold harmless the Grantee of and from any and all damages or claims of whatsoever kind or nature caused directly or indirectly from such temporary change of the Grantee's Facilities, and
- (e) if required by Grantee, be accompanied by a cash deposit or a good and sufficient bond to pay any and all of the Grantee's estimated costs as estimated by Grantee.

11.3 If at any time, in case of fire or other disaster in the Franchise territory, it shall become necessary in the reasonable judgment of City to cut or move any Facilities, such cutting or moving may be done and any repairs rendered necessary thereby shall be made by Grantee, at its sole expense. City shall indemnify, protect and hold Grantee, its officers, employees and agents harmless against and from all damages, claims, loss, liability, cost or expense resulting from damage to property or injury or death to any third person caused by Grantor's cutting or moving any of the wires, equipment or other Facilities. City shall take reasonable efforts to notify Grantee prior to acting under this subsection.

SECTION 12: Compensation

12.1 In consideration of the rights, privileges and Franchise hereby granted, Grantee shall pay to City from and after the effective date of the acceptance of this Franchise, annually, seven percent (7%) of its Gross Revenues, as defined in Section 1 of this agreement. Notwithstanding any provision to the contrary, at any time during the time of this Franchise, City may elect to increase the Franchise fee amount as may then be allowed by State law. City shall provide Grantee written notice of such

increase following the adoption of the change in percentage by City. The increase shall be effective sixty (60) days after City has provided Grantee with such notice.

12.2 Grantee shall pay all generally-applicable permit or licensing fees for the construction, maintenance, or inspection of street openings or any other Grantee work on its Facilities. Grantee shall not deduct charges and penalties imposed by the City for noncompliance with charter provisions, ordinances, resolutions or permit conditions from the Franchise fee payments required by this section.

12.3 The payment of the Franchise fee shall be in addition to, not in lieu of, any local business license tax, or other taxes and permit fees not within the scope of this Franchise agreement.

12.4 If Grantee's route permits Grantee will install at no charge one city location.

12.5 In the event that Grantee wishes to add Cable services or any other services not listed in this agreement to its list of services, Grantee agrees that it must negotiate an additional agreement with City, setting forth the terms and conditions governing such services

12.6 Other than any fees payable due to additional services offered or provided by Grantee such as those mentioned in section 12.5 or the generally-applicable permit and licensing fees provided in section 12.2, Grantee shall not be required to pay any additional fee, compensation or consideration to the City for its use of the Rights-of-Way. However, Grantee shall pay any ad valorem property taxes now or hereafter levied against real or personal property within the City.

12.7 Payment of Franchise Fees. Payments due under this provision shall be computed and paid quarterly for the preceding quarter, as of March 31, June 30, September 30, and December 31, each quarterly payment due and payable no later than 45 days after such dates. Not later than the date of each payment, the Franchisee shall file with the City a written statement, in a form satisfactory to the City and signed under penalty of perjury by an officer of the Franchisee, identifying in detail the amount of gross revenue received by the Franchisee, the computation basis and method, for the quarter for which payment is made.

The Franchise Fee includes all compensation for the use of the City's Rights-of-Way. The Franchise Fee shall not be deemed to be in lieu of or a waiver of any ad valorem property tax which the City may now or hereafter be entitled to, or to participate in, or to levy upon the property of Franchisee.

12.9 Acceptance by City of any payment due under this section shall not be deemed as an accord that the amount paid is the correct amount, nor shall acceptance of payment be construed as a release of any claim. City shall have the right to annually audit the books and records of Grantee to verify compliance with the terms and

conditions of this Franchise. At City's request, Grantee shall provide the City's agents access to the Grantee's books and records, as necessary, to conduct a thorough audit.

SECTION 13: No Waiver

Neither City nor Grantee shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

SECTION 14: Transfer

14.1 This Franchise shall not be sold, leased, mortgaged, assigned or otherwise transferred without the prior consent of City as expressed by ordinance, except to entities that control, are controlled by, or are under common control with the Grantee. Grantee shall notify the City of any transfers to such entities ten (10) days prior to such transfers. The City's granting of consent in one instance shall not render unnecessary any subsequent consent in any other instance. If the City consents to an assignment or transfer, the transfer assignment shall not be effective until the assignee or transferee has complied with any insurance requirements in this Franchise and signed an acceptance of all terms of this Franchise. Consent shall not be unreasonably withheld.

14.2 Nothing contained herein shall be deemed to prohibit the mortgage, pledge, or assignment of fiber optic cable system tangible assets for the purpose of financing the acquisition of equipment for or the construction and operation of the system without the City's consent, but any such mortgage, pledge or assignment shall be subject to the City's other rights contained in this Franchise.

14.3 Grantee shall may lease or sublease any of its pipes, wires, conduits, or other Facilities, or the public Rights-of-Way in which such are contained if Grantee provides City at least yearly with a list of all entities, lessees or sub-lessees occupying the right of way. However, Grantee may dedicate its fiber optic cable system or any portion thereof, or otherwise make its fiber optic cable system available in the ordinary conduct of its business as a telecommunications company, so long as Grantee remains solely responsible for locating, servicing, repairing, relocating or removing its fiber optic cable system, and so long as City's bandwidth or access speed are not diminished. In such instances, Grantee shall notify City in writing any time it dedicates its fiber optic cable system or any portion thereof to another entity. Such notice shall provide the City with the entity's name and contact information.

SECTION 15: Discontinuance; Revocation and Termination

15.1 Discontinuance. Whenever Grantee intends to discontinue using any Facilities,

Grantee shall submit for City's approval a complete description of the Facility and the date on which the Grantee intends to discontinue using the Facility. Grantee may remove the Facility or request that City permit it to remain in place. City may require the Grantee to remove the Facility. Grantee shall complete such removal in accordance with a schedule set by City. Until such time as Grantee removes the Facility as directed by City, or until the rights to and responsibility for the Facility are accepted by another person having authority to construct and maintain such Facility, Grantee shall be responsible for all necessary repairs and relocations of the Facility, as well as maintenance of the Street, in the same manner and degree as if the Facility were in active use, and Grantee shall retain all liability for such Facility.

15.2 Revocation and Termination. In addition to all other rights which City has pursuant to law or in equity, City reserves the right to revoke, terminate, or cancel this Franchise, and all rights and privileges pertaining thereto, in the event that Grantee repeatedly violates any material provision of this Franchise. The provisions pertaining to excavation and restoration; provision of City internet services, relocation, compensation, damages, insurance and transfer are hereby deemed to be material to the performance of this Franchise. Further, revocation may occur upon the following:

- (A) Grantee practicing any fraud upon Grantor or any Subscriber.
- (B) Grantee becoming insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt.
- (C) Grantee misrepresenting a material fact in the application for or negotiation of, or renegotiation of, or renewal of, this Franchise.

15.3 Revocation Procedures.

(A) City shall provide Grantee with a written notice stating the cause of the revocation or termination and its intent to terminate or revoke the Franchise. City shall allow Grantee a minimum of thirty (30) days after service of the notice in which to correct or begin substantial correction of the violation. If, at the end of the thirty (30) day period, Grantee has not corrected or made substantial progress towards correction of the matter, the Franchise shall, at the option of City, become null and void and Grantee shall thereafter be entitled to none of the privileges or rights herein extended to it under this Franchise. City may at its option, pursue any other and different or additional remedy provided to it by law or in equity.

(B) Grantee shall be afforded due process and provided with an opportunity to be heard at a public hearing before the City Council prior to the termination or revocation of the Franchise. The City Council shall hear any persons interested therein, and shall determine, in its sole discretion, whether or not any failure, refusal, or neglect by Grantee has

occurred.

(C) Any revocation of this Franchise shall be by formal action of the City Council by ordinance.

15.4 For repeated violations of this Franchise occurring without good cause, City may, at its discretion, and in addition to any other remedies provided herein, assess damages against Grantee for failure to adhere to material provisions of this Franchise. In lieu of revocation as described above, damages of One Hundred Dollars (\$100.00) per day for each material violation may be assessed. The imposition of liquidated damages is subject to the notice, hearing, and timeline requirements as provided in this subsection 15. Grantee shall be liable for full payment of all liquidated damages imposed under this Section.

SECTION 16: Amendment

At any time during the term of this Franchise, the City or Grantee may propose amendments to this Franchise by giving thirty (30) days written notice to the other party of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by City and Grantee and formally adopted as an ordinance amendment, which is accepted in writing by Grantee.

SECTION 17: Non-Contestability--Breach of Contract

17.1 Neither the City nor Grantee will take any action for the purpose of securing modification of this Franchise before either the Oregon Public Utility Commission or any Court of competent jurisdiction; provided, however, that neither shall be precluded from taking any action it deems necessary to resolve differences in interpretation of the Franchise, nor shall Grantee be precluded from seeking relief from the Courts in the event Oregon Public Utility Commission orders, rules or regulations conflict with or make performance under the Franchise illegal.

17.2 In the event Grantee or the City fails to fulfill any of their respective obligations under this Franchise, City, or Grantee, whichever the case may be, will have a breach of contract claim and remedy against the other in addition to any other remedy provided by law, provided that no remedy which would have the effect of amending the specific provisions of this Franchise shall become effective without such action which would be necessary to formally amend the Franchise.

SECTION 18: Notices

18.1 The City Manager or another designee named by City is authorized to act for the City in all matters pertaining to this franchise. Grantee may appeal any action of the City Manager to the City Council by giving written notice thereof within twenty-

one (21) days after Grantee was notified of such action. The City Council will hear the appeal and render a final decision within thirty (30) days after the notice of appeal is given.

18.2 Whenever any notice is given pursuant to this ordinance, it shall be effective on the date it is sent in writing by registered or certified mail, addressed as follows:

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

To Grantee: LS Networks
Contracts Administration
921 SW Washington Street, Suite 370
Portland, Oregon 97205

Notice of change of address may be given in the same manner as any other notice.

SECTION 19: Miscellaneous Provisions

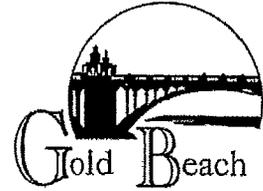
19.1 Severability. If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

19.2 Governing Law and Choice of Forum. This Franchise shall be governed and construed by and in accordance with the laws of the State of Oregon without reference to its conflicts of law principles. If suit is brought by a party to this Franchise, the parties agree that trial of such action shall be vested exclusively in the State courts of Oregon, County of Lane, or in the United States District Court for the District of Oregon.

19.3 Representations and Warranties. Each of the parties to this Franchise represents and warrants that it has the full right, power, legal capacity, and authority to enter into and perform the parties' respective obligations hereunder and that such obligations shall be binding upon such party without the requirement of the approval or consent of any other Person or entity in connection herewith.

19.4 No Third Party Beneficiaries. Nothing in this Franchise shall be construed or applied to create rights in or grant remedies to any third party as a beneficiary of this Franchise or any duty or obligation established in this Franchise.

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 9 b.

Council Hearing Date: April 8, 2013

TITLE: Second Reading Ordinance No. 647 FOG

SUMMARY AND BACKGROUND:

The first reading of the FOG ordinance occurred at the March meeting. This will be the second and final reading of the ordinance. The ordinance will go into effect on May 8th.

I received a letter from State Building Codes this week. They stated they had concerns that our ordinance conflicted with the Oregon Plumbing Specialty Code. However, they provided no specifics. I requested they clarify the conflicts. Once they have identified the conflicts we can amend those sections of the ordinance.

FINANCIAL IMPACT:

We can discuss possible grants/loans in the upcoming budget hearings

DOCUMENTS ATTACHED:

- I did not attach the ordinance again. Letter from Building Codes and my response

REQUESTED MOTION/ACTION:

This is the second reading of the ordinance by title only.

Suggested Motion:

I move that the Council adopt Ordinance No. 647 and approve the SECOND reading of the ordinance by title only.

If the motion is approved, the City Administrator will read the ordinance title into the record.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council



City of Gold Beach

29592 Ellensburg Avenue • Gold Beach, OR 97444

www.goldbeachoregon.gov

Administration: 541-247-7029 • Police: 541-247-6671

Visitor Center 541-247-7526 • www.goldbeach.org

Friday, April 05, 2013

Chris Huntington
Building Codes Division
Department of Consumer & Business Services
PO Box 14470
Salem, OR 97309

RE: Our FOG Ordinance

Dear Mr. Huntington:

Thank you for your recent letter regarding our proposed FOG ordinance. You state in the letter that the Building Codes Division has concerns, and that: "In particular, there appear to be areas where the proposed ordinance conflicts with the state building code." However, you do not provide us with any specific conflicts. Could you please provide us with the conflicts that Building Codes is concerned about so that we may alter our ordinance to conform to your regulations?

So that you understand our purpose for the ordinance, we are in the final stages of completing a 10 million dollar wastewater treatment facility. DEQ wants to ensure our facility is compliant with their regulations. The ordinance we are proposing to adopt is a model code provided to our attorney—we did not simply write the regulations ourselves.

I am enclosing a copy of the ordinance so that you, or your staff, can flag the sections that need to be altered. If we can reference in the ordinance the particular Building Code standard that applies, that will work for us but we need your office to tell us what does/does not comply with your regulations. I look forward to hearing from you again soon.

Sincerely,

Jodi Fritts
City Administrator
jfritts@goldbeachoregon.gov

cc: Will Newdall, Public Works Superintendent

The City of Gold Beach is dedicated to enhancing quality of life, while promoting the 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.

**America's
Wild Rivers
Coast**
101 MILES OF NATURE'S BEST



Oregon

John A. Kitzhaber, MD, Governor

Department of Consumer and Business Services
Building Codes Division
1535 Edgewater Street NW
PO Box 14470
Salem, OR 97309-0404
503-378-4133
Fax: 503-378-2322
<http://bcd.oregon.gov>

March 28, 2013

Jodi Fritts, Gold Beach City Administrator
29592 Ellensburg Ave
Gold Beach, OR 97444

RECEIVED
APR 03 2013
CITY OF GOLD BEACH

Re: Proposed FOG Ordinance

Dear Ms. Fritts:

The Building Codes Division received a copy of Gold Beach's proposed ordinance amending its Fats Oils and Grease provisions, Ordinance Number 647. The Division reviewed the ordinance and wanted to bring its concerns to your attention. In particular, there appear to be areas where the proposed ordinance conflicts with the state building code.

Under ORS 455.040, a municipality may not adopt or enforce ordinances or regulations relating to the same matters but which provide different requirements from the statewide building code. FOG ordinances of a municipality may not contain construction requirements different from those contained in the Oregon Plumbing Specialty Code (OPSC). Definitions, construction requirements (type, sizing, devices that may or may not be connected, etc.) and triggers (for plan review, if any, for inclusion of a grease interceptor, etc.) are all contained in the OPSC, and cannot be changed by a municipality in a local ordinance.

To avoid conflict with the Building Code, while protecting wastewater treatment facilities, municipalities should focus ordinances on areas within their specific authority to control waste water treatment. Municipal ordinances regarding FOG are most appropriately focused on maintenance or discharge enforcement, and options for obtaining compliance with waste water standards within their authority as a National Pollutant Discharge Elimination System (NPDES) permit holder. For example, a NPDES permit holder can prevent a commercial or industrial entity from discharging FOG into its system. Once an entity has been found to be discharging prohibited material, the NPDES holder has the option of disconnecting the entity to prevent further discharge, levying fines for illegal discharge, and requiring maintenance and cleaning of existing systems. The offending entity may find it preferable to install an interceptor device, but that would be at the option of the entity. The City may not require existing structures to conform to new construction requirements. Additionally, the City cannot require structures under construction to comply with requirements that are not currently encompassed by the state building code.

We are happy to discuss options available to the City that will not run afoul of the statutory preemption. Please let us know if you have any questions or concerns.



March 20, 2013
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Huntington". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chris Huntington
Deputy Administrator, Building Codes Division

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 9 c.

Council Hearing Date: April 8, 2013

TITLE: Resolution R1213-10 authorizing CA to apply for OPRD grant

SUMMARY AND BACKGROUND:

For the past few years the City has been discussing assisting the Skate Park Association in completion of the skate park adjacent to Buffington Park. Last fall the Council directed staff to pursue grant funding through the Oregon Parks and Recreation Department. Staff has almost completed the lengthy grant application. As part of the submittal OPRD requires a resolution authorizing the grant application from the governing body. Attached is the resolution in their requested format.

FINANCIAL IMPACT:

The grant will require a 20% local match. The grant application is for approximately \$200K. The local match would be at least \$40K in cash or in-kind. As part of the budget process I have proposed a \$50K match for the grant. Public Works staff and Skate Park volunteers will also provide in-kind match if the grant is awarded.

DOCUMENTS ATTACHED:

- Copy of R1213-10, portion of the City Business Plan, and notice of the public meetings in 2011

REQUESTED MOTION/ACTION:

Approve or deny Resolution R1213-10

Suggested Motion:

I make the motion to APPROVE/DENY Resolution R1213-10, a resolution authorizing the City Administrator to apply for a local government grant from OPRD for completion of the Bullfrog Skate park.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

RESOLUTION R1213-10

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR COMPLETION OF THE BULLFROG SKATEPARK

WHEREAS: the Oregon Parks and Recreation Department (OPRD) is accepting applications for the Local Government Grant Program; and

WHEREAS: the City of Gold Beach desires to participate in this grant program to the greatest extent possible and as a means of providing needed park and recreation opportunities pursuant to City Business Plan Goal 2: *Enhance Quality of Life in Gold Beach*; and

WHEREAS: the Council directed staff to pursue grant funding to assist the non-profit Gold Beach Skate Park Association in completing their skate park facilities; and

WHEREAS: the City of Gold Beach has available local matching funds to fulfill its share of obligation related to this grant application should the grant funds be awarded; and

WHEREAS: the City, through a cooperative agreement with the Skate Park Association, will provide adequate funding for on-going operations and maintenance of the recreational facility should the grant funds be awarded.

NOW, THEREFORE, BE IT RESOLVED that the Gold Beach City Council hereby demonstrates its support for the submittal of the grant application to the Oregon Parks and Recreation Department, and authorizes the City Administrator to submit and sign all documents related to the grant application.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 8th DAY OF APRIL, 2013.

Karl Popoff, Mayor

ATTEST:

Candy Cronberger, City Recorder

Legal and Public Notice

**CITY OF GOLD BEACH
CITY COUNCIL**

PUBLIC NOTICE

Notice is hereby given that the City of Gold City Council will hold it's regularly scheduled monthly meeting on Monday, February 14, 2011, at 6:30PM in the City Council Chambers at City Hall located at 29592 Ellensburg Ave, Gold Beach, Oregon. As part of the regularly scheduled agenda items, the Council will take public testimony regarding the possible assumption of the Skate Park facility located between Hwy 101 and Harlow Streets. The assumption of the facility as a city owned park would permit the City to apply for a Local Government Grant (LGG) through the Oregon Parks and Recreation Department (OPRD) to finish construction of the park.

City staff will host two informational meetings regarding this proposal prior to the public hearing in order to solicit citizen input and comments. The meetings will be held on the following days: Thursday, February 3, 2011, 6:00-7:30PM and Tuesday, February 8, 2011, 6:00-7:30PM in the City Council Chambers.

The City is seeking input (pro/con) during these informational meetings and at the public hearing. This is your opportunity to have your concerns addressed. Citizens may also send written comments to City of Gold Beach, 29592 Ellensburg Ave, Gold Beach, OR 97444 published January 26, and February 2, 2011, in the Curry County Reporter, Gold Beach, Oregon.

Affidavit of Publication

STATE OF OREGON

COUNTY OF CURRY } ss

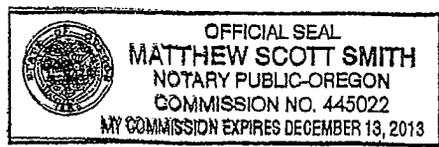
I, Joel Summer
being first duly sworn, depose and say that I
am the *Publisher*

of the Curry County Reporter, a newspaper of
general circulation, as defined by sections
193.010 and 193.020 O.R.S.; and published at
Gold Beach in the aforesaid county and state;
Notice of Public Meeting, Gold Beach City
Council, a copy of which is here annexed, was
published in the entire issue of said newspaper
for 2 (*Two*) successive and consecutive weeks
in the following issues: January 26, 2011 and
February 2, 2011.

Signed
By Joel Summer

Subscribed and sworn to before me this
..2nd.. day of ..February....., 20.11.....
.....Matthew Scott Smith.....
Notary Public of Oregon

(My Commission expires ..Dec. 13, 2013.....)



City of Gold Beach Business Plan

Latest Revision January 2013

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	Maintain yearly contingency of at least 5% and an unappropriated ending fund balance of a minimum of 15% in the General Fund operating budget.	CA ONGOING
	2	Establish fiscal and budget policies for the City.	CA/CC 03/2013
	3	Maximize long-term debt repayments.	CA ONGOING
	4	Improve and simplify financial reporting and monitoring. COMPLETED	CA 09/2010 COMPLETED
	5	Develop five-THREE year revenue/expenditure forecast.	CA 12/2010 03/2013
	6	BI-Annually review System Development Charges and update as needed.	CA/PWS April annually ODD YEARS
	7	Review and update all fees annually.	CA April annually
	8	Aggressively pursue grant funding.	CA ONGOING
	9	Undertake comprehensive compensation and classification review and update City salary schedule. COMPLETED BUT REVISIT	CA 11/2010 REVISIT 11/2013
	10	Seek alternative energy solutions for City operations.	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	Pursue formation of a parks and recreation district. REVISIT DUE TO ECONOMY	CC 07/2010- 05/2011 REVISIT
	2	Pursue development of a community garden.	CA/CC ONGOING
	3	Develop community vision and mission statement. COMPLETED BUT REVISIT IN 2015	CC 08/2010 REVISIT 2015



KEY:

CC = City Council CA = City Administrator PC = Police Chief PWS = Public Works Superintendent
 FC = Fire Chief



MISC. ITEMS

INCLUDING POLICY DISCUSSIONS AND
DETERMINATIONS

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 10 a.

Council Hearing Date: April 8, 2013

TITLE: Security for the fair

SUMMARY AND BACKGROUND:

Staff would like to request policy direction from the Council regarding providing police staff for security during the fair. This issue comes up annually. The fairgrounds are owned by the county (obviously), but it is located inside the city. In the distant past, the Sheriff's Posse or SAR provided security for the fair and the city assisted if necessary. More recently the task has fallen completely to the city. In order to adequately staff normal operations additional staff is required during the fair week—at no compensation to the City. The issue that staff would like to clarify is what level of service does the Council wish to provide to the fair? Do we wish to provide security at no cost to the fair? Do we wish to provide security at a cost to the fair? Do we wish to provide no security—except if a call is received?

We will continue to provide assistance with the fair parade at no cost—we feel this is necessary and reasonable.

Last fall staff surveyed other cities that have fairgrounds within their borders. None provide free security to their fairs. Most provide willing off duty officers that the fair pays directly.

FINANCIAL IMPACT:

Additional police staff hours and OT during the fair week.

DOCUMENTS ATTACHED:

- None

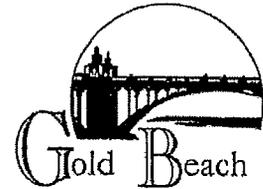
REQUESTED MOTION/ACTION:

Policy decision on how to address police response and presence during the fair

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council
Chief Andrews

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 10 b.

Council Hearing Date: April 8, 2013

TITLE: City of Brookings request to join in proposal for County's financial crisis

SUMMARY AND BACKGROUND:

Recently the three city managers and mayors have been meeting to discuss possible (or inevitable) effects to our cities if the Sheriff's Office services are eliminated. We have also discussed other issues regarding the County's financial crisis.

The City of Brookings, at their March 25th meeting, passed several action item motions regarding the County. They have formally requested Port Orford and Gold Beach also adopt these action items. I have some concerns that I would like to discuss Monday rather than put into a lengthy report.

Attached is the information from Brookings. There are three separate reports:

- 1) The County Government Financing and Restructuring
- 2) Review of a draft County Charter prepared by Brookings
- 3) Request for a letter of support for Senate Bill 173

FINANCIAL IMPACT:

Unknown at this time—that is why the cities have been meeting—we aren't sure what the impacts will be to our cities

DOCUMENTS ATTACHED:

- Three Brookings Council Agenda Reports with their attachments

REQUESTED MOTION/ACTION:

Discussion and direction on how to proceed on the City of Brookings requests

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council



City of Brookings

898 Elk Drive, Brookings, OR 97415
(541) 469-1104 Fax (541) 469-3650 TTY (800) 735-1232
rhedenskog@brookings.or.us; www.brookings.or.us

Mayor Ron Hedenskog

Mayor Karl Popoff
29592 Ellensburg Ave
Gold Beach, OR 97444

Mayor James Auburn
PO Box 310
Port Orford, OR 97465

March 26, 2013

RECEIVED

APR 01 2013

CITY OF GOLD BEACH

Dear Mayors,

The purpose of this letter is to invite the City Councils of the cities of Gold Beach and Port Orford to join with the City Council of the City of Brookings in offering a proposal for addressing the current Curry County financial crisis and charting a course for long-term management stability of our County government.

At its meeting of March 25, 2013, the Brookings City Council took action to propose the placement of three companion measures on the November, 2013, countywide ballot. These measures would include:

1. Restructuring County government to a part-time Commission and full time County Administrative Officer form of government under a County Home Rule Charter. This proposal is consistent with Recommendation #1 of the 2012 Curry County Citizens Committee report.
2. A three year split rate property tax levy to fund law enforcement services, including Sheriff, jail, District Attorney, juvenile services and emergency management. We propose a split rate levy of \$1.92 for the unincorporated area and \$0.92 for the incorporated areas. During the subsequent three-year period, the cities and the County would jointly pursue a long term solution for providing law enforcement services to all of the citizens of Curry County. The measure should provide that the aforementioned rates would be reduced proportionately to any federal or unrestricted County Transient Lodging Tax revenue received. This proposal is consistent with Recommendation #2 of the 2012 Curry County Citizens Committee report.
3. A 6.0 per cent Transient Lodging Tax that would be levied in the unincorporated area, the unrestricted proceeds of which would be used to fund law enforcement services in the unincorporated area. This proposal is consistent with Recommendation #11 of the 2012 Curry County Citizens Committee report.

The Brookings City Council also seeks your support for initiating discussion of the consolidation of 9-1-1 and emergency services dispatching services, to be provided from the existing Brookings communications center. Unlike the existing 9-1-1 center operated by the Sheriff's Department, the Brookings communications center is located outside the boundaries of any tsunami inundation zone. We believe that, with the cooperation of the County, it is technically feasible to provide a quality level of 9-1-1 and emergency dispatching services from the Brookings facility while reducing the overall cost of these services to all jurisdictions. This proposal is consistent with Recommendation #3 of the 2012 Curry County Citizens Committee report.

Enclosed are copies of several staff reports prepared by Brookings City Manager Gary Milliman on the above referenced topics. Mr. Milliman and I would welcome the opportunity to attend a City Council meeting in your community where this matter would be discussed and considered for action.

We believe that the three cities of Curry County are well positioned to provide leadership in addressing these serious financial and management issues facing Curry County. It is in our mutual interest to have a fiscally stable and effectively managed County government. We invite you to join us in this pursuit.

Sincerely,

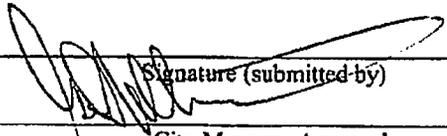

Ron Hedenskog
Mayor

Cc: City Council
Scott Graves, Curry Coastal Pilot

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: March 25, 2013

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: County Government Financing and Restructuring

Recommended Motion:

1. Motion to request the Curry County Board of Commissioners to place a three-year property tax levy measure on the November 2013 ballot which would:
 - a. Establish a split rate tax levy of \$1.93 in the unincorporated area and \$0.92 in the incorporated cities.
 - b. Require that all of the proceeds from such tax be used to fund County public safety services including Sheriff, District Attorney, Juvenile, Emergency Services and Jail.
 - c. Require that both tax rates be reduced on a dollar-for-dollar basis equal to the amount of any federal safety net related payments received.
 - d. Require that the unincorporated area tax rate be reduced on a dollar-for-dollar basis equal to the amount of unrestricted Transient Lodging Tax revenue received by the County.
2. Motion to request that the Curry County Board of Commissioners place a Transient Lodging Tax measure on the November 2013 budget which would:
 - a. Levy a tax rate of 6.0 per cent in the unincorporated area of the County.
 - b. Require that 30 per cent of all proceeds be used to fund County law enforcement services.
 - c. Require that 70 per cent of all proceeds be used to fund tourism related services as required by State Law.
3. Motion to direct the City Attorney to prepare a draft measure for the November 2013 Countywide ballot which would:
 - a. Change the form of Curry County government from a General Law County to a Home Rule (Charter) County.
 - b. Provide for a Commission/Administrator form of governance and management.
 - c. Provide for five elected County Commissioners who would be compensated initially at \$15,000 for the Chair and \$12,000 for each Commissioner, and authorizing annual salary adjustments to be approved by the non-Commission members of the County Budget Committee and not to exceed the increase in the Consumer Price Index.
 - d. Provide the draft measure to any parties who may be interested in gathering signatures to place the measure on the November 2013 ballot.
4. Motion to send a letter to Curry County Sheriff John Bishop notifying him that the City is prepared to enter into negotiations for the development of an intergovernmental agreement for 9-1-1 and emergency services dispatching, with the City to be the contract provider of said services.

5. Motion to authorize the Mayor to sign a letter to Representative Wayne Krieger and Governor John Kitzhaber requesting that they introduce and support legislation that would authorize Counties in fiscal crisis to use all Transient Lodging Tax proceeds from the unincorporated area to fund law enforcement services.
6. Motion to authorize the Mayor, Council President and City Manager to meet with the leadership of the Cities of Gold Beach and Port Orford to pursue their support for the above listed proposals.

Background/Discussion:

In its final report to the Curry County Board of Commissioners in February, 2012, the Curry County Citizen's Committee (CCCC) made 19 recommendations for restructuring County government and addressing the County fiscal crisis. To date, the only one of the recommendations that has been pursued is the placement of a property tax levy on the May, 2013, ballot. Not wishing to interfere in County government internal affairs, the City did not take a position on any of the recommendations. However, with the passage of time and the threat of State legislation that would negatively impact the City municipal government, the City Council may wish to become more involved in providing leadership in this matter.

Recommendation #1 of the CCCC was that:

"Commissioners immediately initiate the process of transitioning the County form of government to a Commission/Administrator form. This would involve the employment of a full-time, professional Chief Administrative Officer to manage the day-to-day affairs of the County and allow part-time volunteer Commissioners to focus on policy-making and long-term strategies. The Committee felt that greater efficiencies and cost-savings could be obtained with a full-time professional managing internally. Commissioners would have more time to devote to strategy and to advocate for the changes we need at the state and federal levels in order to make us financially viable and stable for the long-term."

The Commission has taken no action to address this recommendation. While the City cannot put a measure on the countywide ballot, the City could craft a measure that could be utilized by private parties as the basis for a Charter election. Key elements of the proposed measure might include 1) providing for a five-member Commission and an appointed Chief Administrative Officer, and 2) setting base compensation for Commissioners and limiting compensation increases based upon the CPI. Five Commissioners would provide broader representation of constituents.

Attached is a 2011 survey of Commissioner compensation in Counties of like size to Curry. Note that five of the seven Counties operate under a Commission/CAO form of government. In those Counties having five Commissioners, the average compensation of the Board Chair is \$14,867, and for Commissioner is \$11,885.

Recommendation #12 of the CCCC was that:

"Commissioners develop a tax structure that recognizes the disparities in incorporated and unincorporated areas and allows time and adequate funding to transition to a long-term strategy of implementing shared services or taxing districts."

This recommendation was complementary to **Recommendation #2**:

"The Committee recommends a concept of a joint city/county structure for law enforcement as a long-term strategy. The Commission should form an intergovernmental task force of representatives of federal, state, county and city law enforcement leaders to determine how to better utilize existing resources, provide for better coordination and provide adequate and efficient public safety for the citizens of the County."

By enacting a three-year split rate tax levy using the City's formula, basic law enforcement services in Curry County will be sustained and slightly enhanced, while providing sufficient time for exploring a long-term strategy for providing quality law enforcement services to all Curry County residents. Such a strategy could include consolidation of law enforcement services under a single law enforcement agency or creating law enforcement service districts in the unincorporated area that would have their own tax rate and contract with the adjoining city for services.

The split rate of \$1.93/0.92 proposed by City staff is based upon a cost sharing analysis prepared by the City Manager and Finance/Human Services Director, in consultation with the Police Chief. The initial cost sharing analysis indicated a rate of \$2.36/1.13. However, a further analysis of the budget numbers provided by the County indicates that there would be sufficient funds available for the County to sustain current law enforcement services by using approximately \$810,000 from current General fund revenues in addition to the tax levy proceeds. \$810,000 is approximately 18 per cent of the total amount of funds needed to support the proposed County law enforcement budget. Thus, the recommendation in this report is that the City-developed proposed tax rates be reduced by about 18 per cent.

Recommendation #11 of the CCCC was:

"That the County pursue a Transient Lodging Tax" noting that the Counties of Clatsop, Deschutes, Hood River, Jefferson, Lane and Lincoln all collect a Transient Lodging Tax within the unincorporated area alone.

State Law requires that 70 per cent of all proceeds from a new Transient Lodging Tax be used for tourism related services, leaving 30 per cent available for general government purposes. The CCC also recommended that the County pursue a change in State Law to allow a greater portion of the TLT in counties experiencing a fiscal emergency to be used for non-tourism proportion services, such as law enforcement.

The County could place a measure on the November 2013 ballot to enact a TLT in the unincorporated area only, and direct that the 30 per cent be used to fund County law enforcement services. As noted above, a companion property tax levy measure could provided that any unrestricted TLT proceeds be used to reduce the property tax levy rate in the unincorporated area.

Recommendation #3 of the CCCC was to consolidate the two existing 9-1-1 and emergency dispatch centers currently operated by the Curry County Sheriff's Department and the City of Brookings Police Department. City staff believes that such a consolidation could be implemented in the short term, and that the location of the consolidated 9-1-1 center should be at the Brookings Police Station as the current location of the County 9-1-1 center is in a tsunami inundation zone. Staff recommends that the City notify Sheriff Bishop that the City is ready to

meet immediately to develop an intergovernmental agreement for 9-1-1 and emergency dispatching services.

Policy Considerations:

The above described plan of action would go a long way toward implementing five of the 19 CCCC recommendations. Most of these recommendations require the cooperation of the Curry County Board of Commissioners

Attachment(s):

- a. Public Safety Levy Analysis using \$810,000 current General Fund offset.
- b. Curry County Citizens Committee Final Report.
- c. Commissioner Compensation Survey.
- d. County of Hood River email on Commissioner salaries.
- e. History of County Government/Home Rule Counties/General Law Counties (source: Association of Oregon Counties).
- f. Hood River County Home Rule Charter.

Public Safety Levy
City of Brookings' Analysis 3/18/2013

	<u>Tax Rate</u>		<u>Public</u>
	<u>Unincorp</u>	<u>Incorp</u>	<u>Safety</u>
Public Safety Departments			
1.37-4.24.20 Communications Tower			161,030
Public Safety major repairs			100,000
1.10-415.30 DA Office			304,760
1.10-421.20 Civil & Criminal			463,980
1.10-421.21 SAR			5,000
1.10-421.23 Marine Patrol			15,520
1.10-421.26 Jail			1,055,850
1.10-421.90 Animal Control			5,220
1.10-423.5 Parole and Probation			23,830
1.10-429.10 Em Svc			65,730
1.10-423.60 Juvenile Admin			453,550
			<u>(483,528)</u>
Services shared by unincorporated and incorporated	0.92	0.92	<u>2,170,942</u>
			<u>Non-Incorp</u>
1.10-421.20 Sheriff - Patrol 6	100%		710,010
1.10-421.20 Sheriff - Patrol 6	100%		710,010
1.10-421.25 Harbor Sub Station	100%		18,690
1.10-421.51 Communications	100%		354,060 a
			<u>354,060</u>
			<u>(326,564)</u>
Services provided to unincorporated areas only		<u>1.01</u>	<u>1,466,206</u>
Total Net Tax Revenues to be raised by Levy calculation			3,637,148
a - Directly billed to Cities of Gold Beach and Port Orford; should not be part of levy calculation			<u>77,720</u>
			<u>3,714,868</u>
Total Levy Tax Rate		<u>1.93</u>	<u>0.92</u>
		<u>Non-Incorp</u>	<u>Total</u>
		62%	38%
Assessed Value	1,564,310,043	969,489,051	2,533,799,094
Collection rate			93%

Curry County Citizens' Committee

Recommendations

February 1, 2012

Table of Contents

Executive Summary

Recommendations

1. Form of Government
2. Law Enforcement Services
3. Consolidating 9-1-1
4. Employee Compensation
5. November 2012 Election
6. Budget Committee
7. Budget Development
8. Engage Employee Unions
9. Vehicle Maintenance and Use
10. State Assumption of Services

Conclusions

Summary of Additional Proposals Received

Executive Summary

The Curry County Citizens Committee reviewed and analyzed many suggestions of ways to reduce expenditures and increase revenue gathered from various sources throughout the community and narrow them down to an initial list of those most likely to

contribute to the County's financial well-being. The Committee, working through three work groups attempted to identify a combination of ideas that would reduce expenditures, improve efficiency and thereby reduce cost and bring increased revenue to the county in the short term as well as including suggestions that might take longer to develop but would eventually provide a more long-term sustainable County government. Those work groups focused on structure/governance, expenditures and revenues.

The members of each work group reviewed and discussed each suggestion in detail and determined by consensus which ideas best met the criteria for inclusion. Those concepts were presented to the entire Citizens Committee for consideration. It is important that the community views the Committee proposals as feasible, plausible and necessary both in the context of meeting the public services needs of our community, but to also sustain and protect our unique natural heritage for future generations.

Following more than 30 hours of meetings with County officials, site visits to County facilities, presentations by representatives of the Association of Oregon Counties, the Governor's Office, the County's law enforcement tax measure advisor and private equity advisors, workgroup meetings and hearing public comment, the Committee utilized a consensus process to indicate the level of support for the following 19 recommendations. The level of Committee support for each of the recommendations is indicated as one of the following shown in parenthesis:

- Consensus: A full and unanimous endorsement or range of varying levels of endorsement but with no outright vetoes.
- Majority: A majority of the Committee members supported the recommendation, although there were members who either could not support the recommendation or they had major concerns that could not be resolved in this process.
- Minority: A minority of the Committee members supported the recommendation.

Each and every idea presented was discussed with equal weight, using criteria including possible constraints, adequacy, effectiveness, efficiencies to be gained and any potential side effects. Our consensus is that no one solution offers a "silver bullet" and that it will likely take more than one of these revenue producing enterprises and significant cuts in expenditures to solve this financial crisis. Additionally, any proposed tax increase will require a dedicated educational component to ensure the citizens of the County understand the magnitude of the financial crisis and also fully understand the solutions being brought forward for consideration.

Recommendations

Recommendation 1. Form of Government (*Consensus*)

The Committee recommends that the Commissioners immediately initiate the process of transitioning the County form of government to a Commission/Administrator form. This would involve the employment of a full-time, professional Chief Administrative Officer to manage the day-to-day affairs of the County and allow part-time or volunteer Commissioners to focus on policy-making and long-term strategies. The Committee felt that greater efficiencies and cost savings could be obtained with a full-time professional managing internally. Commissioners would have more time to devote to strategy and to advocate for the changes we need at the state and federal levels in order to make us financially viable and stable for the long-term, some of which are contained in this report. As a long-term strategy, the Committee also recommends that the Commissioners analyze the advantages and disadvantages of creating a Charter form of governance.

Recommendation 2. Law Enforcement Services (*Consensus*)

The Committee recommends a concept of a joint city/county structure for law enforcement as a long-term strategy. The Commission should form an intergovernmental task force inclusive of representatives of federal, states, county and city law enforcement leaders to determine how to better utilize existing resources, provide for better coordination and provide adequate and efficient public safety for the citizens of the County.

Recommendation 3. Consolidating 9-1-1 (*Consensus*)

The Committee recommends consolidating the 9-1-1 and emergency services dispatch centers currently operated by the Curry County Sheriff's Department and the City of Brookings Police Department. It is estimated that such a consolidation could save \$200,000 to \$400,000 annually.

Recommendation 4. County Employee Compensation (*Consensus*)

The Committee recommends that the County conduct an in-depth evaluation of work flow processes, positions, compensation, benefits and potential unemployment costs to identify opportunities for gaining efficiencies and cost savings. We also recommend that the County immediately draft a letter as to the intent of renegotiating both collective bargaining agreements as to not risk missing the advance deadline for the intent of renegotiation and subsequent yearly rollover. This will allow the County to properly prepare for changes that are needed to coincide with our overall financial situation.

Recommendation 5. November Election (Majority)

The Committee recommends, by majority, that any tax or levy measure be placed before the voters in November 2012, and not in May 2012. The Committee believes that there is not sufficient time to effectively and adequately create a dialogue about any proposed measure presented in May. In addition, scheduling any ballot measure for November would give the County Budget Committee adequate time to develop its proposal for FY 2012-13.

Recommendation 6. Budget Committee (Consensus)

The Committee recommends that the County Budget Committee be expanded to include representatives from the Citizens Committee. Zero Based Budgeting and Priority Based Budgeting techniques should be the foundation in the preparation of the FY2012-13 budget. The Budget Committee should convene and begin work on the FY 2012-13 budget as soon as possible.

Recommendation 7. Budget Development (Consensus)

The County Budget Committee should develop a FY 2012-13 budget without regard to mandates; targeting services to be curtailed that are non-essential or that place the General Fund at risk. Even after review of the documentation provided and much deliberation, the Committee was unclear as to what services are mandated, by what authority and what mandated services were supported by the general populace. The Committee recommends that the FY 2012-13 budget be prepared with no anticipated tax increase; while preserving the existing level of reserve funds to the greatest extent possible. If SRS funds are received, those funds should be reserved for carryover to FY 2013-14.

Recommendation 8. Engage Employee Unions (Consensus)

Invite employee unions to begin collective bargaining immediately to help address the fiscal crisis. County employees are among the most important stakeholders and therefore must be part of the solution.

Recommendation 9. Vehicle Maintenance and Use (Consensus)

Review current practices and internal charges for the maintenance of County vehicles. Consider, in some cases, changing to a mileage reimbursement method for private vehicle use for County business by employees instead of providing a County-owned vehicle.

Recommendation 10. Shift Services to State (Consensus)

Consider turning non-essential services over to the State or other entities. Regardless of the usefulness of a service or that they usually pay into the General Fund, if their regular source of funding were to be disrupted the General Fund would be pressured to make up the balance. This poses a significant risk that the County has little control over and should therefore seek to minimize the exposure.

Recommendation 11. Transient Lodging Tax (Consensus)

The Committee recommends that the county pursue a Transient Lodging Tax. Clatsop, Deschutes, Hood River, Jefferson, Lane, and Lincoln counties all collect a transient lodging tax in their unincorporated areas. Washington, Wallowa, Union, Multnomah, Lake, Klamath, Grant, and Clackamas collect a transient lodging tax county-wide regardless of whether their cities are also collecting a transient tax. The rate is between 5.0 and 9.0 per cent. According to Oregon Travel Impacts 2011 (http://www.deanrunyan.com/doc_library/ORImp.pdf), nearly 100 cities and counties in Oregon impose local lodging taxes which are independent of the state lodging tax. Significant revenue could be derived from a county-wide tax collected by bed and breakfast establishments, cabins, campgrounds, condominiums, hotels, inns, lodges, RV sites, vacation rentals, and more.

Current state law (ORS 320.350) requires local governments to dedicate 70 percent of receipts from transient lodging taxes enacted or increased after July 1, 2003, to fund tourism promotion or tourism-related facilities and 30 percent to fund city or county services or to finance or repay the debt of tourism-related facilities.

Also recommend amending state law to give counties the authority to use existing revenues more flexibly and to enact new revenue options with the approval of county voters. One example would be to allow all transient lodging tax receipts to be used by counties and cities for "tourism-related services, including emergency services, law enforcement and roads."

Recommendation 12. Develop a Fair and Equitable Tax Structure to Fund a Reasonable Level of Public Safety(Consensus)

The Committee recommends that the Commissioners develop a tax structure that recognizes the disparities in incorporated and unincorporated areas and allows time and adequate funding to transition to a long-term strategy of implementing shared services or taxing districts. One of the major recommendations in the FFP Task Force Report on what counties and county taxpayers can do to help themselves is the formation of county service districts and enactment of local option levies. The FFP Report indicates that Deschutes County, for example, formed a county service district encompassing the unincorporated area and levied a property tax to support Sheriff patrol. Other options were considered by the Committee; however, the Committee felt that the long-term goal of

shared services outlined in Recommendation 2 needed adequate time for deliberation; and in the meantime, some form of short-term funding may be necessary in order to maintain at least a minimum level of services for public safety.

Recommendation 13. Permit & License Fees (Consensus)

Analyze county permit, fee, and license schedules to determine which could be adjusted. Determine new sources of permitting and fees, such as a County Business License. Unlike the three incorporated cities within Curry County, the County itself does not currently require a business license in the unincorporated areas. Since this would only require the adoption of a County ordinance it is not voter-approval based, thereby avoiding the difficulties of an additional ballot measure. Additional new fee possibilities include telephone franchise fees. An advantage is that review of fees could be started immediately.

Recommendation 14. Brookings Airport Improvements (Consensus)

Improvements to the Brookings Airport would encourage development in the area. Funds/grants may be available from state/federal emergency management programs, if the airport is designated as an emergency and evacuation airport by the Federal Aviation Administration (FAA) and Oregon Department of Aviation (ODA). Improvements would also make the airport more attractive for redevelopment and allow the county/city/port to create development-ready space for commercial/industrial use. The first step in this recommendation is to apply to the FAA and ODA for the emergency airport status.

Recommendation 15. County Surplus Assets Sale, Lease or Re-purpose (Consensus)

Inventory and review all County assets to determine if there are any assets that are excess to the county needs and not required for any foreseeable County use. Determine whether that asset should be sold, leased or re-purposed. This could include the sale and lease-back of County-owned structures; an investor could purchase the asset, fund the improvements and lease the asset back to the County. Advantages of selling/leasing property are immediate cash flow, reduction of maintenance, using private capital to make needed improvements and addressing liability issues immediately.

Recommendation 16. Forestland/Timberland Tax Review (Consensus)

There are two components to this.

1. Review & collect under reported delinquent taxes. Identify forest/timber/agricultural properties that are already being used as residential or look for any tax delinquent acreage and monitor compliance with “harvest and grow” requirements to insure that the lower property tax rate is valid.

2. Identify forest grazing/agricultural properties that can be converted to other uses. Identify parcels of land that are designated as Forest Grazing and/or agricultural, but are too small to be used as such and should, therefore, be changed to R-5 or R-2. Land owners could then sell the land (fees) to potential residents (property taxes) and the residents on this land would create a larger tax base.

Recommendation 17. County Sales Tax (Majority)

The Committee recommends, by majority, that a County sales tax strategy that excludes groceries and pharmacy purchases be pursued. Implementing a countywide sales tax would increase revenue, spread the tax burden on residents and visitors alike, and provide a dependable revenue stream. However, statutory authorization by the Legislature is generally required for a local government to impose a local sales tax increase. The state statutes that authorize local government to create taxes of this type may also set specific conditions or requirements such as a condition that a two-thirds vote of the governing body is required to place a sales tax measure on the ballot. These specific conditions or requirements would need further review and analysis.

Recommendation 18. Increase Property Tax (Consensus)

If a modest Property Tax is presented to the voters, it should be coupled with other revenue generating suggestions and major expenditure cuts should be considered, and if a comprehensive approach is presented, the measure might pass.

Recommendation 19. Fractional Equities Tax Prepayment Program (Minority)

There are about 2,200-2,500 fully owned (no mortgage) homes in Curry County. The Fractional Equities Program allows homeowners to prepay their taxes with equity from their home for a certain period of time, i.e. five years or for life. The framework for this could be ready within three months. This could generate a significant amount of upfront money, but the County may develop a future cash flow problem if the money is not well managed. Since the County's role is tax collector, all taxing entities would have to agree to this program.

Summary

- Federal Government has unilaterally retracted its decades-long agreement to provide ongoing financial support to local governments causing undue hardship
- It is the consensus of this committee that Curry County must find new, sustainable ways of providing and funding the public services that citizens expect and need.

- No single action will solve all our financial problems.
- The reference information used by the committee will be posted to the county website
- A careful analysis is needed to find a combination that:
 - Meets current projected budget shortfall in short term
 - Looks to the future, but begins now, to craft long-term solutions for economic sustainability
 - Seeks solutions that go beyond continually asking the citizens of the County for more revenue through taxes
- As this report represents a “snap shot” in time, we respectfully request that the Board of Commissioners continue reaching out to this Committee and the citizens of the County as we partner to find ways of building a better future for our County and the people who reside here and will want to reside here in the future. Many members of the Committee bring vast knowledge, experience and expertise and are willing to assist.

Finally, there were many good suggestions that were brought forward that have not initially been recommended by the Committee that should be seriously looked at in the future.

The Committee wishes to acknowledge the pro bono work of Oregon Consensus, a program of the Mark Hatfield School of Government at Portland State University, in facilitating the work of the Committee.

Curry County Citizens’ Committee

David Bassett	David Frazier	Brian Hodge
Leroy Blodgett	Randall Gerlach	Mark Hollinger
Tom Denning	Frank Hageman	Bob Horel
Phillip Dickson	Ken Hall	Tom Huxley
Paul Fossum	Terry Hanscam	Daneille Kitchel

Susan Lunsford

Pete Peters

Sam Scaffo

Gary Milliman

Dominic Petrucci

Christine Stallard

Tim Patterson

Bruce Raleigh

Additional Ideas/Suggestions

NOTE: Although many of these may be useful in the future they did not at this time meet the criteria immediate recommendation. For example, some need much more research, some are very long term or dependent upon a change of law. They should not be discounted, but may in the future move from a list of ideas, to a list of practical recommendations.

1. Allow Mineral Mining of Pacific City
2. Beverage/Prepared Food Tax
3. Bio Fuel Plant
4. Borrow Money From Road Fund
5. Cape Blanco Airport Emergency Services
6. Cost Recovery
7. County Business Asset Tax
8. County Coalition
9. County Seized Land – Residential use. HUD CAF funding -
10. Curry County Carbon Tax
11. Federal Forest County And Schools Stabilization Act Of 2010
12. Franchise Fees
13. Gold Beach To Grants Pass Road
14. Hospital District Boundary Change To Allow Hospital in Brookings
15. O&C Lands Returned To County For Management
16. Oregon Forested Communities Plan
17. Re-institute Economic Development Department
18. Real Estate Transfer Tax
19. Renewable Energy Development – Including Wind Farms
20. Service Specific Donation – Allows Citizens To Donate To Certain Areas Of Their Interest
21. Tax On Private Timber Lands
22. Timber Harvest Tax
23. Graduated Taxes Based Upon Age – Possible Age Related Rebate

24. Pay For Service, i.e. County Bills for Law Enforcement.

25. County Park Project

26. Redeemable Ground Rent

27. Explore Creation of a Council of Governments or Other Intergovernmental Agencies to Share the Cost of Providing Common Services.

Oregon Counties 20,000-40,000
 General Law/Charter

Commissioner/CAO Salary Survey 01/02

County	Population	CAO	Commission Member #	Commission Chair	Commission Members	CAO
Clatsop	37,860	Y	5	\$ 12,600	\$ 10,080	\$ 127,428
Curry	21,160	N	3	60,769	60,769	NA
Hood River	21,850	Y	5	17,134	13,698	123,698
Jefferson	22,865	Y	3	30,164	30,164	100,274
Tillamook	26,170	N	3	76,074	76,074	NA
Union	25,495	Y	3	60,768	60,768	70,404
Wasco	24,280	Y	3	37,998	37,998	95,917

Average no CAO	\$ 68,422	\$ 68,422
Median with CAO	30,164	30,164
Average with CAO	31,733	30,542
Average per capita with CAO	1.20	1.15
Per Capita Curry	2.87	2.87
Average CAO	NA	NA
Average w/CAO & 5 Commissioners	\$ 14,867	\$ 11,889

CAO=County Administrative Officer

Gary Milliman

From: Sandi Borowy [sandi.borowy@co.hood-river.or.us]
Sent: Monday, March 18, 2013 10:33 AM
To: Gary Milliman
Subject: RE: Commission Compensation

Gary –

We have 5 on our commission – one chairperson and four commissioners – they are not “full-time” for salary purposes. FY 12/13 the chair is budgeted \$17,139 – the other four \$13,707 each. No PERS or other benefits – just FICA/Medi, SUTA and workers comp.

There is a Salary Sub-Committee in our Budget Committee – made up of only the public members, no elected. They approve what our elected officials receive – 5 commission members, Sheriff and Justice of the Peace.

I hope this helps – let me know if you need anything else.

Sandi Borowy
Director of Budget & Finance
Treasurer/Tax Collector
Hood River County
601 State Street
Hood River, OR 97031
office (541)387-6824
fax (541)387-6894

From: Gary Milliman [mailto:gmilliman@brookings.or.us]
Sent: Monday, March 18, 2013 8:31 AM
To: Sandi Borowy
Subject: Commission Compensation

Good morning. My City Council has asked that I contact Hood River County to inquire as to how your Commissioners are compensated. We are a County of like size and our Council is engaged in a discussion about a possible home-rule Charter. I have downloaded your Charter and see how the Commissioner compensation is determined. What is the current compensation?

Thank you.

Gary Milliman
City Manager
City of Brookings
898 Elk Drive
Brookings, OR 97415
541-469-1101; Fax 541-469-3650



History of County Government

The word county is from the French word "conte." Meaning "the domain of a count." However, the American county, as defined by Webster, is "the largest territorial division for local government within a state..." That definition is based on the Anglo-Saxon county of England dating back to about the time of the Norman Conquest. Counties were brought to America by the colonists and were later established in the central and western parts of the nation by the pioneers as they moved westward.

Counties used to function almost exclusively as agents of the state government. Their every activity had to be either authorized or mandated by state law. A 1958 constitutional amendment authorized Oregon counties to adopt "home rule" charters. A 1973 state law granted all counties power to exercise broad home rule authority, with or without a charter. As a result, the National Advisory Commission on Intergovernmental Relations identified county government in Oregon as having the highest degree of local discretionary authority of any state in the nation.

Currently, Oregon has three forms of county government:

Home Rule Counties

Home rule counties write their own charter, and may do whatever their charter allows. Nine Oregon counties have adopted home rule charters. That means voters have the power to adopt and amend their own county government organization. Home rule counties operate under a three- to five-member board of commissioners

General Law Counties

General law counties have the ability to write ordinances on any subject not preempted by the state. General law counties operate under a three- to five-member board of commissioners.

HOOD RIVER COUNTY

Fruit • Recreation • Industry



HOME RULE COUNTY CHARTER

*A Small County With a Big Mission:
Providing Quality of Life for All*

Originally adopted 1964
Revised 1965
Revised 1984
Revised 1998
Revised 2008

Original adopted 1964
Revised 1965
Revised 1984
Revised 1998
Revised 2008

TABLE OF CONTENTS

Article I. POWERS	4
Section I. General Grant of Powers	4
Section II. Specific Legislative Powers	4
Section III. Limitation of Powers	5
Article II. BOARD OF COMMISSIONERS	5
Section I. Commissioners	5
Section II. Districts	5
Section III. Boundaries	5
Section IV. Eligibility	5
Section V. Election of Chair and Commissioners	5
Section VI. Term of Office	6
Section VII. Vacancy of Office	6
Section VIII. Organization	6
Section IX. Powers and Duties of the Chair of the Board of Comm.	6
Section X. Quorum	7
Section XI. Meetings	7
Section XII. Voting	7
Section XII. Compensation	7
Article III. ADMINISTRATIVE FUNCTIONS	7
Section I. Powers and Duties of the County Administrator	7
Article IV. DEPARTMENT OF LAW ENFORCEMENT	7
Section I. Powers and Duties of the Sheriff and the Department of Law Enforcement	8
Article V. DEPARTMENT OF JUSTICE	8
Section I. Policies and Procedures	8
Section II. Powers and Duties of the District Attorney and the Justice of the Peace and County Counsel	9
Article VI. EXPENSE AND CAPITAL BUDGETS	9
Article VII. COUNTY ADMINISTRATIVE CODE	9
Article VIII. ORDINANCE PROCEDURE	10
Section I. Introduction	10
Section II. Publication	10
Section III. Public Hearings	10
Section IV. Enactment	11
Section V. Emergency Ordinance	11
Article IX. ELECTIONS	11
Section I. Non-Partisanship	11
Section II. Nominations	11
Article X. GENERAL PROVISIONS	12
Section I. Contracts and Purchases	12
Section II. Audits	12
Article XI. PROHIBITIONS	12
Section I. Non-Discrimination	12
Section II. Ethical Requirements	9
Article XII. TRANSITIONAL PROVISIONS	13
Section I. Effective Date	13

Section II. Continuity..... 13
Section III. Repealer Clause 13
Section IV. Severability..... 13
Section V. Review..... 13
Section VI. Amendments..... 13
Section VII. Definitions..... 13

PREAMBLE

We the people of Hood River County in the State of Oregon, having established the original Home Rule Charter in 1965 in accordance with the provisions of the Constitution and laws of the State of Oregon, hereby repeal the Hood River County Charter of 1998 and adopt and establish as our charter and form of government this Home Rule Charter for Hood River County.

In this Charter references to County pertain to HOOD RIVER COUNTY, and references to State pertain to the STATE OF OREGON

ARTICLE I. POWERS

Section I. General Grant of Powers

(1) Except as this Charter provides to the contrary, the County has authority over matters of County concern to the fullest extent now or hereafter granted or allowed by the constitutions and laws of the United States and the State of Oregon.

(2) Except as this Charter provides to the contrary and subject to the powers of initiative and referendum residing in the people of the County:

- (a) The legislative power of the County is vested in, and exercisable only by the elected legislative body known as the Board of Commissioners.
- (b) All other powers of the County not vested by this Charter elsewhere are vested in the Board of Commissioners and are exercisable only by it or persons acting under its delegated authority.

(3) This Charter shall be liberally construed to the end that, within the limits imposed by this Charter or the constitutions or laws of the United States or the State of Oregon, the County shall have all powers necessary or convenient for the conduct of its affairs. No enumeration of powers shall be construed to be exclusive or to restrict the authority that the County would have if the particular power were not mentioned.

Section II. Specific Legislative Powers

(1) In addition to the other duties and powers herein provided; the Board of Commissioners shall have the power to:

- (a) Enact ordinances according to the provisions of this Charter.
- (b) Adopt a County Administrative Code.
- (c) Appoint Boards, commissions and committees.
- (d) Appoint a County Administrator, County Counsel(s) and Auditor.

(2) The County offices, departments or institutions shall exercise their functions under the authority of the Board of Commissioners under direction and supervision of the County Administrator.

Section III. Limitation of Powers

No Commissioner including the Chair shall have the authority to make statements or act independently on behalf of the County without the express authorization of the Board of Commissioners.

ARTICLE II. BOARD OF COMMISSIONERS

Section I. Commissioners

The Board of Commissioners shall consist of the Chair of the Board of Commissioners and four County Commissioners. The Chair of the Board of Commissioners shall be a registered voter of the County and shall be elected at large. The County Commissioners shall be registered voters of the County and residents of the districts from which nominated, and one Commissioner shall be elected by each district.

Section II. Districts

There shall be four districts established for the election of Commissioners.

Section III. Boundaries

The Board of Commissioners may change the boundaries of Commissioner Districts by ordinance in conformance with the concept of one person, one vote. The procedure for this process shall be set forth in the Administrative Code.

Section IV. Eligibility

(1) To qualify for an elective office of County Commissioner a person:

- (a) Shall be a legal voter of the County.
- (b) Shall be a resident of the County, and shall have resided in the County one year immediately prior to filing for office.
- (c) No person employed by Hood River County shall be eligible to serve as a member of the Board of Commissioners.
- (d) For the purposes of this section a member of the Board of Commissioners is not an employee of Hood River County.

Section V. Election of Chair and Commissioners

- (1) The voters shall elect the Chair at each November general election.
- (2) The voters from odd-numbered districts shall elect Commissioners at the November general election of non-presidential election years.

(3) The voters from even-numbered districts shall elect Commissioners at the November general election of presidential election years.

(4) Newly elected or appointed Commissioners shall, before the commencement of their term, take an Oath to uphold the constitution of the United States, State of Oregon, Charter, and Ordinances of the County of Hood River.

Section VI. Term of Office

The term of office for the Chair shall be two years, and the term for Commissioners shall be four years. Terms of office shall begin the first day of the ensuing year following election.

Section VII. Vacancy of Office

(1) A vacancy of office on the Board of Commissioners shall occur for the following reasons: death, resignation, incapacity to act, taking up residence outside his or her district, conviction of a felony, un-excused absence for three consecutive regularly scheduled Board meetings, other reasons of ineligibility and declaration by the Board of a vacancy:

- (a) If the vacancy is in the position of Chair the remaining Board members shall appoint a member of the Board to the position to serve for the vacated un-expired term. In the event that no Commissioner will accept the appointment or a majority vote is not obtained then a special election shall be held to fill the position for the un-expired term; such special election shall be held within 60 days of the date of the vacancy.
- (b) If the vacancy is in the position of Commissioner, the remaining Board members shall appoint a resident of the vacant district to fill the un-expired term of the vacated position.

Section VIII. Organization

At the first meeting of each calendar year the Board of Commissioners shall elect a Vice-Chair who shall serve in the absence of the Chair.

Section IX. Powers and Duties of the Chair of the Board of Commissioners

- (1) The Chair of the Board of Commissioners shall:
- (a) Preside over meetings of the Board of Commissioners.
 - (b) Preserve order at meetings of the Board of Commissioners.
 - (c) Enforce the rules of the Board of Commissioners.
 - (d) Determine the order of business for meetings of the Board of Commissioners.
 - (e) Call special meetings and executive sessions of the Board.
 - (f) Vote on all questions before the Board of Commissioners.
 - (g) Have power to make motions and second motions.

Section X. Quorum

Three Commissioners of the Board of County Commissioners shall constitute a quorum.

Section XI. Meetings

The Board of Commissioners shall meet regularly at least once each month and at such time and place as the Board of Commissioners may prescribe by rule. Special meetings may be called by the Chair or by three Commissioners upon notice to each member. All meetings shall be open to the public except for executive sessions as allowed by State law.

Section XII. Voting

No action of the Board of Commissioners shall be valid or binding unless adopted by the affirmative vote of three or more members. All voting shall be by recorded roll call vote.

Section XIII. Compensation

Members of the Board of Commissioners shall receive reasonable compensation as determined annually by the lay members of the budget committee.

ARTICLE III. ADMINISTRATIVE FUNCTIONS

Section I. Powers and Duties of the County Administrator

(1) The County Administrator shall:

- (a) Be appointed by the Board of Commissioners.
- (b) Serve at the will of the Board.
- (c) Be the head of the administrative branch of County Government.
- (d) Be responsible to the Board of Commissioners for the proper Administration of all affairs of Hood River County.
- (e) Be responsible for carrying out the policies established by the Board of Commissioners.
- (f) Be responsible for the employment and termination of all County employees; for all departments of the County with the exception of the department of law enforcement and department of justice.

ARTICLE IV. DEPARTMENT OF LAW ENFORCEMENT

Section I. Powers and Duties of the Sheriff and the Department of Law Enforcement

(1) The Sheriff of Hood River County shall be the Director of Law Enforcement and shall be an elected official residing within the County.

Original adopted 1964
Revised 1965
Revised 1984
Revised 1998
Revised 2008

(2) A candidate for the position of Sheriff shall:

- (a) Possess the minimum qualifications required of a Sheriff under State law.
- (b) Be a minimum of 25 years of age.
- (c) Be bondable.

(3) The candidate receiving the most votes at the November general election of presidential election years shall be elected Sheriff.

(4) The Sheriff of Hood River County shall be responsible for:

- (a) The enforcement of State law and County ordinances, except for the function of tax collection.
- (b) The handling of criminal and civil processes as prescribed by State law and County ordinance.
- (c) Performing the duties and responsibilities as set forth in the County Administrative Code.
- (d) The employment or termination of deputies and other personnel of the department in conformance with the County Administrative Code.

(5) In the event of vacancy in office, the Chief Deputy shall serve as Sheriff until the Board of Commissioners appoint a qualified successor. The vacancy shall be filled by the appointee until the next general election. The position shall then be filled by election for the remainder of the term.

(6) The Sheriff shall devote full time to the duties of the office during the Sheriff's tenure. This requirement may be enforced by the Board of Commissioners.

ARTICLE V. DEPARTMENT OF JUSTICE

Section I. Policies and Procedures

(1) The Department of Justice shall include the District Attorney, the Justice Courts and Judges as provided by State law.

(2) The election, tenure of office, salary, and procedure for filling vacancies in judicial offices shall be as provided by State law.

(3) The practice and procedure as to prosecution, trial and punishment of County offenses shall be the same as similar crimes or offenses defined or made punishable by State law. As used

in this section, County offense means any crime or offense defined or made punishable by County ordinances or this Charter.

Section II. Powers and Duties of the District Attorney, Justice of the Peace and County Counsel

(1) The District Attorney of Hood River County shall be the Director of the District Attorney's office and shall be an elected official residing within the County.

(2) The District Attorney of Hood River County is a state elected official and shall be responsible for:

(a) The enforcement of State law with the exception of the function of tax collection.

(b) Performing the duties and responsibilities as set forth in State law and the County

Administrative Code.

(c) The employment or termination of deputies and other personnel of the department in

conformance with the County Administrative Code. (3) The Justice of the Peace of Hood

River County shall be the Director of the Justice Court office and shall be an elected

official residing within the County.

(4) The Justice of the Peace for Hood River County shall be responsible for:

(a) The trial of any cases involving violation of County ordinances or State laws in all areas

of the County which may be referred to the Justice Court.

(b) Performing the duties and responsibilities as set forth in State law and the County

Administrative Code.

(c) The employment or termination of personnel of the department in conformance with the

County Administrative Code.

(5) County Counsel responsibilities may include:

(a) Acting as civil counsel to the Board of Commissioners

(b) Enforcement of County Ordinances.

ARTICLE VI. EXPENSE AND CAPITAL BUDGETS

(1) Budgets shall be made and approved in accordance with the local budget law of the State.

(2) Expenditure items which do not appear in the regularly published budget may be included by filing a supplemental budget.

ARTICLE VII. COUNTY ADMINISTRATIVE CODE

(1) The County Administrative Code shall govern the operation of the various County offices, departments and institutions. It shall prescribe the powers and duties of elected and appointed County officials and employees and shall prescribe the procedures and systems of operation and management of all offices, departments and institutions of the County.

(2) The Board of Commissioners may enact, amend, revise or repeal provisions of the County Administrative Code.

(3) It shall be the responsibility of the Board of Commissioners to compile and maintain the County Administrative Code in a systematic manner properly indexed and current.

(4) The Board of Commissioners shall review the County Administrative Code periodically to assure its accuracy and completeness.

ARTICLE VIII. ORDINANCE PROCEDURE

SECTION I. Introduction

(1) An ordinance may be introduced by any Commissioner at any regular or special meeting of the Board.

(3) Publication of all proposed ordinances shall require prior approval by the Board of Commissioners.

SECTION II. Publication

(1) Copies of the proposed ordinance shall be distributed to each Commissioner, news media representatives and interested citizens upon request.

(2) The Board shall promptly publish the proposed ordinance indicating the time and place for a public hearing and its consideration by the Board of Commissioners.

SECTION III. Public Hearings

(1) The public hearing on the proposed ordinance shall be held at least one week after publication.

(2) At the hearing, copies of the proposed ordinance shall be made available to all persons present and all interested persons shall have the opportunity to be heard.

(3) After the hearing, the Board of Commissioners may adopt, amend or reject the proposed ordinance.

(4) Any substantive changes to the proposed ordinance shall constitute an amendment requiring publication and public hearing prior to adoption.

(5) Grammatical, clerical, typographical errors or omissions shall not constitute amendments requiring publication or hearing.

SECTION IV. Enactment

(1) Except as otherwise provided in this Charter, every adopted ordinance shall become effective thirty-one days after adoption or at any later date specified therein. As used in this section, the term "published" shall be the same as provided by State law as it applies to the publishing of budgets for tax supported institutions.

(2) Each adopted ordinance and resolution shall be given a serial number and date of adoption.

(3) The ordinance shall then be entered into a separate properly indexed record and made available to the public.

(4) Except as otherwise provided for by State law, the procedures set out in this Charter shall govern the enactment of all County Ordinances.

SECTION V. Emergency Ordinance

(1) To meet a public emergency affecting life, health or property the Commissioners may adopt an emergency ordinance provided that:

- (a) The ordinance does not levy taxes, or authorize the borrowing of money.
- (b) Upon adoption the ordinance shall be published in the next available issue of the designated newspaper.
- (c) The ordinance, including any amendments made after its adoption, shall be automatically repealed on the one hundred eighty-first day following the date of its adoption.

ARTICLE IX. ELECTIONS

SECTION I. Non-Partisanship

All Elective County offices of the Board, Commission and Sheriff shall be non-partisan for the purposes of filing for office, election to office and performance of the duties and responsibilities of the office.

SECTION II. Nominations

(1) Candidates for County elected offices shall be nominated at the primary election. The name of the candidate receiving the majority of the votes cast for that office will be placed on the November general election ballot.

(2) If no candidate receives a majority of the votes, the names of the two candidates receiving the greatest number of votes will be placed on the November general election ballot. The candidate receiving the greatest number of votes in the November general election shall be the candidate elected to the position.

(3) The method of nominating a candidate for the position of Chair of the Board or Sheriff of Hood River County shall be:

(a) To file with the official in charge of elections within the filing period specified by State

Law, a nominating petition signed by not fewer than ten legal voters of each Commissioner district; or

(b) To pay a filing fee of \$50 within the filing period specified by State law.

(4) The method of nominating a candidate for a position of Commissioner shall be:

(a) To file with the official in charge of elections, within the filing period specified by State

law a nominating petition signed by not fewer than twenty legal voters of the district in

which the candidate resided at the time of filing; or

(b) To pay a filing fee of \$50 within the filing period specified by State law.

ARTICLE X. GENERAL PROVISIONS

SECTION I. Contracts and Purchases

(1) Purchases or contracts shall be as set forth in the County Administrative Code as required by State law.

Section II. Audits

(1) A complete independent financial audit of the records of the County shall be performed in accordance with State and Federal law on an annual basis.

(2) The complete audit shall be filed with the Board of Commissioners, the State of Oregon and made available for public inspection.

ARTICLE XI. PROHIBITIONS

Section I. Non-Discrimination

No person shall be discriminated against with respect to any County position or appointive office because of race, religion, age, ethnic origin, gender, sexual orientation, veteran's status, disability or other classes protected by State law.

Section II. Ethical Requirements

Any person holding elected or appointed offices under this Charter shall comply with ethical standards as set forth in Oregon laws.

ARTICLE XII. TRANSITIONAL PROVISIONS

Section I. Effective Date

This Charter shall become effective on the thirtieth day following its adoption.

Section II. Continuity

(1) The elected and appointed County officials in office at the time this Charter is adopted shall continue in office and perform their present powers and duties at existing salaries until changed by the Board of Commissioners.

(2) All rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue except as modified by this Charter and in each case shall be continued by the appropriate County department.

Section III. Repealer Clause

All rules, regulations or policies are repealed to the extent that they are inconsistent with or interfere with the effective operations of this Charter.

Section IV. Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

Section V. Review

The Board of Commissioners shall appoint a Charter Review Committee to review the Charter at least every ten years hereafter or more often as deemed necessary by the Board.

Section VI. Amendments

This Charter may be amended by the vote of the people as set forth by State Law.

Section VII. Definitions

As used in this Charter the word "shall" is considered mandatory and the word "may" is

considered permissive. Words in the present tense include the future; the singular includes the plural; plural usage includes the singular.

Hood River County
Charter Review Committee

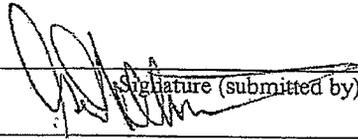
Ron Rivers, Chair
Will Carey, Vice-Chair
Jean Mclean
Paul Cummings
Paul Blackburn
Bill Pattison
Teunis J. Wyers
Ron Guth
Wally Eakin
Jason Shaner
Bob Benton

Original adopted 1964
Revised 1965
Revised 1984
Revised 1998
Revised 2008

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: March 25, 2013

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Proposed County Public Safety Property Tax Levy

Recommended Motion:

None.

Financial Impact:

See below.

Background/Discussion:

The purpose of this Council Agenda Report is to assist the City Council in its discussion of the proposed public safety tax levy that is scheduled for discussion at the joint Commission/Council meeting.

The Curry County Board of Commissioners has placed the following measure on the May 14, 2013, ballot:

“Shall Curry County Levy \$1.84 City and \$1.97 Rural per \$1,000 assessed value for law enforcement for five years beginning 2013-14?”

The full text of the measure is attached.

At the joint workshop of January 28, Commission Chair David Brock Smith distributed the document entitled “Curry County 2.1 Budget Draft”, attached as Exhibit A. This document purports to show what services the County would continue to provide utilizing the \$2.1 million it receives in General Fund revenue.

Also attached, as Exhibit B, is a document entitled “Public Safety Levy” dated February 4, 2013, that was reportedly received from Commission Chair David Brock Smith by the Cities of Port Orford and Gold Beach. This document, which the City received on February 13, 2013, purports to analyze the relative cost of providing County law enforcement services to residents of the unincorporated area and the incorporated cities. This document served as the basis to establish the proposed “split rate” levy of \$1.97 in the unincorporated area and \$1.84 in the unincorporated area that was approved by the Board of Commissioners on February 13, the same day Brookings officials received Exhibit B.

The proposed public safety tax levy would remove the entire County law enforcement budget...expenditures and revenues...from what is now the County General Fund budget. This

would leave the remaining \$2.1 million in General Fund revenue available to fund general government services.

ANALYSIS OF THE TWO DOCUMENTS

1. Exhibit A contains \$810,092 in expenditures that are also shown in Exhibit B. If the tax measure is approved, how will the \$810,092 in Exhibit A be reallocated? According to Commissioner Brown, at least part of the answer to this question is found in Exhibit C "Summary GF w PS levy." Note that with the public safety levy, the Commissioners budget increases from \$330,454 in Exhibit A to \$438,386 with the passage of the levy. Other non-public safety Exhibit A departments that would see an increase in expenditures from the "2.1 budget" include Elections, Assessor and Surveyor. There are also several services listed in Exhibit C that are not listed in Exhibit A, and several services on Exhibit A appear to be consolidated into a "Non-Departmental" budget. Finally, Exhibit C includes \$400,000 in capital projects including \$200,000 for building repairs (not the jail), a \$160,000 repayment to the County Road Fund and a \$40,000 match for a Brookings Airport improvement project, currently in progress. *The aforementioned \$400,000 in capital expenditures are "one time" expenditures. How would the \$400,000 be used in subsequent years?*

According to Commission Chair David Brock Smith, who met with the City Manager on March 14, the \$810,000 would be reallocated to various departments as shown in Exhibit C. Some of the funds would be used for repairs to County buildings and to reimburse the County Road Fund for money advanced to pay for law enforcement in fiscal 2012-13. Other funding would be used to increase staffing in various departments, including Assessor and the Commissioner's Office, and adding a second Veterans Service Officer.

2. The rationale behind the City/unincorporated area split percentages is not explained. Who developed this allocation, and what is the basis for determining the split?

According to Commission Chair Smith, he developed the cost allocation and property tax split formula.

3. Earlier discussions related to a levy that would maintain current services. Exhibit B includes 12 road deputies, not the current five.

According to Commission Chair Smith, the Sheriff recommended that a minimum of 12 road deputies would be needed in order to provide adequate basic law enforcement services in the County, operating on a concept that this would maintain four deputies on duty at all times; two in "north County" and two in "south County." Note that the long-standing and proven formula for 24-hour police services is five officers to maintain one officer on duty 24/7. This takes into consideration time off for vacations, sick leave, court, training, vacancies, etc. Using this formula, the County would need 20 deputies to achieve the aforementioned goal.

4. Exhibit B allocates 5.0 per cent of the cost of Sheriff Road Deputies to cities. Presumably this is for the cost of providing mutual aid? Should we then be billing a portion of City Patrol Officer time to the County?

5. Exhibit B allocates 50 per cent of the cost of the Harbor Sheriff substation to cities (all cities). What is the rationale for this?

According to Commissioner Smith, at least 50 per cent of the use of the Harbor substation is by City residents seeking concealed weapons permits, civil paper services and other Sheriff services.

6. In Exhibit B, 80 per cent of the cost of "juvenile administration" is allocated to cities. What is the rationale for this large allocation? Could it be that it is related to the fact that all schools are located in cities and, thus, City police departments are responsible to initiating juvenile crime actions for both residents and non-residents? County Juvenile Officer Ken Dukek responded to a City Manager inquiry concerning this as follows:

"We report all of our data to the Juvenile Justice Information System (JJIS) that is maintained by the Oregon Youth Authority. The information was obtained by running a report through JJIS requesting the number of referrals from each Law Enforcement Agency in Curry County for that given calendar year. The reason behind that specific referral report is that the contact is initiated from each particular law enforcement agency that then requires action from our department back to the referring agency, in other words it is their case and as we process it they (local law enforcement) stay with the case until it has completed the court process. This is purely referral based (or incident based) and is also an "unduplicated count", meaning that each referral is a contact. The importance of the unduplicated count is that in some cases a youth or youths may be charged with more than one crime in any one contact, so if a youth was charged with three crimes – it is only reported as one contact. "Duplicated counts" would have a higher ratios and would not be indicative of the information I was seeking. Simply put, I ran a report that indicated which agency for each contact (whether one or more crimes per incident it only counts as one contact) during the calendar year. While youth may certainly not reside in the city that have a contact with a Brookings Police Officer, the same could be applied to a youth that is cited in the County that resides in Brookings. I can tell you that more than 50% of our total staff time is dedicated to South County, obviously including Harbor and the County. "

7. What is the actual cost of Emergency Services to the General Fund? In Exhibit A, it is listed as \$49,183 while in Exhibit B it is listed as \$65,730. What portion of the Emergency Services cost is paid for by State/Federal funding and has this been adjusted into the numbers in the Exhibits?
8. In Exhibit B, 18 per cent of communications costs are allocated to cities. The County provides dispatching for Gold Beach and Port Orford, but not for Brookings. By including this in the levy, Brookings will be paying a portion of the dispatching costs for the other two cities. Is the \$77,720 shown the amount the cities of Gold Beach and Port Orford currently pay for dispatching services?
9. Exhibit B allocates \$161,030 in expenditures to maintain existing County-owned communications towers to the public safety levy. According to Sheriff Bishop this cost is currently being paid from Secure Rural Schools Act Title II funds. According to Sheriff Bishop, approximately \$227,000 in Title II funds remain available. Title III funds may be used for emergency management, search and rescue and fire suppression.

THE JAIL

Staff contacted Sheriff Bishop about the January 28, 2013, statement by Commission Chair Smith that, as a part of the earlier "2.1 budget" outline, the County would be closing the jail and contracting for three beds at Coos County. Staff specifically asked about what the impact on the City would be if the County closed the Curry County Jail. Bishop advised staff that he understands that the three Coos County beds would be available exclusively for parole and probation, and not to house prisoners awaiting trial or new arrestees. For 2012, Curry County has averaged 42 inmates per day. Bishop said that, if Curry County closed its jail, he would recommend that the City continue to deliver prisoners to the County facility in Gold Beach because it is the County's responsibility to provide a jail. They have not developed a contingency plan, although they have received a quote for the cost of housing prisoners at the Coos County jail at \$92 per day, not including medical costs. He has also confirmed that Curry County judges will not allow prisoners to be arraigned or tried in Coos County, which means that the Sheriff would need to provide transport service between Coquille and Gold Beach. Bishop said that the existing jail needs \$300-400,000 in repairs to resolve health and safety problems, and that the jail could continue to operate for "at least 10 years" once these problems are resolved. The jail operations budget is approximately \$1.1 million.

ALTERNATIVE SPREADSHEETS

The Board of Commissioners has already voted to put the \$1.97/1.84 split rate tax levy on the May 2013 ballot and it may be too late to change the measure to some other formula.

Nonetheless, City staff has developed the attached alternative split tax rate scenario.

The City staff scenario segregates total County public safety costs into two categories: 1) services that benefit the entire County, such as District Attorney and Juvenile, and 2) services that predominantly benefit the unincorporated area, such as Sheriff's patrol. Costs associated with Item 1 are spread evenly across all County property taxpayers, and the additional cost of services provided by the County to unincorporated area residents as shown as an additional tax rate that would be applied in the unincorporated area. **The resultant rate split would be \$2.36/1.23.**

Councilor McClain has also developed an alternate split rate (\$2.35/1.22) scenario, which is attached.

Note that any of the aforementioned rates could possibly be reduced by as much as 18 per cent if the \$810,092 allocated for public safety in Exhibit A were applied as offsetting revenue in Exhibit B or the alternative spreadsheet scenarios. The rates could also be reduced if the tax levy budget were modified to maintain current Sheriff patrol staffing levels, rather than doubling current levels, and continuing to pay the communications towers expenses from the County Road Fund.

STATE PERSPECTIVE

See separate Council Agenda Report on House Bill 3453, which would authorize the State to restructure local government in the event of a County fiscal emergency.

Mayor Hedenskog and I attended a meeting of south coast (Curry and Coos County) small cities on February 13. At that meeting, Governor's representative Jeff Griffin made a presentation concerning "what happens and what does not happen in the event of a County fiscal failure." Some notes:

- There has been some discussion of merging Coos County and Curry County. This would require approval by a majority of the voters in Coos County and a majority of the voters in Curry County. House Joint Resolution 2 has been introduced in the Oregon Legislature which would authorize the State to place such a matter on the ballot in each County. If the counties are consolidated, the County property tax rate would be adjusted to generate the same amount of property tax revenue to the new County as was received by the two counties. In this case, the Curry County tax rate would increase, and the Coos County tax rate would decline. Essentially, we would then have a larger County that still has inadequate revenue to sustain itself.
- There is no State statute that authorizes the State to take over County services. (Legislation authorizing bankruptcy has now been introduced).
- The Governor opposes using State funds to backfill any losses in County revenue.
- ORS 205.095 and ORS 205.100 establish a process for declaring a public safety emergency. This authorizes the County to request and receive state technical assistance with reorganization; the County would be billed for these services.
- Pending in the Legislature is HB 2206/SB 15 which would authorize the Oregon Department of Revenue to take over local property tax assessment and collection. Under this proposal, all taxing districts...including cities...would be assessed a fee for assessment and collection services. The fee could be as high as 20 per cent of the amount of taxes collected.
- Proposed SB 173 would allocate \$2.0 million in State grant funding to assist counties and cities in studying the feasibility of, and facilitating the consolidation of, City/County services. Locally, these funds could be used to facilitate the consolidation of 9-1-1/dispatching services; facilitation work would include identifying and allocating costs of operating a consolidated dispatch center to the various users (i.e. Sheriff, cities, fire districts, ambulance).

FEDERAL PERSPECTIVE

On February 15, U.S. Senator Ron Wyden issued a press release announcing his plans to seek an extension of the Secure Rural Schools program for at least another year (see attached). According to Wyden's Deputy State Director, Mary Gautreaux, there is support for this proposal from the Senate Finance Committee leadership. However, to get the measure through Congress, the proponents will need to identify offsetting cuts in federal expenditures, which has become all the more difficult with the current controversy concerning sequester and upcoming debt ceiling increase debates. If legislation is ultimately approved, funding would be available some time in 2014.

The County measure placed on the May ballot provides: "The Board of Commissioners will reduce this tax in any year in which Federal Safety Net Related Payments are received."

“Federal Safety Net Related Payments” is not defined, but presumably would include SRS funds. The ballot measure does not require that the amount of the tax be reduced proportionately to the amount of federal funding received.

Attachment(s):

- a. Notice of Receipt of Ballot Title
- b. Curry County 2.1 Budget (Exhibit A)
- c. Public Safety Levy (Exhibit B)
- d. Summary of GF w PS levy (Exhibit C)
- e. Public Safety Levy, City of Brookings Analysis
- f. Public Safety Levy Worksheet (McClain)
- g. Oregonian article
- h. Wyden press release
- i. Daily Courier article
- j. Email letter from Commission Chair Smith

NOTICE OF RECEIPT OF BALLOT TITLE

Notice is hereby given that on Tuesday, May 21, 2013 a measure election will be held in Curry County, Oregon. Notice is also given that an Order with a ballot title for a measure referred by Curry County has been submitted to the County Clerk of Curry County on February 13, 2013.

Measure

Caption: County Law Enforcement Five Year Split Rate Operating Levy

Question: Shall Curry County Levy \$1.84 City and \$1.97 Rural per \$1,000 assessed value for law-enforcement for five years beginning 2013-2014?

This measure may cause property taxes to increase more than three percent.

Summary: Curry County's proposed discretionary resource budget of \$2.1 million will not sustain County Law Enforcement Services.

This proposed 5 year local option tax provides funding for:

Dispatch, 911, Jail Operations, Criminal Investigations, Crime Prevention, Search & Rescue, Marine Patrol, Civil Process, Juvenile Detention Services, Drug Enforcement, Prevention and Education, Traffic Safety, School Resource Programs, Sheriff Patrols, Adult Parole and Probation, Wild Land Fire and Tsunami Evacuations, Emergency Services, Juvenile Probation, Adult and Juvenile Prosecution, Child Advocacy, Victims Assistance.

This measure proposes split rates. While the above law enforcement services benefit all residents, the taxpayers in Brookings, Gold Beach and Port Orford will pay a lower rate because cities fund police departments.

This proposed local option tax, dedicated to Curry County Law Enforcement Services, is estimated to raise \$4,524,962 in 2013-2014, \$4,660,711 in 2014-2015, \$4,800,532 in 2015-2016, \$4,944,548 in 2016-2017, and \$5,092,885 in 2017-2018.

The Board of Commissioners will reduce this tax in any year in which Federal Safety Net Related Payments are received.

An elector may file a petition for review of this ballot title in the Curry County Circuit Court not later than 5:00 p.m. February 25, 2013 per ORS 250.195. An elector filing a petition under this section shall notify the county clerk in writing that the petition has been filed. The notice shall be given not later than 5:00 p.m. on the next business day following the day the petition is filed.

Reneé Kolen, Curry County Clerk
By: Shelley Denney, Supervisor of Elections
Publish: February 20, 2013

A
—

Curry County 2.1 Budget
Draft

Department	Elected	# FTE	Cost to GF
BOC	3-EO	.85-fte	330,454
Clerk-Elections/Recording	1-EO	2.85-fte	209,853
Treasurer	1-EO		109,110
Assessor, Tax & GIS	1-EO	5.2-fte	252,487
Tax Collection			28,000
DA, Victims Assist.	1-EO	2-fte	188,068
Surveyor	1-EO		10,613
Sheriff	1-EO		151,271
Patrol/Civil		2-fte	-
Incarceration	50000	DOC Funds	100,791
Marine & Forest Patrol		2-fte	-
Parole & Probation		6-fte	-
Juvenile		5.2-fte	320,779
Emergency Services		1-fte	49,183
Admin Services costs are not included in the above numbers.			
County Counsel		.3 + .9-fte	74,657
Information Technology		1.5-fte	26,200
Telecom		0.3-fte	73,200
Accounting		1-fte	63,363
Payroll		1-fte	30,737
Occupancy -space utilities minor maint		1.5-fte	89,062
Bldg Repair & Const		.5-fte	66,614
Economic Development		1.25-fte	-
Insurance			60,000
Total			2,184,442

Public Safety Levy

2/4/2013

B

<u>Public Safety Departments</u>	Non-Incorp %	Non-Incorp	Incorp	Incorp %	<u>Public Safety</u>
1.37-424.20 Communication Tow	85%	136,876	24,155	15%	161,030
Public Safety Building major repa	50%	50,000	50,000	50%	100,000
1.10-415.30 DA Office	42%	127,999	176,761	58%	304,760
1.10-421.20 Civil & Criminal	42%	194,872	269,108	58%	463,980
1.10-421.20 Sheriff - Patrol 6	95%	674,510	35,501	5%	710,010
1.10-421.20 Sheriff - Patrol 6	95%	674,510	35,501	5%	710,010
1.10-421.21 SAR	90%	4,500	500	10%	5,000
1.10-421.22 MJ Eradication	50%	-	-	50%	-
1.10-421.23 Marine Patrol	80%	12,416	3,104	20%	15,520
1.10-421.24 Forest Patrol	80%	-	-	20%	-
1.10-421.25 Harbor Sub Station	50%	9,345	9,345	50%	18,690
1.10-421.26 Jail	46%	485,691	570,159	54%	1,055,850
1.10-421.51 Communications	82%	354,060	77,720	18%	431,780
1.10-421.90 Animal Control	50%	2,610	2,610	50%	5,220
1.10-423.50 Parole and Probation	49%	11,677	12,153	51%	23,830
1.10-429.10 Em Svc	55%	36,152	29,579	45%	65,730
1.10-423.60 Juvenile Admin	20%	90,710	362,840	80%	453,550
Public Safety Levy		2,865,925	1,659,035		4,524,960
		Non-Incorp 62%	Incorp 38%		
		1,564,310,043	969,489,051		Assessed
		\$ 1.97	\$ 1.84		Rate
		3,081,691	1,783,860		
		93%	93%		collection
Public Safety Levy		2,865,970	1,658,990		4,524,960

Summary GF w PS levy

	Revenue				Expenditures				Net		
	Grants & Contracts	Title III	Fees & Other	Public Safety	PS	M&S	Cap Debt	Other		Ad Svcs	Total Expense
Public Safety Departments											
1.37-424.20 Communication Tower		110,000	17,910	151,030		115,741	155,000		16,919	287,660	1,280
Public Safety Building major repair				100,000		64,967	65,000		4,062	69,062	30,938
1.10-415.30 DA Office	27,200		21,500	304,760		353,460			20,791	353,484	(24)
1.10-421.20 Civil & Criminal deputies	4,000		55,900	463,980		523,880		4,487	33,795	574,579	(50,699)
1.10-421.20 Sheriff - Patrol deputies				710,010		120,000	80,000		41,745	709,745	265
1.10-421.20 Sheriff - Patrol deputies				710,010		120,000	80,000		41,745	709,745	265
1.10-421.21 SAR			75,000	5,000		84,500			5,281	89,781	219
1.10-421.22 M1 Eradication			40,000	15,520		179,072	46,820	1,609	14,217	244,718	508
1.10-421.23 Marine Patrol											
1.10-421.24 Forest Patrol											
1.10-421.25 Harbor Sub Station				16,690		17,900			1,119	19,019	(329)
1.10-421.26 Jail	192,000		57,000	1,055,850		907,329	60,000	9,432	76,760	1,305,071	(221)
1.10-421.51 Communications	136,800		82,000	431,780		519,274	20,000	4,527	37,621	639,621	10,959
1.10-421.90 Animal Control				5,220		4,000		662	291	4,953	267
1.10-423.50 Parole and Probation	394,883		71,009	23,830		341,162	32,000	3,257	23,523	399,943	(221)
1.10-429.10 Em Svc	66,071		75,000	65,730		65,634		640	12,119	206,042	759
1.10-423.60 Juvenile Admin	154,742		14,500	453,550		406,233	23,256	9,165	37,943	645,112	6,036
Total Public Safety	1,072,402	328,356	329,819	4,524,950		4,149,118	483,256	38,289	367,931	6,255,537	0

	Revenue				Expenditures				Net		
	Property Taxes	Fed Timber harvest	State Shared	CCEC / other	PS	M&S	Cap Debt	Other		Ad Svcs	Total Expense
General Fund Discretionary											
General Fund Discretionary	4,402,800	250,000	151,000	297,817							
Discretionary Balance available				2,101,617							
General Fund Departments											
1.10-411.10 Commissioners	2,970			435,416	392,700	19,200		701	25,784	438,386	0
1.10-411.20 BOPTA	1,100			3,257	3,956	100		34	256	4,357	0
1.10-414.00 Elections	24,000			193,897	133,416	56,283		904	12,816	217,897	(0)
1.10-415.15 Tax Collection	2,800			77,070	62,663	38,101	14,478	573	6,333	107,670	0
1.10-415.16 Treasurer	139,500			104,826	87,581	14,278		25	6,367	108,251	0
1.10-415.17 Assessor	15,000			365,671	392,143	107,954		3,079	31,445	534,621	0
1.10-415.18 GIS Ops.				7,316	13,859	6,683	96,152	138	7,314	124,346	0
1.10-415.40 Recording				34,623	152,736	14,442		1,033	10,512	178,723	(0)
1.10-419.15 Surveyor				19,136	48,064	8,629			3,543	60,236	0
1.10-423.61 Juvenile Healthy Star				146,697	16,659	3,593		174	1,276	21,703	0
1.10-432.10 Solid Waste	44,406			9,056	48,349	6,907		473	3,483	59,212	0
1.10-465.36 RSNP Office	33,452			99,542	116,275	8,370		527	7,822	132,994	(0)
1.10-465.37 Veterans				207,186	50,000	125,000		20,000	12,186	207,186	(0)
1.10-490.10 Cap Outlay - Other Er				25,000			25,000			25,000	-
Tran To - 2.33 Bldg RSN & Cert Projects				200,000			200,000			200,000	-
1.17 Tran To - Far				19,288				19,288		19,288	-
2.17 Tran To Planning				60,000				60,000		60,000	-
2.17 Tran To Building				48,000				48,000		48,000	-
2.17 Tran To Environmental				6,000				6,000		6,000	-
1.30 Tran To Brookings Airport				40,000				40,000		40,000	-
1.27 Tran To Econ Development				33,000				33,000		33,000	-
1.15 Tran To - RSNP				160,000				160,000		160,000	-
Non-Public Safety	260,358	60,000	364,895	2,101,617	1,518,413	489,740	335,630	393,949	129,137	2,786,870	0
Totals	1,332,760	388,356	694,714	4,524,960	5,667,532	1,626,683	818,886	432,238	497,068	9,042,407	0

10

Summary GF Public Safety

2/19/2013

Public Safety Departments	Non-Incorp %	Non-Incorp	Incorp %	Incorp	Public Safety
1.37-424.20 Communication Towers	60%	159,642	106,428	40%	266,070
1.10-415.30 DA Office	50%	117,005	117,005	50%	234,010
1.10-421.20 Civil & Criminal	51%	230,336	221,304	49%	451,640
1.10-421.20 Sheriff - Patrol 6	95%	707,741	37,250	5%	744,990
1.10-421.20 Sheriff - Patrol 6	95%	707,741	37,250	5%	744,990
1.10-421.21 SAR	75%	3,825	1,275	25%	5,100
1.10-421.22 MJ Eradication	50%	-	-	50%	-
1.10-421.23 Marine Patrol	50%	7,910	7,910	50%	15,820
1.10-421.24 Forest Patrol	62%	-	-	38%	-
1.10-421.25 Harbor Sub Station	54%	10,287	8,763	46%	19,050
1.10-421.26 Jail	29%	305,930	749,000	71%	1,054,930
1.10-421.51 Communications	80%	343,568	85,892	20%	429,460
1.10-421.90 Animal Control	61%	3,245	2,075	39%	5,320
1.10-423.50 Parole and Probation	55%	13,360	10,931	45%	24,290
1.10-429.10 Em Svc	50%	33,500	33,500	50%	67,000
1.10-423.60 Juvenile Admin	48%	221,899	240,391	52%	462,290
		2,865,988	1,658,972		4,524,960

Total departmental budget to be allocated.

Allocation between Incorporated and Non-Incorporated

Property Taxes Collected

Non-Incorp	Incorp	Assessed Property Value	Assessed Property Value Rate	<- Tax Assessed collection rate
1,564,310,043	969,489,051	1,8400	93%	2
1,9700	1,783,841	1.8400	93%	2
3,081,708	1,783,841	1.8400	93%	2
2,865,990	1,658,970	1.84	93%	2
(2)		1.84	93%	2
1.97		1.71	93%	2
1.83		1.71	93%	2

Total Assessed Property Values
 Levy Rate
 Property Taxes Assessed
 Collection Rate
 Property Taxes Collected

Public Safety Levy
City of Brookings' Analysis 2/19/2013

	<u>Tax Rate</u>		<u>Public</u>
	<u>Unincorp</u>	<u>Incorp</u>	<u>Safety</u>
Public Safety Departments			
1.37-4.24.20 Communications Tower			161,030
Public Safety major repairs			100,000
1.10-415.30 DA Office			304,760
1.10-421.20 Civil & Criminal			463,980
1.10-421.21 SAR			5,000
1.10-421.23 Marine Patrol			15,520
1.10-421.26 Jail			1,055,850
1.10-421.90 Animal Control			5,220
1.10-423.5 Parole and Probation			23,830
1.10-429.10 Em Svc			65,730
1.10-423.60 Juvenile Admin			453,550
 Services shared by unincorporated and incorporated	 1.13	 1.13	 2,654,470
	<u>Non-Incorp</u>		
1.10-421.20 Sheriff - Patrol 6	100%	710,010	710,010
1.10-421.20 Sheriff - Patrol 6	100%	710,010	710,010
1.10-421.25 Harbor Sub Station	100%	18,690	18,690
1.10-421.51 Communications	100%	354,060 a	354,060
 Services provided to unincorporated areas only		 1,792,770	 1,792,770
 Total Net Tax Revenues to be raised by Levy calculation			 4,447,240
 a - Directly billed to Cities of Gold Beach and Port Orford; should not be part of levy calculation			 77,720
			 4,524,960
 Total Levy Tax Rate	 2.36 1.13		
	<u>Non-Incorp</u>	<u>Incorp</u>	<u>Total</u>
	62%	38%	
Assessed Value	1,564,310,043	969,489,051	2,533,799,094
Collection rate			93%

11/20/2013 10:00 AM

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McCLAIN

Public Safety Levy Worksheet

	Un-Incorp %	Un-Incorp	Incorp	Incorp %	Total
1.37-434.20 Communication Tower	85.0%	136,876	24,155	15.0%	161,030
Public Safety Building Major Repair	58.0%	58,000	42,000	42.0%	100,000
1.10-415.30 DA Office	58.0%	176,761	127,999	42.0%	304,760
1.10-421.20 Civil & Criminal	58.0%	269,108	194,872	42.0%	463,980
1.10-421.20 Sheriff Patrol 6	100.0%	710,010	0	0.0%	710,010
1.10-421.20 Sheriff Patrol 6	100.0%	710,010	0	0.0%	710,010
1.10-421.21 SAR	90.0%	4,500	500	10.0%	5,000
1.10-421.22 MJ Eradication	50.0%	0	0	50.0%	0
1.10-421.23 Marine Patrol	80.0%	12,416	3,104	20.0%	15,520
1.10-421.24 Forest Patrol	80.0%	0	0	20.0%	0
1.10-421.25 Harbor Sub Station	100.0%	18,690	0	0.0%	18,690
1.10-421.26 Jail	58.0%	612,393	443,457	42.0%	1,055,850
1.10-421.51 Communicatios	85.0%	367,013	64,767	15.0%	431,780
1.10-421.90 Animal Contol	58.0%	3,028	2,192	42.0%	5,220
1.10-423.50 Parole & Probation	58.0%	13,821	10,009	42.0%	23,830
1.10-429.10 Emergency Services	100.0%	65,730	0	0.0%	65,730
1.10-423.60 Juvenil Administration	58.0%	263,059	190,491	42.0%	453,550
Budget Allocation	75.6%	3,421,415	1,103,545	24.4%	4,524,960
Assessed Value	61.7%	1,564,310,043	969,489,051	38.3%	2,533,799,094
Cost per Assessed 1,000		\$2.19	\$1.14		
Collection Rate		93.0%	93.0%		
Public Safety Levy to achieve budget		\$2.35	\$1.22		
Population	58.0%	13,340	9,660	42.0%	23,000

RECURRING PAGE 2

RECURRING PAGE 2



OregonLive.com

Everything Oregon

Oregon lawmakers prepare for worst-case scenarios in near-broke timber counties

By Yuxing Zheng, The Oregonian

on February 27, 2013 at 7:21 PM, updated February 27, 2013 at 9:40 PM

SALEM -- The Curry County sheriff's budget for the next fiscal year amounts to two deputies and three jail beds -- in neighboring Coos County.

County officials will ask voters for more money in May with a public safety levy. If voters reject it, the problems of this sparsely populated county in Oregon's southwest corner could become the problems of the entire state.

Lawmakers in Salem are preparing for the worst. An unprecedented number of bills in the Oregon Legislature aim to lay the groundwork for financially distressed counties to declare a fiscal emergency and to allow the state to provide required services such as tax collection, elections and public safety. Other bills would allow counties to merge or to declare bankruptcy, which they're currently prohibited from filing.

If officials tap state resources to operate county functions in southwest Oregon, that would likely mean that tax dollars from more prosperous, heavily taxed Portland-area counties get shipped to the timber-reliant counties, which have some of the lowest permanent property tax rates in the state.

"I think we're at a point now where the federal government isn't going to be able to bail us out this time," said David Brock Smith, chairman of the Curry County Board of Commissioners. "We need to help ourselves."

Officials in Curry, Coos, Douglas, Josephine, Jackson, Lane and other timber-reliant counties face the prospect of financial insolvency in coming years as county timber payments from the federal government end. The counties relied heavily on the payments, intended to compensate for the drop in logging in federal forests, to formulate county budgets.

The most immediate concern is public safety. One bill expected to be introduced through the House Rules Committee next week spells out how the governor could declare a "public safety fiscal emergency" and create an

More

[Continuing coverage of the county payments program created in 2000 to reimburse counties for lost income from the sale of timber on federal lands.](#)

Search for solution continues

WASHINGTON -- This was supposed to be the year that Congress approved a new, permanent mechanism for

intergovernmental agreement to provide some of those services.

Other bills seek to allow the secretary of state's office to provide elections functions, the Department of Revenue to provide property tax assessment and collection, the Oregon Department of Veterans' Affairs to provide local veterans services, and the Department of Consumer and Business Services to provide building inspections. Most bills would first require the local governing board to request that the governor make an emergency designation.

"I don't think it'd be responsible for the Legislature to not have a plan in the unfortunate case of insolvency," said Rep. Bruce Hanna, R-Roseburg.

Hanna is sponsoring House Bill 2924, which would allow a county to file for bankruptcy. He acknowledged the bill is "controversial" but said bankruptcy is a necessary last resort.

"If you had insolvency without the ability to get relief, you don't push the envelope to the edge as far as allowing a county to reorganize debt," said Hanna, who sits on a House task force for timber-dependent counties. "Bankruptcy would give them that. It's, to a degree, the last straw."

The state Department of Administrative Services would help coordinate state management of services for distressed counties. Under a bill passed in the 2012 Legislature, a county board could request the governor declare a fiscal emergency, prompting the creation of a fiscal assistance board that could authorize the state to take over certain services.

Some of the bills under consideration would allow state agencies to charge counties administrative fees to cover the cost of providing certain services. But it's unlikely a broke county could fully compensate the state, leaving various state agencies -- and taxpayers from across the state -- footing the rest of the bill.

"There are many arguments to be made about how much

sending federal dollars to financially strapped rural counties like Curry, Lane and Josephine.

But that promise is fading, slowed by gridlock in Congress and differences among stakeholders in Oregon.

As a result, Sens. Ron Wyden, D-Ore., and Max Baucus, D-Mont., have proposed another one-year extension of slightly less than the \$105 million the program sent to Oregon counties last fiscal year.

An extension would buy time to build support for a more permanent solution.

One plan offered by Oregon Reps. Peter DeFazio and Greg Walden and Kurt Schrader would convert 1.5 million acres of Oregon and California Railroad Grant, the so-called O&C lands, to a public trust. A committee selected by the governor would manage the property commercially, with some revenue going to counties. The rest of the O&C land would be managed as a conservation area.

The lawmakers continue to work on the idea, but it hasn't gotten much traction in Congress. The effort sustained a hit Feb. 6 when a panel of timber executives, environmentalists and leaders from Oregon's most financially strapped counties appointed by Gov. John Kitzhaber couldn't agree on how to solve the logging tug-of-war.

With that plan sputtering, Wyden is floating another more ambitious idea.

According to Wyden spokesman Keith Chu, Wyden would combine a collection of currently separate revenue-generating programs into one unit that would underwrite assistance to rural counties.

The fund would include timber, onshore and offshore oil and gas leases, mineral extraction and renewable sources of power.

Chu said that Wyden still supports the O&C approach and the combined fund is not intended to be a substitute.

The new fund would have much more money from many more sources and it would presumably expand political

does every citizen in Oregon have a stake in at least a base level of service delivery across the state," said Michael Jordan, director of the Department of Administrative Services. "You could make the equity argument that most of the income tax revenue comes from the Portland metro area, but pick a service, and at least in education's case, that money has been formulaically distributed across the state."

support because a much larger slice of the country would be involved.

-- Charles Pope

Timber-dependent counties not only have large swaths of untaxable federal forests but also lower incomes. Josephine County, for example, has an annual median household income of \$37,824, compared with \$50,726 in Multnomah County. The counties also have some of the lowest permanent tax rates, which voters have been reluctant to raise.

Voters in Josephine County, which has the state's lowest permanent tax rate at \$0.59 per \$1,000 of assessed property value, rejected a law enforcement property tax levy in May 2012. The rejection forced the sheriff's office to release inmates, eliminate its major crimes unit and reduce the number of patrol deputies to six.

Curry County spun off its human services department into a nonprofit at the beginning of the month, said Smith, the county chairman.

Commissioners there are hoping voters in May will approve a five-year public safety levy that would raise \$4.5 million annually. Otherwise, the county will have a \$2.1 million general fund budget for the next fiscal year, which starts July 1. Commissioners in spring 2012 even considered a local sales tax.

If the state ultimately steps in to provide services, Smith fears residents will lose local control while forking over precious tax dollars to the state to cover administrative charges.

"Curry County is the first one on the cliff," Smith said. "The parachute has been deployed. We're just trying to figure out where to land."

-- Yuxing Zheng
@yuxingz

Permanent property tax rates by county

- 1. (lowest) Josephine: \$0.59
- 2. Curry: \$0.60
- 3. Coos: \$1.08
- 4. Douglas: \$1.11
- 7. Lane: \$1.28
- 14. Jackson: \$2.01
- 16. Washington: \$2.25
- 24. Clackamas: \$2.98
- 33. Multnomah: \$4.34
- 36. (highest) Sherman: \$8.71

Rates are per \$1,000 of assessed property value and do not include local-option levies.

Source: Association of Oregon Counties

Baucus and Wyden Pledge to Extend Secure Rural Schools Program

Friday, February 15, 2013

Washington, D.C.— Senator Max Baucus (D-MT) and Senator Ron Wyden (D-OR) pledged on Friday to extend the Secure Rural Schools program for at least another year, buying time to craft a long-term solution for rural communities.

Baucus, who chairs the powerful Senate Finance Committee, has strongly supported the program in the past, and said he will again work to ensure the lifeline for resource-dependent communities does not disappear.

"These investments are the lifeline that keeps teachers in the classroom, lights on at the road department and emergency crews on the job in Montana counties," Baucus said. "And they are rightfully due to rural counties that are home to large areas of federal lands. Now is not the time to pull the rug out from under them."

Wyden, who chairs the Energy and Natural Resources Committee, has worked for years to provide stability to rural Oregon communities, and authored the original Secure Rural Schools and County Self-Determination Act in 2000.

"Maintaining the federal government's historic obligation to rural Oregon and to rural America has always been my top legislative priority," Wyden said. "As the chairman of the Energy and Natural Resources Committee, I plan to throw my weight behind an extension of this program, to make sure rural counties are not left in the lurch."



Ron Wyden
@RonWyden

Follow

Renewing Secure Rural Schools ensures rural counties aren't left in a lurch & is my & Chairman Baucus' top priority. 1.usa.gov/XcWPmE

10:41 PM - 15 Feb 13

7 RETWEETS 1 FAVORITE



Detective: Grants Pass is 'wasteland of criminals'

*Longtime officer quits force
amid frustration about the
city's criminal justice system*

By **SHAUN HALL**
Grants Pass Daily Courier

Grants Pass police Detective Mike Vorberg has called it quits, saying he is disappointed with the state of the local criminal justice system.

"Evil is winning here," Vorberg said in a resignation letter. "There is a profound amount of heartbreak that comes with watching your hometown become a wasteland of criminals. For the first time in my life, I no longer want to be a resident here."

Vorberg has gone to work for the police department in Tualatin. He was born and raised locally, graduated from Grants Pass High School and went to work for the Josephine County Sheriff's Office at age 21. He worked eight years there and worked the past seven years with the Grants Pass Department of Public Safety. His resignation letter is dated Jan. 21.



Vorberg
"Evil is
winning here."

Wasteland

from Page 1A

"In my 15 years of being a cop, I have investigated thousands of drug crimes, hundreds of deaths and dozens of murders," Vorberg wrote. "I have been in over 200 meth labs and have fought for my life on a few occasions. I have seen murdered children, and unspeakable things that people should never have to see. I have been shot at, punched, kicked, spit on, bled on, and called every name in the book. And still, I would proudly die for the people we serve."

But then came last May's defeat of a Josephine County public safety levy.

"The people we serve shocked me," he continued. "In our most desperate hour of need for help and support, they told us they did not support us. They voted no to justice, an idea as basic a necessity as shelter. They voted no to a functioning jail and prosecutor's office. They effectively made the Grants Pass Department of Public Safety an engine with no car."

Justice system services have been slashed in the wake of cuts in federal subsidies to the county and last spring's failure of a property tax proposal to fill the resulting gap. Now, the Josephine County Jail holds 100 inmates, down from 150 a year ago and a total potential capacity of 262; and sheriff's patrols have been cut to 40 hours per week, with Oregon State Police filling some of the gap. Last fall, prosecutions dropped by about half of previous levels, although staffing has increased slightly. Also, the county's juve-

nile detention center and shelter closed, with rented detention beds in Medford now being used to fill that gap.

Vorberg said the jail could not take people arrested for burglary, assault, robbery and drug dealing.

"We have had hundreds of cases of legitimate criminal charges rejected by the District Attorney's Office due to budget cuts and staffing cuts," he said.

"It is troubling how passionately certain members of the voting majority could fight so hard against us, the 'good guys,'" he continued. "For most citizens, crime is out of sight and out of mind."

"For us with our thumbs on the pulse of crime at home, it is ever in our sight and doubly on our mind."

District Attorney Stephen Campbell praised Vorberg.

"He was one of the best detectives I've worked with," he said. "To lose him is not good."

Vorberg said he regretted leaving a department he loves, but that he has "another family I must think of first." He estimated it would take generations for the county to recover.

Vorberg will be replaced on the department's five-person detective division by former Detective Pete Jenista.

"Mike's loss was difficult," division supervisor Sgt. Dan Evans said. "We lost a lot of experience. A lot of what we do back here is about connections. You lose that."

Reach Daily Courier reporter
Shaun Hall at 541-474-3813 or
shall@thedailycourier.com.

Gary Milliman

From: Joyce Heffington
Sent: Wednesday, March 06, 2013 8:49 AM
To: Gary Milliman; Bill Hamilton; Brent Hodges; Jake Pieper; Kelly McClain; Ron Hedenskog
Subject: FW: Please Pass on to your Mayor, Administrators and Councilors-Crime increases in Oregon county following public safety cuts (Josephine County)
Attachments: JOCOUNTY.pdf

Please see below.

Joyce Heffington
City Recorder

From: David Brock Smith [mailto:smithd@co.curry.or.us]
Sent: Tuesday, March 05, 2013 4:05 PM
To: Joyce Heffington; mmurphy@portorford.org; Jodi Fritts
Subject: Please Pass on to your Mayor, Administrators and Councilors-Crime increases in Oregon county following public safety cuts (Josephine County)

Will Curry County realize the lessons learned from its neighbor Josephine County?

Good Afternoon,

Below is a March 2, 2013 article by the Associated Press regarding Josephine County's public safety issues. One would say that words cannot express my deep concerns for our county's future and the immediate severity of the situation we all face. Although, words must express this situation, and not only my words but others as well. Even though it comes at a very unfortunate cost to our neighboring Josephine County to the east and their citizens, we are blessed to bear witness to our future if we do nothing to help ourselves. The citizens of Josephine County, another Federal Timber dependent county like ours, failed to pass their modest Law Enforcement Levy in May of 2012 and were forced to make dramatic cuts to personnel in July which is exactly what we are facing in Curry County. They have seen crime skyrocket, burglaries upwards to 50% while prosecutions down by 42%, drug cartels (and yes to those that are uninformed we do have drug cartels in Southern Oregon) have been positioning themselves into communities and are watching what happens to Curry County Law Enforcement. Former Josephine County Sheriff and currently resigning Grants Pass Detective Mike Vorberg has stated publicly, "Grants Pass is a wasteland of criminals and evil is winning here", he goes onto say, "It is troubling how passionately certain members of the voting majority could fight so hard against us, the 'good guys' ". Detective Vorberg is leaving Grants Pass where he grew up and has lived and worked as a peace officer all his life for better pay, benefits and job security in Tualatin. He continues, "The people we served shocked me....they voted no to justice, an idea as basic a necessity as shelter. They voted no to a functioning jail and prosecutors office. They effectively made the Grants Pass Department of Public Safety an engine with no car". This last public statement is the reality of the situation we all face. If the City of Grants Pass, with all of its resources and public safety cannot function without the county's law enforcement services than how are the Cities of Brookings, Gold Beach or Port Orford going to be able to have functioning public safety services, they will not. The reality of this serious situation is no one has come to their aid, there has been no significant federal timber payments to come close to shoring up the fiscal hole left even after drastic cuts. The state has not stepped in to help, although Josephine is fortunate to have some State Police presence (12) where we are left with 4 troopers county wide. Sheriff Bishop also just informed me that another experienced and dedicated Patrol Deputy will soon be leaving the Sheriff's Department for a better job, but more importantly, job security, leaving our Sheriff's Patrol at four Deputies to cover 1746 square miles. I have grave concerns for the future of our county if we do not take the steps needed and presented to you for our own Public Safety stability. I have fears of property values plummeting while homeowner's insurance rates skyrocket, tourism; our

county's economic driver, tanks, once word of a lawless Curry County spreads, and our friends and neighbors decide to move, taking children from our already financially distressed schools. Folks, I don't want to raise your or my taxes and you must realize we cannot cut our way out of the lack of Federal Timber revenue to make up the budget needed to fund the basic levels of Public Safety to our citizens. Your county elected officials and staff are working hard to find ways to not only cut but also to generate revenue that will fund public safety services. Your Board is working on those plans now but we need a funding bridge for them to come to fruition. We cannot afford to have Josephine County's reality our own as our cuts will be much worse and we must understand that in order to have healthy cities and communities, we must have a healthy county and to do this we must support the Local Law Enforcement Levy in May.

Respectfully,

David Brock Smith, Chair
Curry County Board of Commissioners
94235 Moore St., Suite 122
Gold Beach, OR 97444
541-247-3296
SmithD@co.curry.or.us

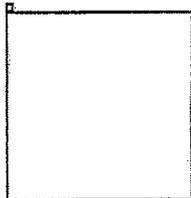


By The Associated Press

on March 02, 2013 at 1:56 PM

Print

Email



[View full size](#) The Josephine County Sheriff's Office Major Crimes unit was dismantled last year after all of the employees there, including several detectives, were laid off. It was part of the county's response to voter defeat of a law enforcement property tax levy. Now crime is up and prosecutions are down in the county. *Beth Nakamura/The Oregonian*

Crime is up and prosecutions are down in Josephine County and the city of Grants Pass since deep cuts to the jail and the district attorney's office were forced by voters who refused to raise their taxes to make up for the expiration of a federal timber subsidy.

The Grants Pass Daily Courier reported that burglaries were up 50 percent in Grants Pass and 45 percent in the rest of the **southern Oregon county** in 2012, compared with the previous year. Prosecutions were down 42 percent.

Grants Pass Public Safety Director Joe Henner said the county is seeing a failing criminal justice system.

[More](#)

Continuing coverage of the county payments program created in 2000 to reimburse counties for lost income from the sale of timber on federal lands.

"We're seeing increased crime," Henner said. "Our officers are saying they're having more hostile and violent encounters with suspects, who are challenging them and fighting."

Henner added that the numbers are likely to get worse.

Midway through last year, deep cuts affected jail, prosecution and rural patrol services, plus juvenile department services. "A full year (of statistics) likely would show greater call increases," Henner said.

Liquor store owner Jack Ingvaldson said there is "anarchy in the alleys" of downtown.

"I'm putting in gates to keep them out," he said. "I'm a pretty compassionate guy. I donate. But at what time does one run out of patience?"

At the district attorney's office, about 1,000 fewer misdemeanor and felony cases were prosecuted last year, compared with the previous year, according to **District Attorney Stephen Campbell**. Last year, about 1,400 cases were prosecuted versus 2,400 prosecutions the previous year.

"I lost four attorneys (out of nine)," he said. "And that's not a full year, either. I didn't lose those attorneys until July 1." Since then, a full-time and part-time attorney have been rehired.

Realtor Gerard Fitzgerald said the county is getting a reputation that threatens its economic future.

"People will not buy a house in an unsafe community," Fitzgerald said. "Once a community gets a reputation, it takes a long time to turn that around. If we get branded, it will be very, very serious. Right now, I don't think we have a reputation in Oregon as an unsafe community."

Risk to reputation is a particular concern because people from California move here and visit here, generating jobs, he said.

"If you cannot attract economic growth, then we do not have the jobs," Fitzgerald said. "We have a service economy. We now may have something that could threaten that service economy. We need to find a permanent, stable method of funding."

CITY OF BROOKINGS

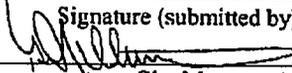
COUNCIL AGENDA REPORT

Meeting Date: April 8, 2013

Originating Dept: City Attorney

Martha D. Rice

Signature (submitted by)


City Manager Approval

Subject: Draft County Charter

Recommended Motion: Discussion only.

Background/Discussion:

At its meeting of March 25, the City Council directed the City Attorney to prepare a draft County Home Rule Charter that could be made available to a citizens group for their use in proposing a ballot measure through initiative.

Board of Commissioners

The draft Curry County Charter provides for a governing body made up of a five-member Board of Commissioners to be elected at-large. The term for each Commissioner is 4 years with 3 Commissioners being elected in non-presidential biennial election years and two Commissioners being elected in presidential election years. The Commissioners beginning salary is set at \$10,000 for the chair and \$9,000 for the other four Commissioners. Annual adjustments in salary must be approved by the non-Commissioner members of the Budget Committee and in no case may increase by more than the increase in the Consumer Price Index (CPI-U).

County Administrator

The draft County Charter also provides for a County Administrator who would be appointed by the Board of Commissioners and serve as the head of the administrative branch of the County government. The County Administrator would oversee all departments except for the Sheriff's Department and the District Attorney's Office.

Transition

If the Charter is approved by the voters, there will necessarily be a transition period from one form of government to the other. The draft Charter provides that all County elected officials will continue in office for the term to which they were elected, including the current Commissioners. The new Board of Commissioners would begin serving under the new Charter with only three Commissioners until such time as the other two seats are filled.

Process

The text of the proposed initiative (the Charter) along with a Prospective Petition for Local Measure (Form SEL 370) and a Statement that One or More/ No Petition Circulators Will be Paid (Form SEL 301) must be submitted to the County Elections Officer to begin the process of placing the initiative on the ballot. The forms are available from the Secretary of State's Elections Division website.

Note that any/all of the above referenced provisions are subject to change by a citizen's group that proposing a charter measure to the voters.

Attachment(s): a. Draft Curry County Home Rule Charter

CURRY COUNTY HOME RULE CHARTER

PREAMBLE

We, the people of Curry County, Oregon, in recognition of the dual role of the County as a political subdivision of the State of Oregon and as a unit of local government, and in order to avail ourselves of self determination in County affairs to the full extent permissible under the Oregon Constitution and the laws of this State, by this Charter confer upon the County the following powers, subject it to the following restrictions, and prescribe for it the following procedures and governmental structure.

CHAPTER 1. PRELIMINARY PROVISIONS

Section 1.10. Name. The name of the County as it operates under this Charter shall continue to be Curry County.

Section 1.20. Nature and Legal Capacity. From the time that this Charter takes effect, the County shall continue to be a political subdivision of the State of Oregon and a body politic and corporate.

Section 1.30. Boundaries. The boundaries of the County as it operates under this Charter shall be the boundaries now or hereafter prescribed for the County by the laws of the State of Oregon.

Section 1.40. County Seat. The seat of government of the County as it operates under this Charter shall continue to be the City of Gold Beach.

CHAPTER 2. POWERS

Section 2.10. General Grant of Powers. The County shall have authority over matters of County concern to the full extent granted or allowed by the Oregon Constitution and the laws of this State and of the United States, as fully as if each power comprised in that general authority were specifically granted by this Charter.

Section 2.20. Construction of Powers. This Charter shall be liberally construed, to the end that, within the limits imposed by the Charter and by the Oregon Constitution and the laws of the State of Oregon, the County shall have all powers necessary and convenient for the

conduct of its affairs including all powers that counties may assume under the Oregon Constitution and the laws of the State of Oregon concerning county home rule.

Section 2.30. Vested Powers. All powers, both legislative and administrative, of the County shall be vested in the Board of Commissioners as prescribed by this Charter, subject to the initiative and referendum powers reserved to the people of Curry County. The administrative powers may be exercised by the Board of Commissioners or by persons under its authority to whom the Board has delegated such powers.

Section 2.40. Specific Legislative Powers.

- (1) In addition to the other powers herein provided, the Board of Commissioners shall have the power to:
 - (a) Enact ordinances pursuant to the provisions of this Charter;
 - (b) Adopt a County Administrative Code;
 - (c) Appoint boards, commissions and committees;
 - (d) Appoint a County Administrator, County Counsel(s), [other positions].
- (2) The County offices and departments shall exercise their functions under the authority of the Board of Commissioners and under the direction and supervision of the County Administrator.

CHAPTER 3. BOARD OF COMMISSIONERS

Section 3.10. Commissioners. The governing body of the County shall be a board of five County Commissioners who shall be elected at-large.

Section 3.20. Qualifications. To qualify for the elective office of County Commissioner, a person must be a legal voter of Curry County and a resident of Curry County at the time of, and for at least one year immediately prior to, filing for office. A County Commissioner may not simultaneously be an employee of the County and a Commissioner.

Section 3.30. Elections. Commissioners shall be elected at the biennial general November election. Positions 1, 3, and 5 shall be elected in non-presidential biennial election years and positions 2 and 4 shall be elected in presidential election years.

Section 3.40. Term of Office. The term of office for each elected Commissioner is four years and begins on or after January 1. Commissioners shall serve until the succeeding Commissioner has taken the oath of office or the Board has declared a vacancy.

Section 3.50. Chairperson. At its first regular meeting of the year, the Board shall designate one of its members as its Chairperson and one as its Vice-Chairperson. The Vice-

Chairperson shall assume the duties of the Chairperson when that officer is absent. The Chairperson shall:

- (1) Preside over the meetings of the Board of Commissioners;
- (2) Preserve order at meetings of the Board of Commissioners;
- (3) Enforce the rules of the Board of Commissioners;
- (4) Determine the order of business for meetings of the Board of Commissioners;
- (5) Call special meetings and executive sessions of the Board as needed;
- (6) Vote on all questions before the Board of Commissioners; and
- (7) Have the power to make motions, second motions and vote on all questions before the Board of Commissioners.

Section 3.60. Quorum. Three Commissioners shall constitute a quorum of the Board of Commissioners.

Section 3.70. Meetings. The Board of Commissioners shall meet regularly at least once each month and at such time and place as the Board of Commissioners may prescribe by rule. Special meetings may be called by the Chair or three Commissioners upon notice to each member. All meetings shall be open to the public except for executive sessions as allowed by the laws of the State of Oregon.

Section 3.80. Voting. No action of the Board of Commissioners shall be valid or binding unless adopted by the affirmative vote of three or more members. All voting shall be by recorded roll call vote.

Section 3.70. Compensation. The first Board of Commissioners to be elected under this Charter shall be compensated \$10,000 per year for the Chairperson and \$9,000 per year for the other four Commissioners. Compensation may be adjusted annually at the discretion of the non-commissioner members of the Budget Committee; provided that, an increase in compensation may not exceed the increase in the CPI-U for the previous year.

Section 3.80. Vacancies. A vacancy of office on the Board of Commissioners shall occur for any of the following reasons: death, incapacity to act, resignation, recall, establishing residency outside of Curry County, conviction of a felony, or unexcused absence for three consecutive regularly scheduled Board meetings.

[Within 90 days of the Board's declaration of a vacancy, the remaining Commissioners shall appoint an eligible Curry County resident to fill the vacated position for the remainder of the unexpired term.]

or

[Upon the Board's declaration of a vacancy, the remaining Commissioners shall take the following applicable course of action:

- (1) If the unexpired term of the vacated position is one year or more, then the position shall be filled at the next May or November election. If no candidate receives a majority of votes cast at the election, then the Board of Commissioners shall call for a special election in which the two candidates receiving the highest number of votes cast will appear on the ballot. The candidate receiving the majority of votes cast in the special election will be deemed elected to fill the remainder of the unexpired term.
- (2) If the unexpired term of the vacated position is less than one year but more than 90 days, then the Board of Commissioners shall appoint an eligible Curry County resident to fill the vacated position for the remainder of the unexpired term.
- (3) If the unexpired term of the vacated position is 90 days or less, then the position shall not be filled.]

CHAPTER 4. ADMINISTRATION

Section 4.10. Powers and Duties of the County Administrator. The County Administrator shall:

- (1) Be appointed by the Board of Commissioners;
- (2) Serve at the pleasure of the Board of Commissioners;
- (3) Be the head of the administrative branch of County government;
- (4) Be responsible for carrying out the policies established by the Board of Commissioners;
- (5) Be responsible to the Board of Commissioners for administration of Curry County;
- (6) Be responsible for the employment and termination of all County employees; and
- (7) Oversee all County departments with the exception of the Sheriff's Department and District Attorney's Office.

Section 4.20. Administrative Departments. For purposes of county services and the administration of county affairs, the Board of Commissioners shall establish administrative departments. The Board of Commissioners shall prescribe the functions of each administrative department and may change the functions of any department from time to time. The Board of Commissioners may also from time to time establish new administrative departments, abolish any department, combine two or more departments into a single department and separate departments so combined.

Section 4.30. Administrative Code. The County Administrative Code shall govern the operation of the various County offices and departments. It shall prescribe the powers and duties of elected and appointed County officials and employees and shall prescribe the procedures and systems of operation and management of all offices and departments of the

County. The Board of Commissioners may enact, amend, revise or repeal provisions of the County Administrative Code. The Board of Commissioners shall review the County Administrative Code periodically to ensure its accuracy and completeness.

Section 4.40. Board and Commissions. The Board of Commissioners shall establish such appointive boards and commissions as are prescribed by the laws of the State of Oregon or as the Board finds necessary for the proper administration of County affairs.

CHAPTER 5. ELECTIONS

Section 5.10. Election of Officers. All elective County offices shall be nonpartisan. The manner of nominating and electing officers shall be the same as that established by state law. The names of all candidates shall appear on the primary election ballot. If a candidate receives the majority of votes cast for a position at the primary election, the candidate shall be elected to the position. If no candidate for a position at a primary election receives a majority of the votes cast for the position the two candidates receiving the highest number of votes shall be declared nominees and their names shall appear on the general election ballot.

Section 5.20. Tie Votes. In the event of a tie vote for candidates for an elective office of the County, the successful candidate shall be chose by a public drawing of lots in a manner prescribed by the Board of Commissioners.

Section 5.30. Initiative and Referendum. Except as this Charter or the ordinances of the County provide to the contrary, the voters of the County reserve their right to exercise the initiative and referendum with reference to County propositions in the manner prescribed by the laws of the State of Oregon.

Section 5.40. Recall. An elective officer of the County may be recalled in the manner and with the effect prescribed by the laws of the State of Oregon.

Section 5.50. Charter Amendment and Repeal. This Charter may be amended or repealed by the voters of Curry County at a regular election or at a special election called by the Board of Commissioners. An initiative petition to submit a Charter amendment or repeal to the voters shall be filed with the elections division at least 90 days before the election at which the measure is to come before the voters. An ordinance to refer a charter amendment or repeal to the voters shall be enacted at least 60 days before the election at which the measure is to come before the voters.

CHAPTER 6. GENERAL PROVISIONS

Section 6.10. Existing Legislation. All County ordinances, rules, regulations and orders in force on the effective date of this Charter shall continue to be effective unless inconsistent with the provision of this Charter.

Section 6.20. Elected Officials in Office. All elected County officials, including Commissioners, who are in office at the time this Charter takes effect shall continue in office for the term to which each was elected. Current Commissioners whose positions are up for election in the November 2016 general election shall be deemed to be in Positions No. 2 and No. 4. The current Commissioner whose position is up for election in the November 2014 general election shall be deemed to be in Position No. 1.

Section 6.30. Election of New Commissioners.

[Upon the effective date of this Charter, the Board of Commissioners shall call a special election to fill Positions No. 3 and No. 5.]

or

[Upon the effective date of this Charter, the Board of Commissioners shall appoint two eligible Curry County residents to fill Positions No. 3 and No. 5 until the next general election at which Positions No. 3 and No. 5 will be filled by the electorate.]

Section 6.40. Intergovernmental Cooperation. From time to time the Board of Commissioners may arrange by contract for one or more functions or duties of the County to be performed in cooperation with or by one or more other governmental units and for the County to perform functions or duties for other governmental units.

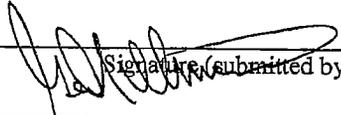
Section 6.50. Severability. If any provision of this Charter is held invalid by a court of competent jurisdiction, the other provisions of this Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 6.60. Effective Date. This Charter shall be and become effective January 1, 2014.

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: April 8, 2013

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Senate Bill 173

Recommended Motion:

Motion to authorize Mayor to sign a letter of support for Senate Bill 173.

Financial Impact:

No immediate impact; if passed/implemented SB 173 could result in reducing the cost of service delivery.

Background/Discussion:

The Oregon Senate Rural Communities and Economic Development Committee, chaired by Senator Arnie Roblan (D-Coos Bay), recently held a hearing on SB 173, which would create a service delivery technical assistance program within the Governor's office.

The program, which targets local governments in fiscally distressed counties, would:

- Award grants to cities, counties and other local governments for service delivery innovation;
- Enter into agreements with public and private entities to provide technical assistance to public bodies; and
- Convene task forces and work groups of key stakeholders.

Under this Bill, for example, the State could provide funding and technical assistance to cities to pursue the formation of public safety districts, consolidate 9-1-1, and form other joint powers agencies (like the Border Coast Regional Airport Authority) to provide local services. This is a very positive approach to assisting local government agencies in fiscally distressed counties in developing new cost-effective approaches to service delivery.

Attachment(s):

- a. SB 173

77th OREGON LEGISLATIVE ASSEMBLY--2013 Regular Session

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + } .

LC 477

Senate Bill 173

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Oregon Department of Administrative Services)

SUMMARY

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

Creates service delivery technical assistance program in Governor's office to provide assistance to counties in fiscal distress.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to counties in fiscal distress; and declaring an emergency.

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

SECTION 1. { + (1) For purposes of providing assistance to counties in fiscal distress, there is created in the Governor's office a service delivery technical assistance program.

(2) The service delivery technical assistance program shall:

(a) Award, to public bodies as defined in ORS 174.109, and administer grants for service delivery innovation.

(b) Enter into agreements with public and private entities to provide technical assistance to public bodies.

(c) Convene task forces and work groups as deemed necessary by the program to advance the purposes of this section. + }

SECTION 2. { + This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage. + }

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 10. c.

Council Hearing Date: April 8, 2013

TITLE: Upcoming Meetings and Trainings

SUMMARY AND BACKGROUND:

Monthly Chamber Luncheon: April 9th, Noon at the Showcase Building—Commissioner Smith will be discussing the levy

Urban Renewal

Tuesday, April 9th: Plan hearing before the Planning Commission, 6:30PM

Wednesday, April 17th: Staff presentation of plan to County Commissioners

Monday, April 22nd: Plan hearing and possible adoption by URA/CC, 6:30PM

Budget

Thursday, April 11th: First budget hearing (need to clarify time—6PM or 6:30PM?)

Thursday April 18th: Second budget hearing if needed

Rural Tourism Studio Kickoff: May 6th, 5:30PM-8:30PM at the Showcase Building (info attached)

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

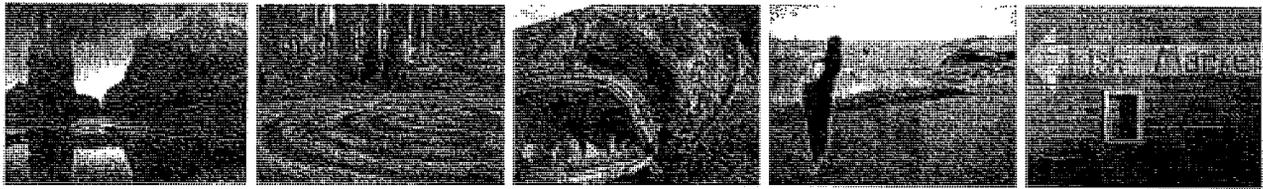
- Rural Tourism Studio info

REQUESTED MOTION/ACTION:

None at this time but if you wish to attend please let us know

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council



SOUTH COAST: BANDON, LANGLOIS, PORT ORFORD, GOLD BEACH & BROOKINGS



Rural Tourism Studio

Networking Events

MONDAY, MAY 6 – GOLD BEACH

The Curry County Fairgrounds • Showcase Building
29332 Ellensburg Avenue • Gold Beach, OR
Questions? Contact Jodi Fritts, Matthew
City Administrator, Gold Beach
(541) 247-7029 or jfritts@goldbeachoregon.gov

TUESDAY, MAY 7 – BROOKINGS

Cherokee Activity Center
550 Cherokee Lane, Brookings, OR
Questions? Contact Gary Milliman, City Manager
City of Brookings (541) 469-1101
or gmilliman@brookings.or.us

WED, MAY 8 – PORT ORFORD & LANGLOIS

1200 11th St SW, Bandon, OR
Questions? Contact Julie Miller, Executive Director
Bandon Chamber of Commerce (541) 347-9616
or bandoncc@mycomspan.com

THURSDAY, MAY 9 – BANDON

Bandon Community Center
1200 11th St SW, Bandon, OR
Questions? Contact Julie Miller, Executive Director
Bandon Chamber of Commerce (541) 347-9616
or bandoncc@mycomspan.com

Join Travel Oregon for an important and engaging tourism networking event in your community. If you work in the tourism industry or care about the future of your community, we would love to see you! Come ready to engage in a meaningful discussion about how – together – we can drive new economic activity in this region through tourism.

These events will kick off a community-based rural tourism development program that will start in the fall of 2013. Travel Oregon will share details about this program at each event.

**ALL EVENTS
5:30-8:30pm**

Please arrive by 5:30!
Heavy appetizers and drink will be provided.



**TOURISM NETWORKING EVENTS ON THE SOUTH COAST
MAY 6-9, 2013**

Join Travel Oregon for an important and engaging tourism networking event in your community. If you work in the tourism industry or care about the future of your community, we would love to see you! Come ready to engage in a meaningful discussion about how – together – we can drive new economic activity in this region through tourism.

These events will kick off a community-based rural tourism development program, called the Rural Tourism Studio, that will start in the fall of 2013. Travel Oregon will share details about this program at each networking event.

All events will take place from 5:30-8:30pm. Please arrive on time to maximize our time together! Heavy appetizers and drinks will be provided.

Monday, May 6 – Gold Beach

The Curry County Fairgrounds
Showcase Building
29392 Ellensburg Avenue
Gold Beach, OR

Questions? Contact: Jodi Fritts-Matthey, City Administrator, Gold Beach: (541) 247-7029 or jfritts@goldbeachoregon.gov

Tuesday, May 7 – Brookings

Chetco Activity Center
550 Chetco Lane
Brookings, OR

Questions? Contact: Gary Milliman, City Manager, City of Brookings: (541) 469-1101 or gmilliman@brookings.or.us

Wednesday, May 8 – Port Orford & Langlois

Port Orford American Legion Hall
421 11th Street
Port Orford, OR

Questions? Contact: Tyson Razor, Port Orford Ocean Rescue Team: (541) 332-0627 or tyson@oceanresourceteam.org

Thursday, May 9 – Bandon

Bandon Community Center
1200 11th St SW
Bandon, OR

Questions? Contact: Julie Miller, Executive Director, Bandon Chamber of Commerce: (541) 347-9616 or bandoncc@mycomspan.com