MINUTES
January 13, 2014
City Council Meeting

Call to order: ***Time: 6:30***

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

	Present	*Absent*
Mayor Karl Popoff	*X*	
Council Position #1 Melinda McVey	*X*	
Council Position #2 Larry Brennan		***X***
Council Position #3 Brice Gregory	*X*	
Council Position #4 Doug Brand	*X*	
Council Position #5 Tamie Kaufman	*X*	
City Administrator Jodi Fritts	*X*	
Student Liaison Lyndsey Dixon	*X*	

3. ***Special Orders of Business:***

Election of Mayor Pro-Tem 2014

Mayor Karl Popoff: The first order of business is the election of the Mayor Pro-Tem who will act in my capacity should I not be able to attend a meeting.

MOTION: Councilor Melinda McVey made a motion to nominate Councilor Tamie Kaufman as Mayor Pro-Tem. Councilor Doug Brand 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 Melinda McVey	X		
Council Position #2 Larry Brennan	ABSENT		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

4. ***Consent Calendar***

Minutes for July, August, September 2013 council meetings

City Administrator Jodi Fritts: There are just a few minor changes before we make a decision on this. Councilor Kaufman pointed out that in the July minutes, page 4, the last word not should be now. In the August minutes, page 3, hospital should be house bill and on page 4, Euchre Creek is misspelled, ONC should be O&C, and on page 18 she is referring to City Administrator Mike Murphy.

Mayor Popoff: With those changes in mind are you prepared to approve the consent calendars?

MOTION: Councilor Brice Gregory made a motion to approve the consent calendar. 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 Melinda McVey	X		
Council Position #2 Larry Brennan	ABSENT		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

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

Mayor Popoff: Mr. Janowicz if you would come up here to address the council, you will have approximately 5 minutes. For the record would you state your name and address.

Joe Janowicz: I live at 28111 Hunter Creek Rd in Gold Beach. Red Flat Nickel Company has a proposal to do develop 1108 acres and is doing test boring sites in the watershed above Hunter Creek. They have requested water from the City of Gold Beach to do their test borings. I have some real concerns with large scale nickel mining operations in a sensitive watershed like we have in Hunter Creek. The fishery and botanical areas could potentially be damaged. It is difficult to criticize something that hasn't happened yet, but my concerns are that we would get pollution of the watershed, water quality damage. Air pollution from the transport of materials back and forth from the mine, increased vehicle traffic on Hunter Creek Road, limiting access to botanical areas and damage to those areas as well as the fishery's as I mentioned before. I was hoping we could see the City Council deny the water to this company for their test borings and maybe draft a Resolution against the development of the mine project as a whole. Thank you for your time.

Mayor Popoff: Thank you.

6. Public Hearing
Amended FOG ordinance (changes from state building codes)

Mayor Popoff: The changes for the most part are minor.

CA Fritts: Except for the way we would enforce the FOG ordinance is very different.

Mayor Popoff: Public Hearing called to order at 6:38

CA Fritts: FOG (fat, oil, grease), this is the icky stuff that can get into our new wastewater plant and we want to prevent this from happening. If we can stop it at the source it is much better than trying to treat it in the lines or in our system. The problem that the state building folks who regulate the state plumbing code have is that some of the language in our code is

more restrictive that what the building code requires. So, they said that a local jurisdiction is not allowed to be more restrictive than their code. The second part was that they want the definitions that are in our code to match the state building code. The big thing is that we had talked about requiring grease interceptors. The state building codes say that we can't require a business to install a grease trap right out of the gate, but we can require them to comply with the discharge requirements to our system. Generally speaking, you need a grease trap to comply with those. So, the system we had in place last year for their plans to be submitted to us beforehand won't work. We can give them our requirements and a list of suggestions on how to comply with them. We will probably have to test businesses and if they don't meet those requirements then we will send them the different compliance methods, one of which is grease interceptors.

Councilor Tamie Kaufman: So, if I am understanding this correctly we can test them and if they come out too heavy then we can tell them that they have to have a plumber (expert) to get them into compliance. We are not allowed to tell them how to get into compliance, just the requirements they have to meet to be in compliance.

CA Fritts: Correct.

Councilor Melinda McVey: Have we had any problems up until now?

CA Fritts: Oh yes. That's why we were updating it. In the past our old plant wasn't working properly so it has been an issue for many many years. So, now with the new plant it is even more important that we keep those compliances.

Councilor Brice Gregory: So, we were planning on doing this sometime in the summer. What kind of timeline are we looking at now?

CA Fritts: If the changes that I made look ok to you then it will come back to you next month for the first reading, then the second reading, and then it will be 30 days for it to go into effect. So, we are looking at 90 days there. Once we have had the first reading we will send out notice to all the business owners of what the compliance standards are and that they now need to comply which will probably involve testing. The public works guys will have to come up with a game plan.

Councilor Gregory: So, we are looking at summer and our main concern was that we didn't want to interrupt the summer flow. But, it would be a great time to test.

CA Fritts: Correct. I think we are going to have to go right to the compliance part. We will tell them we are going to begin testing on this date. You need to insure that your discharge meets the following quality standards. If not, here are your options.

Councilor Doug Brand: So, we are just jumping ahead a few months.

CA Fritts: We do still have the money that we budgeted for grants/loans assistance for compliance. I think the reality is that most people are going to have to get a grease interceptor to comply even though there are other ways to do this. Are there any additions or changes that you want. The only thing that Lauren pointed out was to be sure that the

in our definition section were also made in our code section. So, I will double check to see that I made all those changes. They were definition changes like building frame instead of building sewer.

Mayor Popoff: Any further questions for the CA? Any public comment?

Mayor Popoff: Close Public Hearing at 6:45.

Councilor Kaufman: Can we put something in there so they reflect whatever the state codes are since they change every couple of years?

CA Fritts: Unfortunately, if you put language like that in there it will only reflect on the codes active at that time. So, we will have to revisit these every couple of years. Hopefully, we will have a relationship with the building code folks that if they are going to make changes that they will give us a heads up, which they haven't been real good about in the past. Now that we have this new relationship with them maybe that communication will improve.

7. Citizen Requested Agenda Items

None Scheduled

8. Public Contracts and Purchasing

None scheduled

9. Ordinances & Resolutions

a. Resolution R1314-07-Wastewater Treatment Bond

CA Fritts: This is the bond closure. The information you have is the USDA standards. This is the language you have to have in there for federal reasons. Council will need to pass this resolution tonight, then tomorrow morning the three of us will sit down with the notary with the rest of the papers to close this bond.

Mayor Popoff: This section on collecting fees for use of the facility for maintenance of the work on the bond. At our present billing, are we in compliance with that?

CA Fritts: Yes, we had the sewer rate study done a few years back. The purpose for that was be sure that we had sufficient revenue to fund the debt. We had a couple of rate increases and now we have an inflation factor that is built into the sewer and water rates annually. We had to show those figures to the USDA before they would fund the loan.

MOTION: Councilor Tamie Kaufman made the motion to adopt Resolution R1314-07 a resolution providing for the issuance and sale of the City of Gold Beach, Curry County, Oregon, Wastewater Revenue Bond #1 in the principal sum not to exceed $4,158,000 to the United States of America acting through the United States Department of Agriculture for the purpose of providing a portion of the cost of improving and constructing the City's wastewater system providing for the form and terms of said bond and authorizing the payment of same. Councilor Melinda McVey 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 Melinda McVey	X		
Council Position #2 Larry Brennan	ABSENT		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

b. Ordinance 650 Amending Comp Plan and Zoning Maps

Mayor Popoff: This is concerning that little parcel by Panthers Den.

CA Fritts: Actually, this is a two part. There is the final order which is the land use piece. You voted to approve the order last month, but it doesn't become final until it is reduced to writing. Then if you approve that there will be the first reading which actually amends the zoning map.

MOTION: Councilor Tamie Kaufman made the motion that the Council approve and adopt final order GBZ-1301. Councilor Melinda McVey 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 Melinda McVey	X		
Council Position #2 Larry Brennan	ABSENT		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

CA Fritts: Now we need a motion for the first reading of Ordinance 650 by title only.

MOTION: Councilor Tamie Kaufman made the motion that the Council adopt Ordinance 650 and approve the first reading by title only. Councilor Melinda McVey 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 Melinda McVey	X		
Council Position #2 Larry Brennan	ABSENT		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

CA Fritts: Now I will read the title of the Ordinance into the record. Ordinance 650, an ordinance adopting a change in the City of Gold Beach comprehensive plan map and zoning map on a parcel identified as Assessor Map 3715-01; 08A tax lot 4400. First reading.

10. Miscellaneous Items (including policy discussions and determinations)
a. Continuation of 10th Street Parking issue

Mayor Popoff: I am assuming that everyone had a chance to look at 10th street personally. This was brought before us because we do not have an operating Planning Commission at this time. We have four openings if any of the fine citizens would like to apply for them that would be great.

CA Fritts: I did not put anything additional in the packet from the information I provided you last month.

Mayor Popoff: If the Council has no comments let's open this to the audience. If you have anything you would like to ask or add come on up and you will have 5 minutes.

Diane Williams: I voiced my opinion last week on how I think it is important to put the signs back up before somebody gets squished. We have seven property owners on the south side of 10th St, five want the no parking signs put back up, one person was non-committed and the one gentleman who wants the park in front of his house is the only one who does not want the signs put back up. I also have 37 signatures of other people who live on 10th St who travel the road every day who would like the no parking signs returned. So, I would like to give you this for consideration. This starts from Hwy 101 up 10th St. I presented the petitions last week. It was discussed that handicapped people should be able to park anywhere they need to. So, this petition is with the exception of handicapped parking.

Mayor Popoff: Would anyone else like to speak?

Councilor McVey: Do we need a copy of the signatures?

Mayor Popoff: We received it last month.

Bob Williams: It was pointed out that David Mollers wanted the signs down. He is a real good friend of mine. What he told me is that someone has complained about where he parks and when the City Police come he explains that he can't park down where the garage was as it puts his van on a slant and he needs to park where it is level. The Chief of Police told him that as long as he hangs his handicapped sign in the window he won't be bothered. There is no reason for the signs to be taken down because of David Mollers. The problem we are having is next door. I have some pictures to show you of what's happening. He is a renter; I have not talked to the owner. This renter informed me that his property went to the fence line and he would park out in the street. When he moves one rig he puts another one out there. So far I have almost had 2 accidents. These 3 pictures are what I am looking at when I come out of my driveway. When he moved into this property this was a 2 car garage, and this picture shows what he did to the front of this property, without a permit mind you. I think we should have the no parking signs put back up because of this renter causing visibility problems and it

is dangerous. They have 3 kids and a dog, which I don't have a problem with, but the oldest boy and the dog popped out from between his rig and a van and I almost killed them. I've been upset ever since. Something has to be done. At least give me 20' past my driveway so I can see down the street to pull out on 10th St.

Mayor Popoff: How many people are affected by that? Just yourself or others?

Bob Williams: Yes, quite a few. Charlie drives a little Buick so he is sitting down a ways and can't see over stuff as good and he has already had one accident. He is in a wheelchair. I have been run over on a bicycle once so I know what it is like and I don't want any kids to get hurt.

Mayor Popoff: Thank you sir. We have 37 signatures that would like to see those signs back up.

Councilor Brand: I would like to get the Chiefs' input.

Police Chief Dixon Andrews: Just to clarify Mr. Williams' recitation of David Mollers contact, because it was inaccurate. David Mollers came to City Hall, we did not respond to his house. He came to City Hall, sought me out and put me on notice that we were violating the Americans with Disabilities Act by not providing him parking on 10th St. He told me himself that he had a right to park on 10th St and we were denying him that right. Those were my concerns with David Mollers.

Mayor Popoff: Why can't we just give him a reasonable accommodation without having to take all the signs down?

Chief Andrews: You could, but you would have to put a disabled sign in front of all those peoples house to limit who parks there.

Councilor Gregory: What about other handicapped people who come to visit on 10th St.

Chief Andrews: Like I said, it is my responsibility to bring to the Councils attention potential risk including criminal activity and civil liability.

Mayor Popoff: The only other question I have Chief is the people who live on that street feel that the taking down of the signs have created the potential for more accidents, coming out blind.

Chief Andrews: I drive by there every day and the only person I have seen parking out there is the gentleman sitting here, the petitioner wanting the signs down. So, driving a large van or truck I can see where Mr. Williams could have trouble coming out and seeing what was coming east bound. I can see that as potentially being a hazard. As far as anyone else, I fail to see the impact on anyone else's driveway on that side of the street. I can see no other hazard than anyone else in Gold Beach would have driving.

Councilor Brand: Does the scope in the ADA flyer that goes in your windshield for handicapped parking work in a no parking zone?

Chief Andrews: No. There is not legal provision told David Mollers that if I go up there and see his vehicle parked I would exercise my discretion not to give him a citation because it is the right decision in that case.

Councilor McVey: Chief, I was not here last month. When the no parking signs were up was there a problem with people having no place to park?

Chief Andrews: I can only speak to the last 2 ½ years that I have been here. The no parking has been there for a long time. We get a fair number of calls there to enforce the no parking when people have company over on both sides of the street. No more on one side than the other. I have lots of people come to me who live east of the Motel who say they have people knock on their door and say they have to move their car.

Councilor McVey: What about in large cities, we did what we called shared parking where Tuesdays, Thursdays and Saturdays you could park on the north side of the street. Mondays, Wednesdays, and Fridays you could park on the south side of the street. Sundays nobody could park on the street. It seemed to work because you got used to it. That way it was inconvenient for you for a day, but not inconvenient all the time. It seemed to be a happy compromise.

Councilor Kaufman: I believe there is a law that you have to park so many feet from a driveway.

Chief Andrews: You can't block a driveway.

Councilor Kaufman: I don't see 10th St as much different from our regular width streets. I think that the compromise that we have already provided is that we have only allowed parking on one side. Every other street we have allowed parking on both side. For example, Mr. Mayor, where you live people can park on both sides of the street.

Mayor Popoff: And it has caused some problems.

Councilor Kaufman: And if we asked you to park your pick-up on the other side because people have a hard time seeing you usually do that. There is really no difference in what is happening in front of your house and what is happening on 10th St, but on your street you can park on both sides. There are 30 some people who live on this street, but there are thousands who may use it. So, it is not just the people who live there that get to vote on this. In my opinion the compromise is that we are allowing parking on one side and not on the other instead of allowing parking on both sides like we do on every other street. So, I feel we have already done the compromise.

Mayor Popoff: Any further discussion? Personally, I would like to see it go back to the way it was. In many cases there is something called a grandfather. That street is not one that has near the traffic on it unlike my street. It is not a trough street so there are not as many outsiders that would use it. So, I personally don't see any problem with maintaining the no parking. But, I am not the one making the decision. We are looking at two things, providing a handicapped parking spot and visibility.

Councilor McVey: I have a question about the handicapped parking space. Unless we have handicapped parking spaces on every street in this town, I don't think we can single out one street.

Mayor Popoff: That is true, it does set a precedent.

Councilor McVey: I myself have a handicapped sticker and it has never occurred to me to go into a residential zone and assume that I can have preferential parking. I hope that whoever I am going to see would say park in my driveway or pull up into my yard. But the street in front of your house is public. I can't go up to someone and tell them to move their car because it is in front of my house. I have no right to do that nor should I. It is a privilege to have the space in front of my house open to park, but I don't think that is should be a law.

Mayor Popoff: That is a good point. I can say on Hillcrest and Strahan with parking on both sides, it is dangerous. There are many times that only one car can get through at a time. In front of my house if a car is parked there you have a blind spot that you cannot see a car coming up that hill out of the trailer park unless it is night and they have their headlights on.

Councilor McVey: So, you have to be extra careful.

Mayor Popoff: Yes, but if you get someone come barreling up that hill I don't care how careful you are, it is dangerous. Whatever we can do to make our streets safer, I don't see anything wrong with that. 10th St has traditionally been a pretty safe street.

Councilor McVey: If it ain't broke, don't fix it.

CA Fritts: If you remember, at the time the topic came up was in the administrative office first. Once we started getting the calls the Chief said he also had an issue with that. His question was why is there parking on all of the numbered streets except 10th? The only answer that I could find was that the Williams said it had always been that way by a council decision made many years ago. So we went back and looked and I couldn't find anything. So, before we changed anything I had the Public Works Superintendent go up and check the street to insure that the street was safe as far as engineering standards went. We even had our engineer come down and look at it. The question was asked, is there any reason why on this street there should be no parking? I understand what you are saying about grandfathering, but that is saying that we should never change anything because it has been that way forever. If I can have an engineering reason to look at or number of accidents to consider then I have something to work off of. If you live in a city you have to be conscious of the others around you and drive defensively. Simply because something has been a certain way for a long time doesn't mean that it has to be that way today. The decision was made in the admin office that we would not make it parking on both sides like most of the other numbered streets, we would only make it no parking on one side of the street, which is still less parking than is allowed across from the hospital or school. I would say, arguably, that 4th St is one of the busiest streets in town with ambulances and hospital traffic and you can park right across from the hospital. Part of my job is to be equitable, so that is all I am trying to do. If we have high traffic areas that allow parking on one or more sides and we don't have traffic issues, then why on an admittedly less trafficked road do we have no parking? That doesn't make

logical sense. I am not discounting how they feel and that they are concerned. I am just saying I have 20 some other streets that I also have to look at.

Councilor McVey: Why was it made no parking in the first place?

Bob Williams: When they built the street we would have a nightmare during fair time. When the street was built it was supposed to be 40' wide, but that would take it almost to the foundation of several of the houses. The house I am having a problem with is one of those houses. So, that is why it was not made 40' wide as proposed. They came to a compromise of building the street at 27' with no parking.

Councilor Kaufman: I recall a conversation very similar to this one in the mid-nineties and the biggest issue was the fair factor. That was pretty easy, four days a year you put out a little sign saying no parking.

Councilor Brand: The no parking signs are up now?

CA Fritts: No. The no parking on the north side of the street are up.

Councilor Brand: If we have to satisfy the majority, then the minority is just going to have to be out of luck.

Mayor Popoff: The majority of the people living there you mean?

Councilor Brand: Yes. If you have one who is unhappy, then he is going to be unhappy. You can't fix it all. I am surprised that it is only one. I was for 15 or 20% unhappy. And you know me with my 5% rule. If 95% are for it then the 5% are just out of luck

Mayor Popoff: I must admit that I go along with your reasoning.

Bob Williams: May I make a comment here?

Mayor Popoff: Yes, briefly. Come up a little closer to the mic.

Bob Williams: I have told David that he can park at my place, I was gone all summer. I have a parcel across the street that I have said I would make available to him to park.

Councilor Kaufman: I am concerned about the discrimination issue. I don't know if we need a legal opinion. It would be the only street that we have that doesn't allow any parking on the street which does not allow for people with handicaps.

Mayor Popoff: What discrimination are you speaking of?

Councilor Kaufman: If you cannot park on 10th St, but can park on any other street is this discrimination?

Councilor McVey: I don't think it is a matter of discrimination. It has always been that way and now has stopped being that way. When it was no parking people made adjustments. The

street has some situations that some of these other streets don't have. These people are telling me that when they pull out of their parking spaces they can't see, there is a safety hazard. Most of the street is open wide enough to see. You are shaking your head.

Councilor Kaufman: It is identical to every other street.

Councilor McVey: Well, obviously it isn't identical. There has got to be something that isn't identical.

Councilor Kaufman: We have had our engineers here before.

CA Fritts: Well, we have a pretty heavy agenda that we need to get to. An administrative and Public Works decision was made. If the Council chooses to override that decision I would like to have a motion to tell me what it is that the Council wants me to do.

Mayor Popoff: That is something that I wanted to get through tonight, that is to give the people an answer one way or another. We have already tabled this for a month. People have had the opportunity to go up there to see what they think. Let's go ahead and make a decision.

Robert Andrew: 94186 10th St. I am the one that is in question. Ever since there has been parking there you will notice that my vehicles are always gone. If not there is one there because we have a long narrow driveway and my mom is handicapped. So, we have to park on the street in order for her to get in and out of the vehicle. Also, if you notice in the pictures I have always parked 6-10' back from Mr. Williams driveway, never right at the edge. I have watched him, along with my kids; just pull out without regard to traffic, not even slowing down.

Mayor Popoff: Quiet everybody! I am going to make this real clear. When anyone is up here speaking there will be no outcry from the audience whether positive or negative. We will treat everybody here with respect. There will be no outcry from us and there will be not outcry from anybody else. The main thing is that we have to keep this orderly and we will keep it orderly. Continue sir.

Robert Andrew: I would like to say that my kids do play out in the yard, but they do stay in the yard. It is a small yard. I have talked to a few people who go up and down 10th St. There are a lot of people walking dogs, just walking, and they were happy to see the vehicles parked on the street because it does slow down the traffic. Otherwise it is used as a raceway quite a bit. I do move vehicles because we use them, like I said my mom is handicapped. As a ruse Mr. Williams did put up a mailbox to say that he can't get his mail due to me parking in front. He was denounced by the Post Mistress to take it down because he did not put it up legally. I have never met Mr. Williams formerly. I have tried, but he goes right on by and doesn't even wave. His wife is very friendly as is the lady in front of him. There are two houses on that parcel. That is why we asked for parking there. My wife works and if I need to take my mom someplace, we have to move vehicles all over the place. Before, when we parked there all the time there were a lot of complaints coming into the Chief. There was one time when I was parked there no more than 10 min to get her out and the Chief came down and said I had to move it. The vehicle was still running. That's the type of complaints that are

going on. Since then there has only been one vehicle out there and I have parked far enough away from his driveway. I know what it's like not being able to see out of a driveway. I used to deliver newspapers and I can tell you about tons of streets around here that it is next to impossible to go up and down because of the traffic, driveways being blocked and watching out for dogs & kids. You have to take precautions, which is just normal. I have watched people come flying down 10th St, darn near hitting deer, but now they slow down. We have done our best to keep peace with the neighbors and not block mailboxes or driveways. We have even talked to the Post Mistress about moving our mailbox back further away from Mr. Williams. The other people who are here we don't live near enough to affect, just Mr. Williams.

Councilor McVey: All of a sudden it sounds like City Council is being put in the middle of some sort of pissing contest between the two of you. This just isn't right. I don't know what the solution is. You are complaining about the Williams', they didn't mention any names in particular. I think we are being put in a position that we don't really belong.

Robert Andrew: I am trying not to put you in a position.

Councilor McVey: What did you do before the signs?

Robert Andrew: We had to park up on our lawn and ruining it because there is no parking there.

Councilor McVey: And your mother figured out a way to function?

Robert Andrew: She has a hip that is about broken that is why we use the curb.
Councilor McVey: What I am saying is that she managed before. My feeling is that the majority seems to want the signs back up, but you don't want them back up because you can't park in front of your house. Sounds like you have put us in a position that is between the two of you and that is wrong.

Robert Andrew: And that is what this is coming to. I don't want to put the City Council there, but.

Mayor Popoff: Thank you sir. I think we understand your position. We have pretty well hashed this out. I would like to see a decision.

MOTION: Councilor Kaufman made a motion to uphold the administration's decision to allow parking on one side of 10th Street only. 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 Melinda McVey		X	
Council Position #2 Larry Brennan	ABSENT		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		

Council Position #5 Tamie Kaufman	X		
MOTION CARRIES 3 ayes 1 nay			

Mayor Popoff: We will take a short recess, at 7:35, reconvening at 7:47

b. Discussion of Social Gaming ordinance exclusions

Mayor Popoff: There is a lengthy legal opinion I hope all of you have read and there is a single gaming table here that we may or may not be running afoul of.

Councilor Brand: After reading this thing in depth last night and going on the web site reading the statute I never saw the question from the City Administrator of what we are going to do.

CA Fritts: We talked back in June or July about updating the minimum bet limit and also putting something else in there about charitable things like fund raisers because the way it is written now it doesn't appear you can do it that way. So, it was on my list of things to bring back to the Council. It wasn't really that I had any specific thing just that we were talking about amending the social gaming license earlier this year. When I started digging into it I found that DOJ opinion from 2010 it was kind of scary after reading it. Basically it doesn't sound like you can do anything.

Councilor Brand: After reading this and going on two other websites including the one that gives the 18 accepted games you can use. Out of which we don't have any legal games out of that list.

CA Fritts: The pamphlet I handed out are the things that you can use for charitable gaming, specifically for nonprofit groups. When I was talking with legal counsel today one of the things that she mentioned was that it really isn't the Cities obligation to regulate gaming it is the DOJ's job. We just need to put into our Code, per Oregon Revised Statute and they comply, then we don't really have to do anything.

Councilor Brand: I don't see that we have to change anything in the ordinance we have now. I think we are ok.

CA Fritts: Right. I wasn't proposing a change. This was brought up because of charitable gaming and possibly adding sections to it. I was just bringing it back to you for your review.

Mayor Popoff: Basically the City Administrator was just covering all the bases making sure everything was covered so that we don't run afoul inadvertently.

CA Fritts: I'm not so concerned about us. I think that the person running the games may not be operating according to DOJ rules. I think that we need to notify them of what the rules are, because I don't know if they know what they are. But then it is up to them.

Councilor Kaufman: One of the reasons this came up is because I have been down there and played. The reality is that the bets are more than $5 which is what our limit is in our ordinance. They are now playing Texas Hold-Em in which All-in is allowed. They seem to

have pretty conservative buy ins, which it looks like $200 is the max for Texas Hold-Em according to the DOJ. This is just what I read. So, I think that we have some issues because they are not complying with our ordinance. So, I thought that we needed to update our ordinance to match what they are doing, but after reading all this I think that it might be better to just terminate the social gaming, they no longer have to pay the $100 fee and they just deal with the DOJ.

CA Fritts: It really is no money to us.

Councilor Kaufman: It doesn't benefit us or detriment us. They are breaking the rules and we are not enforcing it. I don't think we want to.

Councilor McVey: No, I agree.

CA Fritts: So, we can amend the code to just take it out.

Councilor Brand: So are we still going to collect for her license?

Councilor Kaufman: Just a business license.

Mayor Popoff: If we terminate all rights to this then we can't even collect a business license from her either correct?

CA Fritts: We will just have no connection with social gaming.

Councilor Kaufman: Would that be an ordinance amendment?

CA Fritts: Yes, because the code is part of the business code.

Councilor Gregory: Will that relinquish us of all liability as well?

CA Fritts: Yes.

Councilor Brand: If we get rid of the social gaming license, would we require a business license from her?

CA Fritts: No, because she can't technically be a business. It is supposed to be an attraction to get you to come in to buy food and drinks. The social game is just to get you to come in to the establishment.

Councilor McVey: So, she already pays for the business license.

CA Fritts: Hunter Creek Tavern does.

Councilor McVey: So, this is just an added on license that we are better off not dealing with.

Councilor Kaufman: Are you good with a consensus or do you want a motion?

CA Fritts: I'm good with a consensus and then it will come through after a few other little clean ups in the business code, Scrivener's Errors. We will just make all the corrections at once in one meeting.

Mayor Popoff: So, you just need the will of the Council, no motion at this time correct? Sound good to everybody? Ok, so you have the go ahead on this.

c. Business Plan goals

CA Fritts: You are familiar with our business plan that was adopted after a series of workshops. I actually have the flip chart notes. Typically we try to review those quarterly. We haven't done these for several quarters and I apologize for that. This is the annual one. This is the opportunity to add anything or is there something that is more pressing? Do we want to have any more Town Hall meetings to see if goals have changed?

Mayor Popoff: I think it is good every so often to have a Town Hall meeting to hear from the public and let them know where we are. I'd like to see the CA devote more of her time or have more time to look more into the annexation process. For me that is the #1 issue facing us and crucial in the fact that we still don't know what is going to happen with the County.

CA Fritts: In item E on the agenda I will be giving an update on that very thing. What I am asking you is, are there other more important issues you want to look at? I have listed what is important from an administration view. We can continue to have the reviews quarterly. I want to know what is important to the Council so that I can do the good work that you want me to do for you.

Councilor Kaufman: I don't know if we are going to go to the public again or not, but I have had a couple of conversations with Jodi, but not the Council at large. We are doing really good at saving some money for building maintenance and repairs, but we don't actually have a plan. We don't know how many years on our roof or siding on all of our facilities. It seems like that would be something good to have so that we know that the money that we are saving is appropriate. One of my concerns which came up during budget last year was that the Visitor Center is a manufactured home. I own one so I know that they require a lot of maintenance sooner than most regular homes. So, I want to be sure that we have enough in maintenance to take care of that so it is always a decent building. I don't know if it needs to go on our goals. It seems like if it were on our goals then our staff would pay more attention to it. But that is something that I would like to look into. Do you call that a reserve study?

CA Fritts: I think a building maintenance plan that first inventories all of the buildings the City owns. The Public Works folks have a much better handle on things because they are around them every day. There are issues with City Hall, it is an old building.

Councilor Kaufman: The City Hall roof was put on in the 90's.

Councilor Brand: It would be simple to get on a preventive maint program biannually with what Will has put together.

CA Fritts: We actually do have an inventory of buildings for insurance purposes. The newer Public Works building will not need maint as soon as City Hall which hasn't been painted in 10 years so it is due for a coat of paint.

Councilor Gregory: Is City Hall functioning? It isn't the prettiest building, but does Will have any huge concerns say like we had with the hospitals infrastructure.

CA Fritts: Because we are located in the inundation zone, the bad zone, we can't get Federal funding to retro fit things. We wanted to retro fit the Fire Hall a couple of years ago seismically. We can't do that unless we do it with our own funds. I would like to look at possible locations outside the inundation zone to relocate City Hall. That is one of the things that could encompass a Community Shelter as part of a multi-use center. The short answer is, I don't know.

Councilor McVey: Do we own property that we could move to?

CA Fritts: We do own property that is the park. On the very east side of the park is a wooded area that we own about 4 acres. There are geologic hazards there. So, probably before we made any plans for relocating over there we would need to have a geologist take a look at that to determine whether it is stable or not. You can't sell one hazard for another, that doesn't make sense. That is something we can look into. I think we need to start looking into these things. Yes, City Hall works fine, but if something were to happen to it we will probably not going to get Federal help.

Mayor Popoff: Is that something that you think should be on the business plan goals?

CA Fritts: I think it is part of this Community Shelter multi use center combining City Hall, Fire Hall and good sized meeting room.

Councilor Brand: Like the Bandon Community Center?

CA Fritts: Although their City Hall is not located there. It is a multi-use center. This is not high on my priority list, but I do think it is something worth looking into. Back to your original question, structurally this building is ok. It is kind of laid out funky.

Councilor McVey: When was this building built?

CA Fritts: 1967. That plaque over there used to be on the outside. I would like to have it on wood so we could hang it up, but that thing weighs about 150 lbs.

Mayor Popoff: Councilor Brand can help you with that.

CA Fritts: If there is anything that you would like to see me do just let me know.

Councilor Brand: I like the way the document is working.

Councilor Gregory: I do think that it would be beneficial for us to hold another Town Hall meeting to get a feeling from the citizens. I think the last one was 2010. We had a decent turn out last time.

Mayor Popoff: I have already decided to call one. The time I think would be nice to coordinate with all of us.

Councilor Brand: If we could get this out as a PSA so people would know what we are going to talk about and see what we have done. We may illicit more input that way.

CA Fritts: I think that is a good idea. We could also put something in the Water Bills once we have a date.

Councilor Kaufman: You should have something from the Rural Tourism Studios. That might be a good time to let people know about that.

CA Fritts: The last meeting is on the 28th which is when we have our Action Teams to start pursuing the things that we have discussed.

Councilor Kaufman: Is that going to tie into Urban Renewal and our business plan and economic development.

Mayor Popoff: Feb 24th at 6:30 would be the 4th Monday of the month, a time that we would normally hold a second meeting if needed could be used for a Town Hall meeting. Is that ok with everybody?

CA Fritts: Is that too soon?

Councilor Gregory: I think it is way too soon.

Mayor Popoff: I don't think it is soon enough. So, unless somebody has an argument otherwise.

Councilor Gregory: So when do we formulize what we want the Town Hall meeting to be about? What is our agenda going to look like. Is it just our business plan? Is there anything specific we are going to ask the citizens to bring to the meeting?

Mayor Popoff: With a Town Hall meeting it is not to tell them what you have done, but to ask them what they would like to have done. Or, what they see as deficiency or concern. What I am afraid of is that if we postpone this thing it can easily continue to be postponed. I would like to hear from the citizens as to what they like, what they don't like and what they would like to see. So, Feb 24th is the date unless there are conflicts with Councilors attending I think that gives us plenty of time.

CA Fritts: So, let me clarify Mr. Mayor. Are you talking about discussing something different than the business plan or just more having a community check in so to speak?

Mayor Popoff: I would like to see a combination of both. Let them know where we are at with the business plan, annexation.

Councilor Gregory: We don't even know what we are looking at with annexation.

Mayor Popoff: We can give the people an idea of what we are doing. What I have experienced in prior Town Hall meetings I have conducted is that you get a chance to listen to them. That is what I would like to see done.

Councilor Gregory: I agree with that 100%. I also think that you should not go into a Town Hall meeting saying, "Well, I don't know, I'll have to get back to you on that".

Mayor Popoff: What is it that we don't know that we would have to get back to them on?

Councilor Gregory: You just said annexation. I have no idea what is going on with that annexation.

Mayor Popoff: Annexation, by that time should be clearer. CA is already looking into this. She will have a much better idea so we will too within another 1 ½ months.

CA Fritts: Respectfully, I don't know if I will have them ready for prime time by then. I have the raw data now.

Councilor McVey: Would March be better?

CA Fritts: That is what I was thinking. Not to delay things, but February is when I have all of the sports shows for marketing and promotions. I am going to be gone several of the weekends during February I would feel better if I had a little additional time.

Councilor Kaufman: When do you create the budget?

CA Fritts: February and March.

Mayor Popoff: Ok, that is a good reason. Let's go ahead and do it on March 24th. Does that meet everybody's approval?

Councilor Gregory: I just want to make sure we are not hand tying our staff. Any Monday works. I just don't want to go there being expected to answer questions I have no idea about.

Mayor Popoff: Councilor Brand do you have any problems with March 24th?

Councilor Brand: No, I don't think so.

Mayor Popoff: Councilor Kaufman?

Councilor Kaufman: I believe I can make that.

Councilor McVey: Fine by me.

Mayor Popoff: Ok, let's go ahead with March 24th at 7pm.

Councilor Brand: Just for clarification, this business plan is a culmination of two Town Hall meetings. This is their ideas.
Mayor Popoff: Right, I understand that. But, I think it is a terrific opportunity for us to show them where we are going with it. And let them say what they want to say about us concerning the City.

Councilor Kaufman: Will that be here or the High School?

CA Fritts: Last time we had it at the High School.

Mayor Popoff: We will have it here.

CA Fritts: So, no changes from any of the Councilors?

d. Revisit budget discussion of Hwy 101 Sewer loan payoff

Mayor Popoff: Suggestion by Councilor Kaufman which I think is an excellent suggestion. My only concern is where this County is going. So let's discuss.

CA Fritts: I gave you a copy of the resolution that authorizes the inter-fund loan. I have not made the loan yet. The budget pages and the actual loan amortization schedule for the State of Oregon.

Councilor Brand: On the second loan, there was going to be two of them?

CA Fritts: Three different funds.

Discussion.

CA Fritts: You can the annual fees right now are $2300 in addition to the loan fee.

Councilor Gregory: Is the loan fee more annually than we are making interest on our liquid money in the bank right now?

Councilor Kaufman: Yes

Councilor Gregory: So, we are paying more in fees alone that we are making on our liquid assets by almost double because we are making less than 0.25%.

CA Fritts: Yes. I am going to make a huge apology here; I do not have the financial statements for December for you. I have been dealing with a big hairy personnel issue that I am still dealing with, so it has consumed a lot of my time. Not a good excuse, but that is all I have to offer. I did, at least, do a cursory look. Right now cash in the bank is 5.2M spread between funds, but between the two savings and two checking accounts we have 5.2M cash.

Councilor Brand: And how many CD's?

CA Fritts: No CD's. The last one matured last year. The City wasn't actually supposed to do that.

Councilor Gregory: Was that in the audit? Are we not supposed to have them?

CA Fritts: The length of them. Because we are a public entity it is only 18 months that we are allowed to have. We had several that were 4 years. So, we did get a ding.

Councilor Kaufman: For me this is a very easy one to do. Do we want to give ourselves interest or give it to the State? These three funds will get to make money instead of the 0.20 % it will be 3% and we will save .69% on the sewer side. So will save money on one side, make money on the other. I think we need to move forward.

Councilor Gregory: And the balance is only $888,000?

CA Fritts: Correct. At the time I did the budget last year we would have been at payment #16, so that was $968,791 which you would see in the resolution. So, we would be borrowing slightly less in those funds. We would just do it in the split that we said the 60/40.

Councilor Gregory: So, roughly the payoff would be $900,000.

CA Fritts: Yes, because there will be other things to figure in there.

Councilor Gregory: So, we will be dipping into our liquid assets by 17%?

Councilor Kaufman: You have all the payments due on 1/1, is that ok? I just picked a date. When we pay this off we should pick a different amortization schedule with the exact amount.

Councilor Kaufman: Ok, and how do we do that?

CA Fritts: Once we get the payoff from DEQ.

Councilor Kaufman: How do we get you to do that? Do we need a motion?

Councilor Brand: Is there an early payoff penalty on either one?

CA Fritts: No. That's the nice thing about dealing with a Federal or State loan there is usually not a penalty.

Mayor Popoff: We have already had a resolution affirming this, do you guys want to go ahead and instruct the CA to follow through on it?

MOTION: Councilor Gregory made a motion to instruct the City Administrator to move forward with the paying off of the Hwy 101 Sewer loan. Councilor Tamie Kaufman seconded the motion.

Mayor Popoff called for discussion or debate.

Councilor Brand: Can I get a read back on that?

CA Fritts: Instruct the City Administrator to move forward with paying off the Hwy 101 Sewer loan.

Councilor Gregory: We can't put in an amount because we don't know what it is going to be yet.

CA Fritts: What I can do is give DEQ a couple of days to come up with what the payoff, then we have to decide when we are going to pay it off. When they give me that I can contact all of you and give you the final figure as of this date. We don't have to wait for another meeting to get this done. I can just call you.

Councilor Brand: I did some preliminary math on the County thing with the Chief and the only impact I think we would have is about $120,000.

Mayor Popoff: I hope you are right. I think this payoff makes good sense. My only concern is if the County goes broke.

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

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

e. Annexation data update

CA Fritts: The gentleman that the County hired to deal with their GIS system has extracted the data that we need. He had to ask the tax department to send him additional data. So, now that they have sent me the raw data they want me to go through it because some of the tax lots don't have acreage on them. So, it is going to take a little weeding through it to find which ones are in the Urban Growth Boundary and which are not. That may be a matter of ground truthing it with City Recorder Cronberger to see what parcels are in and which are not. They pulled everything that is in the Gold Beach/Wedderburn fire district, but the fire district also includes areas that are up the North Bank. We don't want to skew the data, because those would not be areas included in our Urban Growth Boundary. So Candy and I need to spend some time making sure that we have data for all the parcels. It is a bit time consuming which is why I was a little reluctant to have this to you by February. I want to provide you with the best data possible. So, we will get working on that.

Councilor Kaufman: If it would make it easier, I think that the first place we want to target is across the river. Then up the river would be second. So, if we were going to present it to one group that would be the one, I think.

CA Fritts: So, start with that and move out from there?

Mayor Popoff: It makes the most sense. That is where the greatest majority of the population is living.

Councilor Gregory: Do you mean Rogue Hills and Rogue Shores out to the cattle guard?

Councilor Kaufman: And then up to Tidewater is where it stops I think.

CA Fritts: Yes, just on the other side of the Mail Boats is where it stops. Tidewater is actually in the County. Tidewater is industrial and I don't think they have that. We provide them water.

Councilor Gregory: How far up Jerry's Flat does the Urban Growth go?

CA Fritts: All the way up to the old mill. So, Councilor Kaufman was saying since Candy and I have to ground truth this let's start with Wedderburn and then go up the river.

Councilor Kaufman: If you are ok with that. Like a phase 1, phase 2. We already provide fire to the area, we would just be adding police.

Councilor Gregory: That's the thing; we provide fire to them for a certain fee.

Councilor Kaufman: We would have to reduce the fee.

Mayor Popoff: We would lose the fee, but we would gain the revenue funding.

Councilor Kaufman: Assuming they are going to want to un-annex from the fire district. If you can do that.

CA Fritts: Yes, you can do that.

Councilor Kaufman: They pay almost as much for the fire district as we do for the whole city.

CA Fritts: I think where you were going with that Councilor Gregory is that we are not losing money to annex them in.

Councilor Gregory: I didn't want to annex them in and then have them say, "Oh, this is costing us more money".

Councilor Kaufman: Great point. That is one of the numbers we need to know. If they un-annexed from the fire district, how much would they be losing and then that would be the same proportion?

Mayor Popoff: The other thing too is that we do not have to annex everything that is within the UGB.

CA Fritts: No we don't.
Mayor Popoff: If for some reason that didn't pan out then we don't have to annex. But it is nice to know just exactly what we do have out there.

Councilor Brand: Have the department heads and Chief Dixon been appraised of an economic plan as far as what it is going to cost them for services?

CA Fritts: No and that is why I think February would be a little bit premature. Once I know how many parcels we are talking then we can extrapolate potential number of households requiring services. It will not impact water because we already serve them. And we would not be taking over the Wedderburn Sanitary District, they will continue to still be their own district. As far as Public Works, it will not be affected. It could be enough of an impact that we may need to add staff for Public Safety. Those are the questions we need to ask.

Councilor Brand: I apologize to the Chief talking about you in the 3rd party since you are sitting right here.

Mayor Popoff: Yes, we would need some more Police Officers, that is for sure.

CA Fritts: Once we have some figures I can sit down with my staff. And planning, all that will have to be rezoned to city zoning which is a problem we have going on out in Hunter Creek. So, all that would become our planning department also and we will need to provide services for. So, we need to try to think of all the good questions.

Councilor Gregory: And watch our dollar signs, because they could be going out the door, not coming in.

Mayor Popoff: Any further discussion on that?

f. Fulfillment of DEQ Mutual Agreement and Order

Mayor Popoff: There is no action that needs to be taken on this.

CA Fritts: This is a huge thing. I did send a formal thank you letter to the department director because this actually came from the big state head muckity muck. This was THE guy. He took time out of his busy day, and it was his actual signature not a stamp, thanking the city for our compliance for working with the State so that is a big feather in our cap. We will probably frame that and put it down at the Water Plant. This has been 12 years that we have been working towards resolving our order with the state.

g. Update/review of current Council Rules

Mayor Popoff: The only new thing that has been brought in is rule #9a. Does anybody have anything else? Nothing else has changed. Council, what are your feelings on this?

CA Fritts: I don't need a decision on this tonight. What I would like you to do is just look through the rules to see if they are all still relevant, do want to change anything, add anything? That is the only addition I have.

Councilor Brand: When were these created?

Mayor Popoff: Some of them are quite old. They have been changed a little bit here and there. My second term they were in place. Council Rules have been around for a long time.

CA Fritts: The first instance I can find of them was in 1996. If there were rules prior to that I can't find them.

Mayor Popoff: I remember doing this, but we did have rules prior to that because I remember going into schools and teaching about city government. I went with City Charter and I did go with Council Rules. So, we did have some. Evidently we revamped them in1996. Does anybody have anything further they would like to discuss on that? So, take your time on this and next month let the administrator know if there is anything you would like her to do.

h. Annual list of current commission/committee members

Mayor Popoff: We have placed ads, but I think that the best thing to do is to ask people that we know to be good citizen if they would like to serve. So, what I would ask of you tonight is that if you know somebody that you think would be a real asset to the Planning Commission then please ask them. We need to get this filled. I really don't want to go through what we went through tonight again.

CA Fritts: Even if you can think of just one person, let me know and I would be happy to send them an application.

Mayor Popoff: This is a really important position. I spent 2 years on it before I got on the Council. I also know that some of the most contentious times can be on the Planning Commission. So, it is not for the weak of heart.

Councilor Brand: Only one person can be in the Urban Growth Boundary.

Mayor Popoff: The others are supposed to be in the City. We do have a couple of other openings.

CA Fritts: The budget committee ones I was going to have Candie contact the two whose term expired to see if they wanted to serve again. As soon as we hear from those individuals I will let you know.

Councilor Kaufman: Remember that there is a term limit on this from the state.

Mayor Popoff: Budget committee is very important. Urban Renewal Advisory Committee has one vacancy. You do have a quorum and will be starting monthly meetings, but it would be nice to see that filled.

CA Fritts: Yes, it would be nice to have someone who has a real interest in revitalization.

Mayor Popoff: Finally, Council position #1 McVey, council position #3 Gregory and council position #5 Kaufman will all expire this December. I would personally hope and ask that you guys would reapply. I think that each one of you has done a terrific job in coming up with stuff that I don't come up with.

CA Fritts: As I said in the brief report that the filing deadline is 60 days prior to the election, it might be 90 days. That will give you plenty of time for you to reapply.

Councilor McVey: How long are the terms?

CA Fritts: 4 years. All of you were appointed and then got elected.

i. Upcoming meetings and trainings

Mayor Popoff: Annual Chambers Awards Banquet which is Sat Feb 1st 5:30-10pm
The Monthly Chamber luncheon. Jan 14th is the Lower Rogue Watershed meeting that might be worth attending if we have a Councilor who would like to attend that here at City Hall. Jan 18th Senator Merkley Town Hall in Port Orford. Rural Tourism Workshop in Port Orford on Jan 28th from 9-4.

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

CA Fritts: See narrative attached.

12. Mayor and Council Member Comments
a. Mayor Karl Popoff
I don't have anything tonight. I want to thank Miss Dixon, this has been a long one. It is hard to just sit there and not say anything. I think it is a great thing that you are here representing your school. If you have anything that you would like to tell us now.

b. Councilors
1) Melinda McVey No comments
2) Larry Brennan Absent
3) *Brice Gregory* None
4) *Doug Brand* Happy and healthy New Year.
5) Tamie Kaufman
I have a couple of questions that I don't know if they can be answered tonight, but maybe sometime in the future.

I was wondering if we could track our Police calls that are outside our City Limits? A follow-up to that is what is our policy on out of town Police visits and who controls that policy?

Chief Dixon: We run a computerized dispatch system for dispatching calls. I would have to ask the dispatch center if they could cull out the out of town calls. We rarely go out of town. My directions to the officers has been that we are not going out of town on fire incidents, because we are really undermining the whole point of leaving more law enforcement at the Sheriff's Department level. We shouldn't be taking their calls. There are times that we go out to stabilize emergency situations, not to take primary on a call. The last call I went on outside the city was 2 months ago, it was a domestic and was stabilized by the time I got there. We did start about 4-5 months ago to Port Orford on a call of shots fired involving an officer. My edict on that is that we will travel as far as needed, Port Orford to Brookings on a shots fired officer needs assistance. That way we can have the same expectation back to us if we need assistance. It is amazing how many calls get sent to us that occur outside the city. Here is an example. A gentleman who lives in the County found a wallet in the County and took it to the Sheriffs. The Sheriffs then called us to come take care of it because the owner of the wallet lives in the city. Really, this is their call. We don't argue those points. We located the person and returned the wallet. I have only written one citation outside the city since I have been here. Coming back from Brookings a guy ran a red light in front of me.

Councilor Kaufman: My only concern is that we are not going out alone, but just as backup outside the city limits. I see the patrol cars outside the city a lot. I don't know if they are coming to and from home or what. I saw a car on Sat out on Herman Rd.

Chief Dixon: That is where he lives.

Councilor Kaufman: I saw one over in Wedderburn.

Chief Dixon: We may follow someone outside the city before we can get them stopped on a violation that took place in the city.

b. Student Liaison, Lyndsey Dixon

I don't think so. We have finals next week and the whole big city gossip train thing.

CA Fritts: Yes, the gossip train can go from a computer to murder. But, it is better to be safe than sorry.

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, February 10, 2014 at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

Mayor Popoff: I will entertain a motion to adjourn this meeting.

MOTION: Councilor Doug Brand made a 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 Melinda McVey	X		
Council Position #2 Larry Brennan	ABSENT		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

15. Adjourn Time: 8:54pm

Approved March 10, 2014

Candy Cronberger

Candy Cronberger, City Recorder

ATTACHMENT TO THE MINUTES FOR JANUARY 13, 2014

ORIGINAL COUNCIL AGENDA PACKET

Gold Beach

AGENDA

January 13, 2014, 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 Melinda McVey		
Council Position #2 Larry Brennan		
Council Position #3 Brice Gregory		
Council Position #4 Doug Brand **STARTING VOTE**		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison Lyndsey Dixon		

3. **Special Orders of Business:**
   Election of Mayor Pro-Tem 2014

4. **Consent Calendar**
   Minutes for July, August, September 2013 council meetings

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

6. **Public Hearing**
   Amended FOG ordinance (changes from state building codes)

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

8. **Public Contracts and Purchasing**
   None scheduled

9. **Ordinances & Resolutions**
   a. Resolution R1314-07-Wastewater Treatment Bond
   b. Ordinance 650 Amending Comp Plan and Zoning Maps

10. **Miscellaneous Items (including policy discussions and determinations)**
    a. Continuation of 10th Street Parking issue
    b. Discussion of Social Gaming ordinance exclusions

c. Business Plan goals
d. Revisit budget discussion of Hwy 101 Sewer loan payoff
e. Annexation data update
f. Fulfillment of DEQ Mutual Agreement and Order
g. Update/review of current Council Rules
h. Annual list of current commission/committee members
i. Upcoming meetings and trainings

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

12. Mayor and Council Member Comments
a. Mayor Karl Popoff
b. Councilors
1) Melinda McVey
2) Larry Brennan
3) Brice Gregory
4) Doug Brand
5) Tamie Kaufman
c. Student Liaison, Lyndsey Dixon

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

14. Executive Session
None scheduled

The next scheduled meeting of the Gold Beach City Council is Monday, February 10, 2014 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

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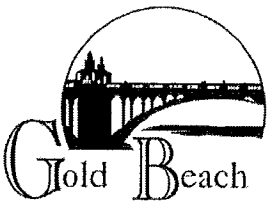


SPECIAL ORDERS OF BUSINESS

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **3.**

TITLE: Election of Mayor Pro-Tem

SUMMARY AND BACKGROUND:
Council rule No. 6 requires the Council to appoint a Mayor Pro Tem in January for the new year. Councilor Tamie Kaufman was appointed Mayor Pro Tem for 2013.

FINANCIAL IMPACT:
None at this time.

DOCUMENTS ATTACHED:
None

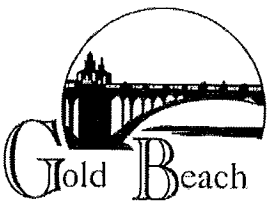
REQUESTED MOTION/ACTION:
Appoint a Mayor Pro Tem for 2014

Suggested Motion:
I make the motion to appoint Councilor X to be the Mayor Pro Tem for 2014.

COPY OF REPORT AND ATTACHMENTS SENT TO:
Council

CONSENT CALENDAR

(Minutes for July, August, September 2013 sent separately)



PUBLIC HEARING

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **6.**

TITLE: Update to proposed FOG ordinance amendment

SUMMARY AND BACKGROUND:
We reviewed a revised FOG ordinance several times last year. As you may recall, the State Building Codes Division requested that we make changes to our proposed ordinance. I have made the appropriate changes. The changes in the document are in **BOLD** text. The language the state requested to be removed is in ~~STRIKE THROUGH~~. For brevity I thought it would be easier to explain proposed changes at the public hearing. The State's main concerns were that our definitions reflect the state Plumbing Code language, and that the City's requirements were not more restrictive than the Plumbing Code. This makes enforcement a little more onerous for us but evidently there is no way around their requirements. A public hearing is required prior to the first reading of this amended ordinance.

FINANCIAL IMPACT:
None at this time.

DOCUMENTS ATTACHED:
The amended Ordinance No. 647 which amends the City Utility Code

REQUESTED MOTION/ACTION:
Review and make any suggested changes to proposed ordinance. A final copy for a first reading will be presented next month.

COPY OF REPORT AND ATTACHMENTS SENT TO:
Council
Will Newdall, Public Works Superintendent

NOTE: Changes required by State Building Codes are in BOLD text

ORDINANCE NO. 647

AN ORDINANCE AMENDING SECTIONS 3.410, 3.425, 3.445, 3.455, AND 3.460 OF THE GOLD BEACH UTILITY CODE~~; AND ADOPTING A FOG COMPLIANCE TIMELINE~~

WHEREAS, the City of Gold Beach wishes to ensure that its public sewer remains in good working condition and complies with applicable requirements of the Oregon Department of Environmental Quality and United States Environmental Protection Agency regarding the regulation of the discharge of fats, oils, greases and other substances into the public sewer;

NOW, THEREFORE; THE CITY OF GOLD BEACH ORDAINS AS FOLLOWS:

Section 1. Section 3.410 of the Gold Beach Utility Code is amended to read as follows:

3.410 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this sewer code shall be as follows:

(1) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

(2) ~~"Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.~~

"Building Drain" shall mean that part of the lowest piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two (2) feet (610 mm) outside the building wall. (Oregon Plumbing Specialty Code definition)

(3) ~~"Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.~~

"Building Sewer" shall mean that part of the horizontal piping of a drainage system that extends from the end of the building drain and that receives the discharge of the building drain and conveys it to a public sewer, private sewer, private sewage disposal system, or other point of disposal. (Oregon Plumbing Specialty Code definition)

(4) ~~"Combined sewer" shall mean a sewer receiving both surface runoff and sewage.~~

"Building Sewer Combined" shall mean a building sewer that conveys both sewage and storm water or other drainage. (Oregon Plumbing Specialty Code definition)

(5) "Commercial user" shall mean any premises used for commercial or business purposes.

~~(6) "Domestic waste" shall mean any wastewater emanating from dwellings.~~

"Domestic Sewage" shall mean the liquid and water-borne wastes derived from the ordinary living processes, free from industrial wastes, and of such character as to permit satisfactory disposal, without special treatment, in the public sewer or by means of a private sewage disposal system. (Oregon Plumbing Specialty Code definition)

(7) "Equivalent Residential Unit (ERU)" shall mean a volume of wastewater which incurs the same costs for operations and maintenance as the average volume of domestic waste discharged from an average residential dwelling unit in the treatment works service area. For purposes of making this determination the City shall utilize the metered water use records of the City. Where a user believes his wastewater discharge to the treatment works is substantially different than his water consumption, an appropriate adjustment shall be made providing the user demonstrates to the satisfaction of the City the actual wastewater discharge. The volume attributed to an ERU where the BOD, suspended solids or other characteristic of the wastewater discharged by a user is significantly greater than domestic waste shall be adjusted to account for the difference in the costs of treatment. The superintendent shall file a list of ERU's for each commercial establishment.

(8) "FOG" shall mean a substance or material discharged into the public sewer that has the potential to partially or completely obstruct a building sewer or any sewage works. FOG includes both polar and non-polar FOG.

(9) "FOG Generator" shall mean any commercial user that discharges FOG into the public sewer, including but not limited commercial users that operate food service establishments, commercial laundries, car washes, filling stations, commercial garages, and similar businesses with any type of washing facilities (including pressure washing and steam cleaning).

(10) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(11) ~~"Industrial wastes" shall mean liquid wastes from any nongovernmental user of publicly owned treatment works identified in the standard Industrial Classification Manual, 1972, Office of Management and Budget, under Divisions A,B,D,E and I.~~

"Industrial Waste" shall mean any and all liquid or water-borne waste from industrial or commercial processes, except domestic sewage. (Oregon Plumbing Specialty Code definition)

(12) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(13) "Non-polar FOG" shall mean FOG not of animal or vegetable origin, including but not limited to petroleum oil, grease, grit, sand, and lint.

(14) "Person" shall mean any individual, firm, company, association, society, corporation or group.

(15) "Ph" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(16) "Polar FOG" shall mean FOG of animal or vegetable origin, including but not limited to fats and oils.

(17) "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

RENUMBER AFTER REVIEW

"Public Facilities User" shall mean any public owned facility user including but not limited to: publicly owned recreational, medical, correctional, educational, or other similar facility. Examples are fairgrounds, hospitals and assisted living facilities, jails, and schools.

(18) ~~"Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.~~

"Public Sewer" shall mean a common sewer directly controlled by public authority. (Oregon Plumbing Specialty Code definition)

(19) "Residential User" shall mean user of a single family dwelling.

(20) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

(21) "Service area" shall mean all the area served by the Gold Beach sewage works.

(22) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present.

(23) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(24) "Sewage works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(25) "Sewer" shall mean a pipe or conduit for carrying sewage.

(26) "Sewer user" shall mean any person specifically requesting sewer service or using city sewers.

(27) "Shall" is mandatory; "may" is permissive.

(28) "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.

(29) ~~"Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.~~

"Storm Sewer" shall mean a sewer used for conveying rainwater, surface water, condensate, cooling water, or similar liquid wastes. (Oregon Plumbing Specialty Code definition)

(30) "Superintendent" shall mean the superintendent of sewage works and/or of water pollution control of the City of Gold Beach, or his authorized deputy, agent or representative.

(31) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

(32) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(33) Any words or phrases which are not particularly defined herein shall be construed as defined in the Zoning Code of the City of Gold Beach, and if not defined therein, then as defined by the ~~City of Gold Beach Building Code~~ Oregon Plumbing Specialty Code.

Section 2. Section 3.425 of the Gold Beach Utility Code is amended to read as follows:

3.425 Building Sewers and Connections.

(1) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be four classes of building sewer permits:

(a) Residential, which shall include single-family residences, apartments, duplexes and courts.

(b) Residential/commercial, which shall cover hotels and motels, etc.

(c) Commercial, which shall cover commercial non-residential uses.

(d) Industrial, for service to establishments producing industrial waste.

(3) Prior to receiving city sewer service, a person shall make application to the City Administrator for a sewer hookup permit, on a form prescribed by the City. The application shall include consent to allow city inspectors to enter onto the premises during business hours to inspect, observe, measure, sample, and test sewage discharges. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Administrator or the superintendent. The applicant shall state the use for which sewer service is required.

(4) If the applicant is a FOG generator, in addition to the application materials required by paragraph (3) of this section, the applicant must also submit the following management plan for the City's review and approval, which shall include:

(a) The name or position of the staff person in charge of compliance with the City's sewer regulations;

(b) Identification of the sources of FOG discharged by the user;

(c) An employee training manual with new employee training and continuous education programming regarding discharge of FOG;

(d) A description of disposal and recycling programs for FOG utilized by the user;

(e) A list of housekeeping practices related to FOG;

(f) Copies of signs or notices to be posted at drainage stations related to disposal of FOG;

(g) Emergency contact information to enable the City to contact the user on a 24 hour basis; and

(h) A requirement for documentation of actions taken to reduce discharge of FOG, including but not limited to training sign off sheets and maintenance, cleaning, and incident reports.

(5) If the use for which sewer service is required changes so that a different class of building sewer permit would be applicable, the sewer user shall apply for a new permit and pay all charges required for an initial permit.

(6) All costs and expense incident to the installation and connection of the building sewer, and any inceptor or other device required by section 3.445(6) of this code shall be borne

by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(7) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(8) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this Code.

(9) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements, rules and regulations as now composed or in the future amended by the state of Oregon through its authorized and delegated representative in administering a state sewer code. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(10) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged from the building.

(11) No person shall make connection of roof downspouts, exterior foundation drains, area way drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(12) The connection of the building sewer into the public sewer shall conform to the requirements, rules and regulations as now composed or in the future amended by the state of Oregon through its authorized and delegated representative in administering a state sewer code. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(13) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(14) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. In addition, when any sewer work involves street or alley pavement cuts or tunneling, the work shall be performed in accordance with the provisions of the Gold Beach Local Improvement Code.

Section 3. Section 3.445 of the Gold Beach Utility Code is amended to read as follows:

3.445 Use of the Public Sewers.

(1) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, or approval of the superintendent, to a storm sewer, combined sewer or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails; and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following-described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as to quantities of subject wastes in

relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150°F (65°C).

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.

(f) Any waters or wastes containing phenols or other taste- or odor-producing substance in such concentrations exceeding limits which may be established by the superintendent, as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of (9.5).

(i) Materials that exert or cause:

(i) Unusual concentration of inert suspended solids such as, but not limited to, fullers earth, lime slurries, and lime residues; or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

(ii) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

(iii) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Effluent containing more than 100 mg/liter of polar FOG

(j) Effluent containing more than 250 mg/liter of non-polar sediments including sand, lint, and grit.

(5) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section (4) above, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges;

(e) Require installation of grease interceptors, traps, or biological processes that comply with standards adopted by the City prior to discharging into the public sewer.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

If the superintendent requires installation of grease interceptors, traps or biological processes the grease inceptor, trap or biological process must be accessible for sampling, cleaning and inspection, must be properly maintained by the FOG generator, and must

remain in continuous operation. The FOG generator must also provide a suitable location to allow city staff to sample representative effluent discharged by the FOG generator.

~~(6) FOG generators must install grease interceptors, traps, or biological processes, that comply with standards adopted by the City prior to discharging into the public sewer. The grease inceptor, trap or biological process must be accessible for sampling, cleaning and inspection, must be properly maintained by the FOG generator, and must remain in continuous operation. The FOG generator must also provide a suitable location to allow city staff to sample representative effluent discharged by the FOG generator.~~

(RENUMBER AFTER REVIEW)

(7) Where preliminary treatment or flow-equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a ~~suitable control manhole~~, **a sampling port,** together with such necessary meters and other appurtenances in the building sewer as to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

(10) No statement contained in this Code shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern.

(11) Industrial users shall comply with Section 204 of PL 92-500 and the rules and regulations regarding Industrial Cost Recovery as published in the August 21, 1973, Federal Register, Volume 38, Number 161.

Section 4. Section 3.455 of the Gold Beach Utility Code is amended to read as follows:

3.455 Powers and Authority of Inspectors.

(1) With the consent of the property owner or other person with possession or control of the property, he superintendent and other duly authorized employees of the City bearing proper credentials and identification may enter onto private property for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Code. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) In the event that the superintendent cannot gain permission to enter onto private property from the property owner or other person with possession or control of the property, the superintendent may seek entry through any legal means including, without limitation, making application to any court of competent jurisdiction for issuance of a warrant. The warrant application will identify the premises upon which entry is sought, and the purpose for which entry is desired.

(3) The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 5. Section 3.460 of the Gold Beach Utility Code is amended to read as follows:

3.460 Procedure for Disconnection; Appeal Procedure; Penalties.

In every case where a sewer account is not paid by the 25th day of the month after the bill is presented, or where any premises is in violation of this Code, the following steps may be taken:

(1) In the case where the violation is a delinquency in the sewer bill, the Sewer Department shall send written notice to the last known address of the sewer user and to the premises as reflected by City records, that water service will be disconnected ten (10) days after the date of said notice unless the arrearage is immediately corrected. Said notice shall indicate the amount of all arrearages, including penalty fees and shall indicate that if any person disputes the amount owing, they can appeal to the City Administrator in the manner provided in subsection (3) of this section.

(2) In the case of any other violation, the City Sewer Department shall send written notice to the last known address of the sewer user and to the premises as reflected by the city

records that water service will be disconnected twenty (20) days after receipt of said notice, unless the violation is corrected prior to that date. Said notice shall indicate specifically the violation causing the disconnection and shall indicate that if any affected person disputes the violation stated in the notice, they can appeal to the City Administrator and the City Council in the manner provided in subsection (3) of this section. Should the violation not be abated within the said twenty (20) days after receipt of the notice, the superintendent shall be instructed by written order from the City Administrator's office to immediately terminate the water service to the subject property unless an appeal has been filed pursuant to subsection (3) of this section.

(3) A customer, occupant or owner of the premises who questions or disputes the correctness of a notice of intent to disconnect service may file with the City Administrator a request for a hearing within seven (7) days of the date of the notice. If a hearing has been timely requested, the City Administrator shall hold an informal conference to attempt to resolve the matter. In the case of a notice of intent to disconnect service for non-payment, the decision of the City Administrator shall be delivered at the conclusion of the informal conference and shall be final. In other cases, if no informal resolution is achieved, the City Council shall hold a hearing and consider relevant evidence presented by the appellant and the City. The Council shall determine whether the reasons prompting the notice of intent to disconnect are correct. Notice of the decision of the Council shall be mailed by first class mail to the customer at the billing address and to the occupant of the premises and to any other address specified by the appellant. In the event of an appeal to the City Council, service shall not be terminated until three (3) days after mailing of the notice of the decision. A notice of intent to disconnect service shall include information about the appeal process contained in this subsection.

(4) Where the violation is failure to pay delinquent sewer fees and penalties, water service may be reinstated upon payment of those fees. For any other violation, water service shall not be reinstated until such time that all violations have been cured, and a new application has been made and all fees required for initial application have been paid.

(5) Any person violating any of the provisions of this Code shall become liable to the City for any expense, loss or damage occasioned to the City by reason of such violation.

~~Section 6. FOG generators discharging into the public sewer at the time this ordinance is effective will be required to comply with the requirements of Section 3.445(6) of the Gold Beach Utility Code within the timeline prescribed in EXHIBT A attached to this this ordinance. If a FOG generator does not comply with Section 3.445(6) of the Gold Beach Utility Code within the required time frame, notwithstanding Section 3.460(2) of the Gold Beach Utility Code, the City may proceed to notify the FOG generator of the failure to comply with this section and to immediately terminate water service to the premises. The FOG generator shall have all the appeal rights provided in Section 3.460(3) of the Gold Beach Utility Code. In addition to termination of water service the City may assess a penalty for failure to comply with this section subject to the fee schedule in effect at that time. Each day of non-compliance with this section constitutes a separate violation.~~

Section 6. Commercial, industrial, and public facilities users discharging into the public sewer at the time this ordinance is effective will be required to comply with the requirements of Section 3.445(4). If the commercial, industrial, or public facilities user does not comply with Section 3.445(4), notwithstanding Section 3.460(2) of the Gold Beach Utility Code, the City may proceed to notify the commercial, industrial, or public facilities user of the failure to comply with this section and to immediately terminate water service to the premises. The commercial, industrial, or public facilities user shall have all the appeal rights provided in Section 3.460(3) of the Gold Beach Utility Code. In addition to termination of water service the City may assess a penalty for failure to comply with this section subject to the fee schedule in effect at that time. Each day of non-compliance with this section constitutes a separate violation.

PASSED and ADOPTED by the City Council of the City of Gold Beach, State of Oregon, on the _____ day of _____, 2014.

_____
Karl Popoff, Mayor

ATTEST:

_____
Jodi Fritts, City Administrator

First Reading:

Second Reading:

_____
Candy Cronberger, City Recorder

ORDINANCES & RESOLUTIONS

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **9. a.**

TITLE: Resolution R1314-07 Wastewater Bond Closure

SUMMARY AND BACKGROUND:
This is the official closing of a project that began in 2002 with the DEQ issuing a Mutual Agreement and Order (MAO) to the City regarding our wastewater treatment facilities. .

In 2010 the City authorized the issuance of a bond (resolution R1011-07, attached) to partially fund the improvements for the new plant which was completed last fall. Now that the project is complete it is time to issue the bond and pay off our interim loan to the Department of Environmental Quality.

Resolution R1314-07 was prepared by our bond counsel (different legal counsel from Speer-Hoyt) and contains specific language and requirements related to the bond issuance. The bond closure will occur on January 22nd.

FINANCIAL IMPACT:
The issuance of the bond will begin the clock on repayment of this particular debt

DOCUMENTS ATTACHED:
- Resolution R1314-07
- Resolution R1011-07

REQUESTED MOTION/ACTION:
Adoption of the resolution for the bond closure. Please read the entire motion below into the record.

Suggested Motion:
I make the motion to adopt Resolution R1314-07, a resolution providing for the issuance and sale of the City of Gold Beach, Curry County, Oregon, wastewater revenue bond No. 1 in the principal sum of not to exceed $4,158,000 to the United State of America, acting through the United States Department of Agriculture for the purpose of providing a portion of the cost of improving and constructing the City's wastewater system, providing for the forma and terms of said bond and authorizing the payment of same.

COPY OF REPORT AND ATTACHMENTS SENT TO:
Council

RESOLUTION NO. R1314-07

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF THE CITY OF GOLD BEACH, CURRY COUNTY, OREGON, WASTEWATER REVENUE BOND NO. 1 IN THE PRINCIPAL SUM OF NOT TO EXCEED $4,158,000 TO THE UNITED STATES OF AMERICA, ACTING THROUGH THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR THE PURPOSE OF PROVIDING A PORTION OF THE COSTS OF IMPROVING AND CONSTRUCTING THE CITY'S WASTEWATER SYSTEM, PROVIDING FOR THE FORM AND TERMS OF SAID BOND AND AUTHORIZING THE PAYMENT OF SAME.

WHEREAS, the City Council (the "City Council") of the City of Gold Beach, Curry County, Oregon (the "City" or "Borrower"), pursuant to the authority of Oregon Revised Statutes 287A.150, the Constitution and Laws of the State of Oregon and laws amendatory thereof and supplemental thereto, adopted RUS Bulletin 1780-27 Loan Resolution on August 23, 2010 and Resolution No. R1011-07 on October 12, 2010 (collectively, the "Resolution"), duly authorizing the City to issue wastewater revenue bonds in an amount not to exceed $4,158,000 to finance a portion of the costs of improving and constructing the City's wastewater system, and to fund any necessary reserves and costs of issuance. Collectively, the development, construction, improvements and repairs to the City's wastewater system and related wastewater facilities within the boundaries of the City, are referred to herein as the "Project" and the facilities are collectively referred to herein as the "Facility"; and

WHEREAS, notice of adoption of City Resolution No. R1011-07 was given as provided by law on October 20, 2010 and October 27, 2010 and no petitions were filed by the electors of the City on or before December 20, 2010, the 61st day after the date of first publication.

WHEREAS, the United States of America, acting through the United States Department of Agriculture (the "Government") appropriated $4,158,000, as set forth in a Letter of Conditions dated August 9, 2010, as amended by Amendment No. 1 dated November 17, 2011 and by Amendment No. 2 dated December 3, 2013, and as may be further amended, to loan that amount to the City at an interest rate of 2.375% per annum for the Project; and

WHEREAS, the City has been directed to proceed in accordance with law to issue the bonds, and concurrently therewith and subsequent thereto the City has commenced negotiations with the Government for financial assistance to improve the Facility; and,

WHEREAS, the Government has indicated a desire to consider financial assistance and as a result, it is necessary to cause the execution and delivery of installment bonds or other evidence of indebtedness to secure any loan or loans made, or insured by the Government and to comply with any requirements, terms, and conditions prescribed by the Government or by Government regulations and to execute contracts or enter into agreements and to take any and all other action as may be necessary, incidental or appropriate to improve the Facility for and on behalf of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH:

SECTION 1. It is necessary to defray a portion of the costs of improving the Facility by obtaining a loan made by the Government in accordance with the applicable provisions of the Rural Development Act of 1972, and the Government has acknowledged that the City is unable to obtain sufficient credit elsewhere to finance the Facility taking into consideration prevailing private and cooperative rates and terms concurrently available.

SECTION 2. The City shall borrow $4,158,000 and issue as evidence thereof an installment Wastewater Revenue Bond No. 1 (the "Bond") for the full principal amount of the loan. The Bond shall be dated with the date of delivery thereof, and shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF OREGON
COUNTY OF CURRY COUNTY
CITY OF GOLD BEACH
WASTEWATER REVENUE BOND NO. 1

KNOW ALL MEN BY THESE PRESENTS: The City of Gold Beach, Curry County, Oregon, hereinafter called the "Borrower", hereby acknowledges itself indebted and for value received promises to pay to the order of the United States of America, acting through the United States Department of Agriculture, hereinafter called the "Government", the principal sum of Four Million One Hundred Fifty-Eight Thousand Dollars ($4,158,000) plus interest on the unpaid principal balance at the rate of 2.375% per annum. The said principal and interest shall be payable in the following installments on or before the following dates:

The sum of $162,204 on the 22nd day of January, 2015, and the sum of $162,204 annually thereafter on the 22nd day of January until the principal and said interest are fully paid, except that the final installment of the entire indebtedness evidenced hereby, if not sooner paid, shall be due and payable forty (40) years from the date of this bond.

All or part of the outstanding bond installments may be paid in inverse order on any date without premiums.

This bond shall be registered as to principal and interest in the name of the United States of America in an appropriate book in the Office of the Borrower, each registration to be noted on the Bond Registration Certificate attached hereto by the City Recorder of the Borrower and no transfer hereof shall be valid unless made on said book and similarly noted on the Bond Registration Certificate.

Both the principal and interest shall be paid to the United States of America (as such registered holder) at the Government's Office of the United States Department of Agriculture, Rural Development, serving Curry County, Oregon.

Default hereunder shall constitute default under any other instrument evidencing a debt of the Borrower owing to or insured by the Government or securing or otherwise relating to such a debt, and default under any other such instrument shall constitute default hereunder. Upon default the Government, at its option, may declare all or any part of the indebtedness immediately due and payable.

This bond is given as evidence of a loan to the Borrower made by the Government pursuant to the Rural Development Act of 1972, as amended, and shall be subject to the present regulations of the Government or its successor agency not inconsistent with the express provisions hereof.

This bond is authorized and issued by virtue of Resolution No. R1011-07 adopted by the City Council of the Borrower on October 12, 2010, notice of which was duly published as provided by law on October 20, 2010 and October 27, 2010, and by Resolution No. R1314-07 adopted by the City Council of the Borrower on January 13, 2014 (collectively, the "Resolution"), and pursuant to the Constitution and Laws of the State of Oregon, and laws amendatory thereof and supplemental thereto.

This bond and the interest thereon are payable solely from the net revenues of the wastewater system of the Borrower and neither the bond nor the payment of interest impose any general liability upon the Borrower for the payment thereof out of any monies other than net revenues of the Borrower's wastewater system. It is hereby covenanted by the Borrower that so long as this bond shall be outstanding and unpaid, or until there shall have been set apart solely for that purpose sums sufficient to pay when due the entire principal sum hereof together with interest accrued, or to accrue thereon, the Borrower shall fix and collect charges for wastewater system services, such as to provide revenue sufficient to pay, as the same shall become due, the principal and interest of this bond, and in addition, to pay, as the same become due, the necessary expenses of operating, maintaining, renewing and replacing the wastewater system of the Borrower, from appropriate reserve funds for such purposes and all other obligations and indebtedness payable out of the revenues of the Borrower's wastewater system.

The unobligated net revenues of the Borrower's wastewater system, after payment of the ordinary operation and maintenance expenses thereof, are pledged to the payment of the principal of and interest upon the Bond.

This bond is exchangeable at the sole expense of the Borrower at any time, upon ninety (90) days written notice, at the request of the registered owner hereof, and upon surrender of this bond to the Borrower at the office of the Borrower for registered bonds of the denomination of $5,000.00 each, or integral multiples thereof, in the aggregate principal amount equal to the unpaid principal amount of the bond, and bearing interest on the unpaid principal balances at the rate of 2.375% per annum.

It is hereby certified, recited, and declared that all acts, conditions and things required to exist, happen, and be performed precedent to and in the issuance of this bond have existed, have happened, and have been performed in due time, form and manner as required by law, that the amount of this bond, together with all obligations of the Borrower, does not exceed any limits

prescribed by the Constitution and Statutes of the State of Oregon and the Charter of the Borrower.

IN WITNESS WHEREOF, the City of Gold Beach, Curry County, Oregon has caused this bond to be signed by its Mayor and attested by its City Recorder, all on the 22nd day of January, 2014.

CITY OF GOLD BEACH
CURRY COUNTY, OREGON

By_____
Mayor

Do not sign.

ATTEST:

By_____
City Recorder

BOND REGISTRATION CERTIFICATE

CITY OF GOLD BEACH
CURRY COUNTY, OREGON

WASTEWATER REVENUE BOND NO. 1

DATE: January 22, 2014

Registered in name of:
United States of America

Do not sign.

By: _____
City Recorder

[End of bond form.]

SECTION 3. The unobligated net revenues of the Borrower's wastewater system, after payment of the ordinary operation and maintenance expenses thereof, are pledged to the payment of the principal of and interest upon the Bond.

SECTION 4. The City Administrator shall be the custodian of all funds of the Facility and all funds shall be deposited in a bank which is a member of the Federal Deposit Insurance Corporation or in the Local Government Investment Pool. The City Administrator shall execute a Fidelity Bond in an amount not less than $162,204 with a surety company approved by the Government and the amount thereof shall not be reduced without the prior written consent of the Government. The City Administrator is hereby directed to establish the following accounts into which the current funds of the Bond proceeds, the revenues from the Facility and other income shall be deposited, which accounts shall be continually maintained, except as otherwise provided, so long as the Bond hereby authorized remains unpaid.

(a) Construction Account. The proceeds of the Bond hereby authorized and any interim financing acquired shall be deposited in the Construction Account. Amounts in the Construction Account exceeding $100,000.00 shall either be secured by the depository bank in advance in accordance with State and Federal law or deposited in the Oregon Local Government Investment Pool. Withdrawal from the Construction Account shall be made only on checks signed by any of the following City officials: the Mayor, the City Administrator or the City Recorder, as authorized by the City Council, and only for the purposes for which said bond was issued as specified in the estimate of costs. The City's share of any liquidated damages and other monies paid by defaulting contractors or their sureties will be deposited in the Construction

Account to assure completion of the Project. When the construction of the Facility has been completed or all construction costs have been paid in full, any balance remaining in the Construction Account shall be used to pay outstanding installments on the Bond in inverse order without premiums; provided, however, that the proceeds of the Bond deposited in the Construction Account shall be used to retire any interim financing. The Construction Account shall then be closed.

(b) Revenue Account. The revenues of the Borrower's wastewater system shall be set aside into a separate account to be designated the Revenue Account, and moneys so deposited therein shall be expended and used only in the manner and order as follows:

(i) Operations and Maintenance Account (bookkeeping account). There shall be set aside and deposited each month, before any other expenditures therefrom, a sufficient portion of the moneys in the Revenue Account to pay the reasonable and necessary current expenses of operating, maintaining and administering the Facility for the current month.

(ii) Debt Service Account (bookkeeping account). After the transfer required in item (i) above, there shall be transferred each month from the Revenue Account or other available funds pledged to the Bond, before any other expenditures or transfer therefrom, and deposited in the Debt Service Account for payment of the annual installment of the bond, a sum equal to at least one-twelfth of the annual installment becoming due on the next succeeding 22nd day of January. If the City for any reason shall fail to make such monthly deposit, then an amount equal to the deficiency shall be set apart and deposited in the Debt Service Account out of the gross revenues in the ensuing month or months, which amount shall be in addition to the regular monthly deposit required during each succeeding month or months.

Whenever there shall accumulate in the Debt Service Account amounts in excess of the requirements during the next twelve months for paying principal and interest on outstanding bond installments, and in the Operation and Maintenance Account and the Reserve Account hereinafter established, amounts in excess of the requirements thereof, such excess may be used by the City to make prepayments on the bond.

(c) Reserve Accounts.

(i) Debt Service Reserve Account. The Borrower shall establish and maintain a Debt Service Reserve Account. The Borrower shall set aside and deposit in the Debt Service Reserve Account the sum of $162,204 after which no further deposits need be made into said account except to replace withdrawals as described in the second paragraph of this Section 4(c)(i). Proof of the Debt Service Reserve Account balance shall be provided each year in the Borrower's annual audited financial statements. The Debt Service Reserve Account is in addition to any existing or future reserve account obligation of the City.

The Debt Service Reserve Account shall be used and disbursed only for the purpose of paying the cost of repairing or replacing any damage to the Facility which

may be caused by any unforeseen catastrophe and when necessary for the purpose of making payments of principal and interest on the Bond hereby authorized in the event the amount of the Debt Service Account is insufficient to meet such payments. Approval by the Government is required prior to the use of the Debt Service Reserve Account funds. Whenever disbursements are made from the Debt Service Reserve Account, the Borrower shall be required to make deposits until there is again accumulated the amount of $162,204 at which time deposits may be discontinued.

(ii) Short-Lived Asset Replacement Reserve Account. The Borrower shall establish and maintain a Short-Lived Asset Replacement Reserve Account ("SLARRA"). The Borrower shall set aside and deposit in the SLARRA the sum of not less than $32,500 annually. Amounts in the SLARRA shall be used and disbursed only for the purpose of replacing facility assets with an estimated life of less than fifteen years. Approval by the Government is not required prior to the use of amounts in the SLARRA.

SECTION 5. The Borrower covenants and agrees that so long as the Bond hereby authorized remains unpaid:

(a) The Borrower will indemnify the Government for any payments made or losses suffered by the Government as a result of or in connection with the Facility.

(b) The Borrower will comply with applicable State laws and regulations and continually operate and maintain the Facility in good condition.

(c) The Borrower will impose and collect sufficient rates and charges for use of the Facility to provide for the operation and maintenance thereof and the payments on the Bond hereby authorized and the maintenance of the various funds herein created; that all use of the Facility shall be subject to the full rates prescribed in the rules and regulations of the Borrower; and that no free use of the Facility will be permitted.

(d) The Borrower will maintain complete books and records relating to the operation of the Facility and its financial affairs and will cause such books and records to be audited annually at the end of each fiscal year and an audit report prepared, and will furnish the Government, without request, a copy of each annual audit report. At all reasonable times the Government shall have the right to inspect the Facility and the records, accounts and data of the Borrower relating thereto.

(e) The Borrower will maintain such insurance coverage as may be required by the Government.

(f) The Borrower will not borrow money from any source or enter into any contract or agreement or incur any other liabilities in connection with making extensions or improvements to the Facility, exclusive of normal maintenance, without obtaining the prior written consent of the Government.

(g) The Borrower will not dispose of or transfer its title to the Facility or any part thereof, including lands and interest in lands, by sale, mortgage, lease, or other encumbrance, without the prior written consent of the Government.

(h) The Borrower will cause to be collected such revenues as may be necessary to operate and maintain the Facility in good condition and meet payments on the Bond when the same become due if, for any reason, gross revenues are insufficient.

(i) The Borrower will comply with all federal laws and regulations to maintain the tax-exempt status of Bond interest from Federal income taxation and Oregon personal income taxation.

SECTION 6. If at any time it shall appear to the Government that the Borrower is able to refinance the amount of the Bond then outstanding, in whole or in part, by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and periods of time, the Borrower will, upon request of the Government, apply for and accept such loan in an amount sufficient to repay the Government and will take all such actions as may be required in connection with such loan.

SECTION 7. The Mayor, the City Administrator and the City Recorder or their designee (the "Authorized Representative") are hereby authorized and directed to execute for and on behalf of the Borrower Form RD 400-1, "Equal Opportunity Agreement", Form RD 400-4, "Assurance Agreement", as required by the provisions of Title VI of the Civil Rights Act of 1964, Form RD 1942-47, "Loan Resolution", Form RD 442-21, "Right-of-Way Certificate", Form RD 1942-46, "Letter of Intent to Meet Conditions", Form RD 1910-11, "Applicant Certification Federal Collection Policies for Consumer or Commercial Debts", Form RD 1924-18, "Partial Payment Estimate", Form AD-1047, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions", Form AD-1048, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions", and if an RUS development grant is involved, RUS Bulletin 1780-12, "Water and Waste System Grant Agreement", and Form AD-1049, "Certification Regarding Drug-Free Workplace Requirements (Grants)," and to act on behalf of the City and determine the terms of the Bond and to execute any certificates, documents or agreements that the Authorized Representative determines are desirable to issue, sell and deliver the Bond in accordance with this Resolution.

SECTION 8. The Borrower desires and deems it necessary and advisable for the immediate preservation of the health, peace, and safety of the City that this Resolution shall become effective at once, therefore, an emergency is hereby declared to exist and this resolution shall be in full force and effect from and after its passage and approval.

ADOPTED by the City Council of the City of Gold Beach, Curry County, Oregon, this 13th day of January, 2014.

CITY OF GOLD BEACH
CURRY COUNTY, OREGON

By_____
Mayor

ATTEST:

By_____
City Recorder

RESOLUTION NO. R1011-07

A RESOLUTION OF CITY OF GOLD BEACH, CURRY COUNTY, OREGON, AUTHORIZING THE ISSUANCE OF WASTEWATER REVENUE BONDS FOR A TOTAL OF NOT TO EXCEED $4,158,000, AND PROVIDING FOR PUBLICATION OF NOTICE.

The City Council of City of Gold Beach, Oregon (the "City"), finds:

A. The City finds that it is financially feasible and in its best interests to improve and construct the City's wastewater system (the "Project").

B. The City is authorized to finance the Project by issuing revenue bonds pursuant to Oregon Revised Statutes 287A.150 (the "Act").

C. The cost of the Project, including bond issuance costs and debt service reserves, is estimated to not exceed $11,500,000, of which $4,158,000 is anticipated to be financed through a revenue bond issued to the United States of America Department of Agriculture.

D. The City will cause to be prepared a plan showing that the City's estimated net Project revenues are sufficient to pay the estimated debt to be incurred by the City under the revenue bond issue authorized by this resolution.

The City Council of City of Gold Beach, Oregon, resolves:

Section 1. Revenue Bonds Authorized. There are hereby authorized to be issued in not to exceed $4,158,000 aggregate principal amount of the City's wastewater Revenue Bonds. Prior to selling the bonds the City Council shall establish by resolution:

(a) Whether the bonds shall be sold at public competitive bid sale or private negotiated sale;

(b) The maximum discount to be allowed upon sale of the bonds;

(c) The schedule for bond principal repayment;

(d) The terms under which additional bonds may be issued;

(e) The terms by which bonds may be redeemed prior to maturity;

(f) The amount of any reserves to be established for the bonds and the manner in which the reserves shall be funded;

(g) The covenants which the City will make with bondowners regarding operation of the Project;

(h) The revenues to be pledged to payment of the bonds;

(i) Whether the pledged revenues shall be held by a trustee, and if they are so held, the trustee's duties;

(j) Whether security interests should be granted; and

(k) Any other terms, conditions or covenants regarding the bonds, the Project or the revenues which are necessary or desirable to effect the sale of the bonds.

Section 2. Notice; Procedure.

(a) No bonds may be sold, and no purchase agreement for the bonds may be executed, until at least sixty (60) days after publication of the Notice of Revenue Bond Authorization, which is attached to this resolution as Exhibit "A" (the "Notice"). The Notice shall specify the last date on which petitions may be submitted, and shall be published in at least one newspaper of general circulation in the City in the same manner as are other public notices of the City.

(b) If petitions for an election, containing valid signatures of not less than five percent (5%) of the City's electors, are received within the time indicated in the Notice, the question of issuing the bonds shall be placed on the ballot at the next legally available election date. If such petitions are received, no bonds may be sold until this resolution and the question of issuing the bonds is approved by a majority of the electors of the City who vote on that question.

(c) The bonds shall be issued and sold in accordance with the Act.

Section 3. Bonds Payable Solely from Revenues.

The bonds shall not be general obligations of the City, nor a charge upon its tax revenues, but shall be payable solely from the revenues which the City pledges to payment of the bonds pursuant to ORS 287.150(5) and the resolution to be adopted by the City pursuant to Section 1 of this resolution.

ADOPTED by the Council of the City of Gold Beach, Curry County, Oregon, this 12th day of October, 2010.

City of Gold Beach

James H. Wernicke, Mayor

Attest:

Jodi Fritts, Recorder

EXHIBIT A
Notice of Revenue Bond Authorization

NOTICE IS HEREBY GIVEN that the City Council of City of Gold Beach, Curry County, Oregon (the "City"), adopted Resolution No. R1011-04 on October 12, 2010, authorizing the issuance of wastewater revenue bonds. The bonds will be issued to finance construction and improvements to the City's wastewater system (the "Project").

The City Council may establish by subsequent resolution all terms, conditions and covenants regarding the bonds and the Project revenues which are necessary or desirable to effect the sale of the bonds.

The City estimates that the bonds will be issued in an aggregate principal amount of not to exceed $4,158,000; bond principal and interest are expected to be paid from City revenues. The bonds will not be general obligations of the City, nor a charge upon its tax revenues, but will be payable solely from the revenues which the City pledges to the payment of the bonds.

If written petitions, signed by not less than five percent (5%) of the City's electors, are filed at the Office of the City Recorder on or before December 21, 2010 (the 61st day after the date of publication of the notice), the questions of issuing the revenue bonds shall be placed on the ballot at the next legally available election date.

The Office of the City Recorder is located at 29592 Ellensburg Avenue, Gold Beach, OR 97444.

The resolution authorizing the bonds is available for inspection at the Office of the City Recorder.

The bonds will be issued and sold under Oregon Revised Statutes (ORS) 287.150; this Notice is published pursuant to ORS 287A.150(4).

BY ORDER OF THE City COUNCIL OF City of Gold Beach, Curry County, OREGON.

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **9. b.**

TITLE: Final Order GBZ-1301 and Ordinance 650

SUMMARY AND BACKGROUND:
The GBZ-1301 zone change was approved by the Council at the December meeting. The decision is not final until it is reduced to writing. Typically this is a FINAL ORDER. In this particular instance because the requested action is amending the comprehensive plan and zoning maps an ordinance is also required. Since the ordinance is required, a final order may be redundant but given the nature of this application I figured more was better than less.

FINANCIAL IMPACT:
None at this time.

DOCUMENTS ATTACHED:
- Ordinance 650
- Final Order GBZ-1301 (for brevity the staff report and applicant findings are not included—they were part of the December council packet)

REQUESTED MOTION/ACTION:
Two actions are required: adopting the Final Order and the first reading of the Ordinance

If the Final Order meets your approval I need a motion to approve and adopt the order. If you want to make additions/corrections to the order we can still adopt it tonight just note the changes specifically in your motion.

SAMPLE MOTION FOR FINAL ORDER:
No changes:
I make the motion that the Council approve and adopt Final Order GBZ-1301.
Changes:
I make the motion that the Council approve and adopt Final Order GBZ-1301 with the following changes/amendments: (PLEASE LIST YOUR CHANGES)

Following the approval of the final order
SAMPLE MOTION FOR ORDINANCE
I make the motion that the Council adopt Ordinance 650 and approve the first reading by title only.

I will then read the title of the ordinance into the record. The second reading will be at the February meeting.

COPY OF REPORT AND ATTACHMENTS SENT TO:
Council

ORDINANCE NO. 650

AN ORDINANCE ADOPTING A CHANGE IN THE CITY OF GOLD BEACH COMPREHENSIVE PLAN MAP AND ZONING MAP ON A PARCEL IDENTIFIED AS ASSESSOR MAP NO. 3715-01AA TAX LOT 4400

RECITALS:

1. A request was filed to change the comprehensive plan map and zoning map designation from Residential (3-R) to Commercial (4-C) on a portion of a parcel split zoned Residential (3-R) and Commercial (4-C) and identified as **Assessor Map No. 3715-01AA tax lot 4400**.

2. A hearing was held before the City Council as a matter duly set upon the agenda of the regular December monthly City Council meeting after giving public notice as required by City ordinance and ORS 197.763. The public hearing was held on Monday, December 9, 2013.

3. At the public hearing evidence and testimony was presented by administrative staff in the form of a staff report and exhibits. The hearing was conducted according to the rules of procedure and conduct of hearings on land use matters as set forth in the Gold Beach Zoning Ordinance. The City Council received oral and written testimony concerning the application.

4. At the December 9, 2013 hearing the City Council, upon a motion duly made and seconded, voted to APPROVE the request based on decision criteria, findings of fact, and conclusions of law. A Final Order approving the request was adopted by the City Council on January 13, 2014.

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

1. **This ordinance amends the City of Gold Beach Comprehensive Plan Map from Residential to Commercial and the City of Gold Beach Zoning Map from Residential 3-R to Commercial 4-C on property identified as Assessor Map No. 3715-01AA tax lot 4400.**

2. This amendment is approved in accordance with Article VIII of the Gold Beach Zoning Ordinance.

3. The GBZ-1301 Final Order is hereby incorporated into this decision by reference and attached as EXHIBIT A.

PASSED and ADOPTED by the City Council of the City of Gold Beach, State of Oregon, on this _____ day of _____ 2014.

Karl Popoff, Mayor

ATTEST:

Jodi Fritts, City Administrator

First Reading: January 13, 2014
Aye: Nay:
Second Reading: February 10, 2014
Aye Nay

Candy Cronberger, City Recorder

EXHIBIT A – GBZ-1301 Final Order

THE CITY COUNCIL OF THE CITY OF GOLD BEACH
COUNTY OF CURRY, STATE OF OREGON

In the matter of:

LAND USE FILE GBZ-1301	)	
A COMPREHENSIVE PLAN MAP AND	)	
ZONING MAP AMENDMENT REQUEST	)	**FINAL ORDER &**
FILED BY PATRICK FITZSTEPHENS	)	**FINDINGS OF FACT**
ON PROPERTY IDENTIFIED AS ASSESSOR	)	
MAP NO. 3715-01AA TAX LOT 4400	)	

ORDER IN THE APPROVAL of application GBZ-1301, a request to change the comprehensive plan map and zoning map designations from Residential (3-R) to Commercial (4-C) on a portion of property identified as Assessor Map No. 3715-01AA tax lot 4400. The application was filed by John Bischoff of Wildwood Planning Consultants, agent for property owner Patrick Fitzstephens.

WHEREAS:
This matter came before the Gold Beach City Council as an application for comprehensive plan map and zoning map amendment.

A hearing was held before the City Council as a matter duly set upon the agenda of the regular December monthly City Council meeting after giving public notice as required by City ordinance and ORS 197.763. The public hearing was held on Monday, December 9, 2013.

At the public hearing evidence and testimony was presented by administrative staff in the form of a staff report and exhibits. The hearing was conducted according to the rules of procedure and conduct of hearings on land use matters as set forth in the Gold Beach Zoning Ordinance. The City Council received oral and written testimony concerning the application.

At the December 9, 2013 hearing the City Council, upon a motion duly made and seconded, voted to APPROVE the request as set forth above based on decision criteria, findings of fact, and conclusions of law as set forth in this order.

DECISION CRITERIA:
Gold Beach Comprehensive Plan
Goal 9 – Economy
Goal 10 – Housing
Land Use Classifications
Gold Beach Zoning Ordinance
ARTICLE VIII Amendments to the Zoning Ordinance
Section 8.010 Authorization to Initiate Amendments
Section 8.020 Application for a Zone Change
Section 8.030 Public Hearing on Zoning Amendment

Section 8.040 Criteria and Burden of Proof for an Amendment to the Zoning Map
Section 8.050 Zone Changes with Conditions

FINDINGS OF FACT:

1) The City Council adopts the findings in the Staff Report as the basis for this decision specifically:
    a. The portion of the subject property that is subject to this zone change application is not particularly suitable for residential development and does not meet the comprehensive plan stated purpose of the Residential land use classification.
    b. The portion of the subject property that is subject to this zone change application does meet the comprehensive plan stated purpose of the Commercial land use classification.
    c. The applicant has met, with their written findings, the burden of proof to approve the requested zone change.
    d. The intent of the split zoning of the subject property is unclear and it appears there may have been an error in the adoption of the original map.
2) The proposed zone change helps to offset previous conversion of commercially zoned properties to residential uses.

CONCLUSIONS OF LAW:

The burden of proof is upon the applicant in providing the proposal fully complies with applicable criteria. The City Council finds that, based on the staff report and evidence and testimony presented at the hearing, that the applicant has sufficiently met the burden of proof needed to approve the requested comprehensive plan map and zoning map change.

NOW THEREFORE LET IT BE ORDERED that application GBZ-1301, a request to change the comprehensive plan map and zoning map designations from Residential (3-R) to Commercial (4-C) on a portion of property identified as Assessor Map No. 3715-01AA tax lot 4400 is APPROVED.

This order in the approval of Application GBZ-1301 reviewed and approved by the Gold Beach City Council on this 13th day of January, 2014.

APPROVED BY:

_____
Karl Popoff, Mayor

ATTEST:

_____
Candy Cronberger, City Recorder

Attachments to this Final Order:

A – Staff Report
B – Applicants Findings

MISC. ITEMS

Including policy discussions and determinations

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **10 b.**

TITLE: Social Gaming Code amendment

SUMMARY AND BACKGROUND:
Some time back we discussed amending the Social Gaming Code to spell out private games and fundraising events. The question was asked if the State regulated gaming. I downloaded this from the Oregon State Police Gaming Division:

http://www.oregon.gov/osp/gaming/Pages/tgaming_faqs.aspx

> 5. **What is social gaming?**
>
> A game, other than a lottery, between players in a private home where no house player, house bank or house odds exist and there is no house income from the operation of the social game; and
>
> If authorized pursuant to ORS 167.121, a game, other than a lottery, between players in a private business, private club or place of public accommodation where no house player, house bank or house odds exist and there is no house income from the operation of the social game.
>
> 6. **Does the State regulate social gaming?**
>
> No. Oregon Revised Statue 167.121, local regulation of social games. Counties and cities may, by ordinance, authorize the playing or conducting of a social game in a private business, private club or in a place of public accommodation. Such ordinances may provide for regulation or licensing of the social games authorized.
>
> Note: 167.121 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 167 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

I went to review ORS 167.121 and found a 2010 Department of Justice opinion on social gaming (attached) that concerns me. I think it would be prudent to review this with legal counsel before we spend too much time on revising the ordinance. I will speak with legal counsel prior to the meeting and report to the council.

FINANCIAL IMPACT:
None at this time.

DOCUMENTS ATTACHED:
- 2010 DOJ social gaming opinion

REQUESTED MOTION/ACTION:
No requested action from staff

COPY OF REPORT AND ATTACHMENTS SENT TO:
Council

JOHN R. KROGER
Attorney General

MARY H. WILLIAMS
Deputy Attorney General

DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

January 22, 2010

Lieutenant Glenn Chastain
Oregon State Lottery/Security Division
500 Airport Road SE
Salem, OR 97301

Re: Opinion Request OP-2010-1

Dear Lieutenant Chastain:

Gambling is unlawful in Oregon unless the legislature specifically authorizes it. *See* ORS 167.122 (participating in unlawful gambling as a player is a Class A misdemeanor); ORS 167.127 (promoting or profiting from unlawful gambling is a Class C felony); ORS 167.117(24) ("unlawful" means "not specifically authorized by law"). For these purposes, gambling does not include "social games." ORS 167.117(7)(c).

To qualify as a "social game," a game must be "between players" and must not have any "house player," "house bank," "house odds," or "house income." ORS 167.117(21). But the legislature did not define any of those terms except "player." This raises questions as to whether certain games qualify as social games. You ask us to interpret several key terms in the definition to clarify the circumstances in which a game will meet the criteria for the social-game exception. Below, we set out your specific questions and our short answers, followed by a discussion.

QUESTIONS AND SHORT ANSWERS

As used in ORS 167.117(21)'s definition of "social games," what do the following mean:

Question 1: The requirement that the "game" be "between players?"

The requirement that a social game be "between players" means that any person betting in a social game must qualify as a "player" under ORS 167.117(16).

Question 2: "House?"

As used in the definition of "social games," "house" means: (1) all private businesses, private clubs, and places of public accommodation where social games occur, including their owners, managers and employees; and, (2) any person who operates what would otherwise be a social game for profit rather than for social purposes. "Operates" for those purposes includes any action described in ORS 167.117(18) that materially aids the game.

Question 3: The prohibition on a "house player?"

The prohibition on a "house player" means that the house may not in any circumstance bet in a social game.

Question 4: The prohibition on a "house bank?"

We interpret the prohibition on a "house bank" to mean that the house may not act as a banker in a social game by having any involvement in the financial aspects of the game, including selling, keeping, and redeeming chips even if the house makes no profit from doing so.

Question 5: The prohibition of "house odds?"

We interpret this prohibition to mean that the house may not have any advantage in a social game or establish the ratio between the amount of a bet and the payoff amount.

Question 6: The prohibition of "house income?"

This prohibition means that the house may not make any money directly from operation of the game or from its participants. Businesses where social games occur may not charge for participation in the game, a rental fee for the room, table, or equipment or otherwise extract money from social game participants. Those businesses *may* make money from selling food and drink to social game players on the same terms that they sell those goods to all other patrons. Even if an establishment sells food and drink on the same terms to all patrons, if it charges inflated prices in relation to other similar establishments and its only patrons are social game players that may be evidence that the establishment is in fact making income from operation of social games.

SOCIAL GAME DEFINITION

ORS 167.117(7) defines the term "gambling" for purposes of the gambling offense statutes, ORS 167.108 to 167.164, and excludes "social games from that definition:

> "Gambling" means that a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the control or influence of the person, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome. *Gambling does not include:*
>
> * * *
>
> *(c) Social games.*

(Emphasis added.)

"Social game" is defined by ORS 167.117(21) to mean:

(a) A game, other than a lottery, between players in a private home where no house player, house bank or house odds exist and there is no house income from the operation of the social game; and,

(b) If authorized pursuant to ORS 167.121, a game, other than a lottery, between players in a private business, private club or place of public accommodation where no house player, house bank or house odds exist and there is no house income from the operation of the social game.

ORS 167.121 permits cities and counties to authorize social games in private businesses, private clubs or places of public accommodation.[1/] The requirements for social games are the same in those places and private homes. You ask us to clarify the requirement that the game be "between players" and the prohibitions on "house" activity.

"BETWEEN PLAYERS" REQUIREMENT

1. Statutory interpretation

In interpreting the phrase "between players" (as well as the other terms about which you inquire), we follow the statutory interpretation method set out by the Oregon Supreme Court in *PGE v. Bureau of Labor and Industries*, 317 Or 606, 610, 859 P2d 1143 (1993), and subsequently refined in *State v. Gaines*, 346 Or 160, 171-172, 206 P3d 1042 (2009). The first step is an examination of the statute's text and context. *PGE*, 317 Or at 610-11. In doing so, we apply statutory and judicial rules for reading the text and context, including giving terms of common usage their plain meanings. *Id.* The second step is to consider legislative history where it appears useful to the analysis of the statute. *Gaines*, 346 Or at 171-172. The third and final step is resort to general maxims of statutory construction to aid in resolving any uncertainty as to the legislature's intent that remains "after examining text, context, and legislative history." *Id.*

2. Defined

a. "Between"

While the statutory definition of "social games" was initially enacted in 1973 and amended in 1974 (as discussed at length later in this opinion), the "between players" statutory language predates that definition and was enacted in 1971. When we consider the plain meaning of a statute's text under the interpretational method described in *PGE* and *Gaines*, we are directed to consult dictionaries in existence around the time of the enactment of the statute. *See, e.g., State v. Perry*, 336 Or 49, 53, 77 P3d 313 (2003). Accordingly, we consult the 1961 edition of WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY (UNABRIDGED), but note that the pertinent definitions in the 1961 edition are identical to those in the most current edition published in 2002. Beginning with "between," the most apt plain meaning is "involving the

reciprocal action of: involving as participants: jointly engaging <the job was completed *between* the two of them> <two years of quiet talks *between* the three>." WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY at 209 (unabridged 1961). As the examples illustrate, "between" implies exclusivity; accordingly "between players" means between players *only*.

b. "Player"

ORS 167.117(16) defines "player" to mean:

> [A] person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein is a person who does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor and supplying cards or other equipment used therein. A person who engages in bookmaking is not a player.

(1) Conundrum posed by "gambling" requirement

The first requirement for a "player" is that the person must engage in gambling – that is stake or risk something of value upon the outcome of the game in return for the chance to receive something of value if they win. The requirement that a "player" must "gamble" creates a recurring conundrum in interpreting the term "social game." Namely, ORS 167.117(7)(c) excludes "social games" from the definition of "gambling," so a person who plays in a social game does not engage in "gambling." But ORS 167.117(21) defines "social game" as a game "between players," and ORS 167.117(16) defines "player" to require that a player engage in "gambling." In short, no game could *ever* qualify as a "social game" under those definitions, because no one who plays in a social game is a "player," but social games must be "between players."[2/]

The obvious solution is to interpret "gambling," as used in ORS 167.117(16)'s definition of "player" to mean "gambling," as defined in ORS 167.117(7), *omitting the exclusion for social games contained in subsection (7)(c)*. It might be argued that such an interpretation requires us to omit words that have been inserted in the definition of "gambling" in violation of the rule that we refrain from doing just that. *See* ORS 174.010 (in construing statute, judges should not "omit what has been inserted"). But ORS 167.117 provides that its definitions apply "[a]s used in ORS 167.108 to 167.164" "*unless the context requires otherwise*." (Emphasis added.) The context here requires us to adopt a modified definition of "gambling" for the purposes of the social game definition. Also, we must adopt a construction that gives effect to all provisions of a statute, if possible. ORS 174.010 ("where there are several provisions or particulars such construction is, if possible, to be adopted as will give effect to all").

We conclude that, for purposes of ORS 167.117(21)'s definition of "social game," the legislature likely intended "gambling," as used in ORS 167.117(16)'s definition of "player" to mean gambling as defined by ORS 167.117(7), excluding the social game exception in subsection (7)(c). Applying that definition, a "player" in a social game must stake or risk something of value upon the outcome of the contest, *i.e.*, bet, in the game.

A "player" must engage in gambling "solely as a contestant or bettor." That means, first, that the person may not receive or become entitled to receive "any profit therefrom other than personal gambling winnings." That requirement distinguishes a "player" from one who "profits from unlawful gambling," which is defined as when:

> * * * a person, *acting other than solely as a player*, accepts or receives money or other property pursuant to an agreement or understanding with another person whereby the person participates or is to participate in the proceeds of unlawful gambling.

ORS 167.117(17) (emphasis added).

(2) No material assistance

The second requirement for a person to engage in gambling "solely as a contestant or bettor" is that the person not "render[] any material assistance to the establishment, conduct or operation of the particular gambling activity." That requirement distinguishes a player from a person who "promotes unlawful gambling," which is defined as:

> * * * a person, *acting other than solely as a player*, engages in conduct that materially aids any form of unlawful gambling. Conduct of this nature includes, but is not limited to, conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases or toward any other phase of its operation. A person promotes unlawful gambling if, having control or right of control over premises being used with the knowledge of the person for purposes of unlawful gambling, the person permits the unlawful gambling to occur or continue or makes no effort to prevent its occurrence or continuation.

ORS 167.117(18) (emphasis added).

A "person who gambles at a social game of chance on equal terms with the other participants" does not "render material assistance" by arranging or facilitating the game, such as by "inviting persons to play, permitting the use of [their] premises," or "supplying cards or other equipment" to be used in the game as long as they do so for free. The requirement that such

persons gamble in the game on equal terms means that they must gamble on the same or like terms as other players and have no advantage. WEBSTER'S at 766 (defining "equal" to mean "of the same measure, quantity, amount, or number as another or others : LIKE * * * like, as great as, or the same as another or others in degree, worth, quality, nature, ability, or status * * * like, as great, or the same for each member of a group or class[.]"). If the gambler who arranges or facilitates the game does not gamble on equal terms as the other players, the person is not a "player," but instead a promoter, and the game does not qualify as a social game. The same result occurs if the person receives any fee or remuneration for arranging or facilitating the game.

3. "Between players" applied

a. Dealers who do not gamble in the game

We next apply the "between players" requirement to various scenarios that we are informed may arise, beginning with the situation where a person deals cards but does not gamble in the game. Such a dealer is not a "player" because he does not gamble in the game as players must. The question is whether the requirement that the "game" be "between players" precludes a non-player dealer in a social game, or stated alternatively, may only players deal in a social game?

As discussed above, "between" means "involving the reciprocal action of: *involving* as participants[.]" WEBSTER'S at 209 (emphasis added). Thus, the question becomes whether being "involved" in the "game" means playing in the game as a contestant or bettor, or whether it also includes performing acts that materially assist the game. We conclude that the legislature likely intended the former. The legislature did not define "game." The pertinent ordinary definition is "a physical or mental competition conducted according to rules in which the participants play in direct opposition to each other, each side striving to win and to keep the other side from doing so -- see GAME OF CHANCE." WEBSTER'S at 933. A "game of chance" is one where "chance rather than skill determines the outcome." *Id.* We glean from that definition that participating or being involved in a social "game" means "play[ing] in direct opposition," *i.e.*, taking part in the competition as a contestant or bettor.

By contrast, in ORS 167.117(18) the legislature described acts that materially aid the game, including "conducting the playing phases of the game," which would include dealing the cards. The legislature expressly allows private businesses, private clubs, and places of public accommodation to materially aid social games by providing their premises (and presumably the tables and equipment as well) if cities or counties authorize it. But, at the same time, as we will discuss below, the legislature prohibited the persons connected with those places from being players. Thus, the legislature distinguished between playing in the game and materially aiding the game, and intended to allow non-players to facilitate the game at least in some ways.[3/] For that reason, it appears from the text and context that the legislature intended the "between players" requirement to ensure that only the contestants and bettors in social games meet the requirements of ORS 167.117(16). We consulted legislative history for guidance and found none to alter our conclusion based on the text and context.

Consequently, if a group of friends gathers to play and one does not want to bet in the game, but offers to deal the cards, the game would qualify as a social game if all other requirements are met. But as discussed further below, such a dealer may not receive a tip or any fee, due to language in the definitions of "player" and "social games" (*i.e.*, the "house" prohibitions) that forbid anyone from dealing cards for a fee or remuneration.

b. Bankrolled players

A second issue arising from the "between players" requirement is whether a social game may have a player who is not betting their own money but is "bankrolled" (who plays with capital supplied in whole or part by someone else who shares any winnings). We addressed that issue in a previous opinion and concluded that a social game may not have any bankrolled players; we adhere to that conclusion. 38 Op Atty Gen 1455, 1457-1460 (1977). Although not expressly stated in the prior opinion, the conclusion rests implicitly – at least in part – on the rationale that only the people who play in the social game may stand to win or lose any money from the game. To qualify as a "player" a person must engage in gambling (risk something of value) solely as a contestant or bettor without receiving or becoming entitled to receive any profit other than "personal" gambling winnings. "Personal" means "of or relating to a particular *person.*" WEBSTER'S at 1686 (emphasis added). There is no question that the "particular person" referred to in the definition of player is the contestant or bettor, not a third party. A bankrolled player does not risk his or her own funds (at least to the extent of the "bankroll"). Moreover, the presence of a bankrolled player makes the game take on a professional, rather than social, flavor. 38 Op Atty Gen at 1457-60.

c. Fee or advantage by person arranging or facilitating game

Finally, the "between players" requirements makes clear that if a person who gambles in a social game receives any fee or remuneration for arranging or facilitating a game, the game is not a social game because the person would no longer qualify "solely as a player," and the game would not be "between players." Similarly, if one who arranges or facilitates the game has some advantage in the game, he or she is not playing on equal terms with other players, and the game is not social.

We interpret "facilitating" the game to include dealing the cards. The "player" definition exempts from prosecution for materially assisting unlawful gambling (*i.e.*, promoting) persons who perform "acts directed toward the arrangement or facilitation of the game" if they gamble in social games on equal terms with other players and receive no fee or remuneration for facilitating or arranging the game. Although dealing the cards is not one of the listed examples of arranging or facilitating the game, as discussed above, "conduct[ing] the playing phases" is listed as an act that "materially aids unlawful gambling" under ORS 167.117(18), and dealing the cards is part of conducting the playing phase of the game. Consequently, a person who gambles in a social game and also deals the cards must not have any advantage in the game or receive any fee or remuneration for dealing. This means that for games like blackjack where the dealer has an inherent advantage, no player may hold the deal; rather the deal *must* rotate. It is not enough for

the dealer to offer the deal to other players, who then may decline to accept it. If the deal in a game like blackjack does not in fact rotate, the game is not a social game.

HOUSE PROHIBITIONS

1. House

a. Text and context

We turn now to the prohibitions on "house" involvement in a social game. Specifically, a social game must have no "house player," "house bank," "house odds," or "house income from operation of the social game." Because all of those prohibitions are on "house" activity, we begin our analysis with the meaning of "house." Two rules for construing statutory text and context are particularly pertinent here. First, we assume that when the legislature uses the same word in related statutory provisions enacted as part of the same law, it intends the word to have the same meaning in all provisions. *Tharp v. PSRB*, 338 Or 413, 422-23, 110 P3d 103 (2005). Where, as here, the legislature used the same word repeatedly in the same provision, that assumption is particularly strong. Second, we assume that the legislature did not intend any portion of its enactments to be meaningless surplusage and should adopt a construction, if possible, that gives effect to all provisions. ORS 174.010 ("where there are several provisions or particulars such construction is, if possible, to be adopted as will give effect to all"). *See, e.g., State v. Connally*, 339 Or 583, 593, 125 P3d 1254 (2005) (stating rule against surplusage). Several of the "house" prohibitions established in ORS 167.117(21) potentially overlap and the latter rule guides us to adopt a construction that gives each some independent meaning if possible.

"House" has three plain meanings in the gambling context: (1) "the operators of a gambling game"; (2) "the management of a gambling establishment"; and, (3) "a gambling establishment: CASINO." WEBSTER'S at 1096. Beginning with "operators of a gambling game," the most relevant definition of "operator" is "a person that actively *operates* a business * * * whether as owner, lessor, or employee." WEBSTER'S at 1581 (emphasis added). The relevant definition of "operate" is "to manage and to put or keep in operation whether with personal effort or not[.]" *Id.* "Business" means "a [usually] commercial or mercantile activity customarily engaged in as a means of livelihood and typically involving some independence of judgment and power of decision" as well as "a place where such an enterprise is carried on [.]" *Id.* at 302. The relevant definition of "commercial" is "from the point of view of profit : having profit as the primary aim." *Id.* at 456. In sum, "house" in the sense of an "operator of a gambling game," means a person who manages, puts, or keeps in operation a gambling game as a means of livelihood with profit as the primary aim.

The second and third potential meanings of "house" are a "gambling establishment" and "the management of a gambling establishment." The former encompasses the latter as "establishment" means "a more or less fixed and usually sizable place of business or residence *together with all the things that are an essential part of it (grounds, furniture, fixtures, retinue, employees).*" WEBSTER'S at 778 (emphasis added). Another potential meaning of "house" in

this context is a "gambling house," which is "a place where gambling is carried on or allowed as a business[.]" WEBSTER'S at 932. Obviously all of those definitions are closely related, differing only in whether they refer to the personnel of a gambling establishment, the place itself, or both. "House" in the sense of "operator of a gambling game," differs from those definitions in that the "house" is not tied to any particular place, but includes any person who operates a game for profit.

It is not readily apparent whether the legislature intended "house" to encompass all of those plain meaning senses or not. The context suggests that *none* of those definitions are completely satisfactory. Specifically, ORS 167.117(21) expressly prohibits the "house" from receiving *any* income from operating a social game, but in *all* relevant definitions, a "house" operates the game for profit. In other words, ORS 167.117(21)'s requirement that the "house" not receive any income from operating a social game effectively prevents there from being a "house" – as Webster's would define it – in a social game.

The legislature may have intended "house" to mean any private business, private club or place of public accommodation where a social game occurs even if the place makes no income from the game. That interpretation would stretch the plain meaning of "house" to include any business where social games occur, rather than only places that operate gambling games as a business. It is true that those places operate for a profit and, if they allow social games, do so from a profit motive (*e.g.,* the sale of food and drink) even if they derive no income directly from the game. Although that interpretation solves the problem of reconciling the definition of "house" with the prohibition on "house" income, it gives no effect to the "house" prohibitions that apply to games in private homes pursuant to ORS 167.117(21)(a).

Alternatively, the legislature may have intended "house" very broadly to include any place where a social game occurs, including a private home. Although that interpretation gives effect to the house prohibitions in ORS 167.117(21)(a), it creates other problems. First, that definition does not fall within any of the plain meanings. Second, subsection (a) prohibits a "house player" in games in private homes and interpreting "house" to include any place where a social game occurs to mean that the person who invited friends into his or her home to play a "social game" could not play. That interpretation would conflict with the definition of "player" which, understandably, recognizes that a person who hosts a social game in his or her home may play.

Finally, the legislature may have intended "house" to include any business establishment where a social game occurs (including the owners, managers and employees of the place) *and* any person who operates a game for profit rather than for social purposes. That interpretation gives effect to the house prohibitions, both in business establishments and private homes, and reconciles the prohibition on a house player in a private home and the definition of "player" because only a person who sought to make a profit in a private home would be prohibited from playing. But that definition continues to have a rather nonsensical application to the house income prohibition, because that prohibition would literally mean that anyone who operates a game for profit cannot make any income from operating the game. No potential definition of "house" that gives effect to all prohibitions remedies that problem. Because the legislature's

intended meaning of "house" is ambiguous after examining the text and context, and the legislative history may help us understand the intended meaning of "house," we consult that history.

b. Legislative history

The "social game" exception (but not the statutory definition of the term) first appeared in Oregon law in 1971. In 1970, the Criminal Law Revision Commission drafted a proposed criminal code for Oregon, accompanied by an explanatory commentary, both of which it submitted to the 1971 legislature. Article 30 of the proposed code concerned gambling offenses and was adopted by the legislature. Or Laws 1971, ch 743, §§ 263-265. Sections 264 and 265 criminalized *promoting or profiting* from unlawful gambling; *participating as a player* was not unlawful under those provisions. *Id.* at §§ 264 and 265. Article 30 did not exempt social games from the definition of "gambling"; rather the definition of "player" – which was important at the time to describe behavior that would not be subject to criminal sanction – contained a social games exception that provided then, as now, that a person who gambles on equal terms in social games does not promote gambling by arranging or facilitating the game for free. Or Laws 1971, ch 743, § 263(7). The commission explained the social game exception in its commentary on Article 30:

> The underlying purposes of the sections [264 and 265] are to get at the professional who exploits the popular urge to gamble. *The individual citizen who places a bet is not criminal* * * *. *Neither are friendly social games criminal under the draft* and a person does not promote gambling if he merely invites friends in for a game and provides cards or other paraphernalia. This results from the definition of "player" in § 263(7) * * *. The Michigan revisers neatly state the case for excluding the friendly social game: "*Private* consensual games are generally accepted as socially if not legally proper, and there is no point in preserving the fiction that they are undesirable." *Id.* at 257 (quoting Michigan Revised Criminal Code at 465 (emphasis in original)).

Criminal Law Revision Commission, Proposed Oregon Criminal Code, Final Draft and Report, Article 30, § 263(7) (1970) (emphasis added).

Therefore, in 1971, the social game exception appeared to be confined to games in "private" homes, and only players could "invite friends in" for a game without subjecting themselves to criminal sanction. The social game exception did not expressly allow social games in public places like card rooms.

At the next legislative session in 1973, representatives of hotel, restaurant, and bar workers' unions, as well as representatives of private clubs, asked the legislature to amend the gambling laws to allow social games in business establishments. They informed the legislature that card rooms had been shut down due to the 1971 legislation and those closures had caused unemployment among waitresses, bartenders, card room attendants, and workers who made the

food and beverages sold in card rooms. *See, e.g.*, Minutes, Senate and Federal Affairs Committee (SB 803), May 10, 1973, at 5-6.

Some opposed the amendment, arguing that allowing social games in public places would encourage professional gambling. *Id.* at 6. But John Runstein, the president of a private social club, testified that "[c]ard room owners thin[k] that if these social games are permitted on their premises and a reasonable service charge is required for the use of the premises and for the labor involved of not more than 25% of the total income of the overall operation of the complete premises, that anything like professional gambling would be eliminated." *Id.* at 5.

The legislature agreed. It retained the "social game" language in the definition of player, amended the gambling laws to exclude social games from the definition of "gambling," and provided the following definition of "social games," which allowed social games in public places:

> [a social game is] a game, other than a lottery, between players in a private home or private business, private club or in a place of public accommodation where no house player, house bank, or house odds exist and the gross income from the operation of the social game does not exceed 25 percent of the gross income *of the private business, private club or public accommodation.*

Or Laws 1973, ch 788, § 1 (emphasis added).[4/]

That definition was somewhat ambiguous about whether the "house" prohibitions applied to games in private homes or only to business establishments. The income limitation, at least, expressly applied only to private businesses, private clubs, and places of public accommodation. The legislature did not discuss whether the prohibitions applied to games in private homes. Nor did it discuss the meaning of "house." But when the legislature first used the term "house," public places expressly *could* make income from operating a social game as long as that income was a small percentage of their overall business. Thus, in 1973, "house" could have referred to a place that operates a social game for profit.

The reason given for limiting the income that those places derived from social games was to prevent professional gambling in Oregon. Unfortunately, that purpose was not achieved. In the 1974 special legislative session, House Speaker Eymann told the House Rules Committee that the 1973 legislation had allowed large stakes professional gambling to take place in Oregon and that the Attorney General had received numerous requests for corrective legislation. Minutes, House Rules Committee (LC 283), February 7, 1974 at 7; Minutes, House Rules Committee (LC 283), February 11, 1974 at 5; and Minutes, House Committee on Judiciary Special Session (LC 283), February 11, 1974 at 2. Phil Roberts, representing the District Attorneys Association, stated that enforcement of the 1973 legislation's income limitations had been difficult "because of the various ways a house may collect money, such as charging to enter an establishment or charging an amount per hour for use of a table. Accounting of funds collected in such ways would be almost impossible." *Id.* at 3.

Legislative Counsel Rich Gatti testified that to remedy professional gambling and enforcement problems that "the broad definition" of social games had caused, he and the Attorney General's office had drafted a bill that deleted the provision allowing social games in public places and the corresponding income limitations on those places. *Id.*

In subsequent hearings, legislators voiced their support for allowing social games in businesses as well as private homes for the limited purpose of allowing people to play a social game of cards in a warm place where food was served. *See, e.g.*, House Judiciary Committee Minutes HB 3327 Hearing (HB 3327), February 18, 1974 at 3 (statements of Senator Keith Burns and Representative Grace Peck to that effect). Pat Randall, Representing the Oregon AFL-CIO, favored allowing only playing rummy and pinochle in taverns, as those games had been happening in bars in Oregon for many years. Minutes, House Judiciary Committee Special Session (HB 3327), February 20, 1974 at 1. The minutes from that meeting reflect the following remarks by Representative Paulus:

> [T]he last session of the legislature had amended the gambling law specifically to take care of the problem in the Portland area where the district attorney had raided and closed down all card games. The law as enacted by the 1973 regular session, she said, was doing exactly what the opponents of the measure had predicted – bringing big time, professional gambling into Oregon. The thrust of that amendment, as advanced by its proponents, was to allow exactly the type of gambling Mr. Randall was advocating, and the result was that in order to allow a few individuals to play a game of cards in the warmth of a tavern, the law had permitted organized, professional gambling to come into Oregon, which was not the intent of the legislature. The current problem had been forced upon the local governments by the action of the legislature, and she believed it was the responsibility of the legislature to undo the harm that had been done.

Id. at 2. Although various amendments were proposed, at the end of the day the legislature "undid the harm" caused by the 1973 legislation by continuing to allow social games in business establishments, but by amending the social game exception to prohibit the "house" from receiving *any* income from operation of a social game. Or Laws 1974 (spec sess), ch 7, § 1(now codified as ORS 167.117(21)). The amendment also expressly applies the "house" prohibitions to games in private homes.

In sum, the legislature never discussed what it intended "house" or any of the house prohibitions to mean, except the prohibition on house income. But its discussion of that prohibition reflects a clear intention to apply the prohibition to private businesses, private clubs, and places of public accommodation. Thus, the Assembly considered those places to be the "house." And even though the legislature's discussions focused solely on games in those places, it expressly applied the same prohibitions to games in private homes. It appears, then, that the legislature intended a broader definition of "house" than merely the business establishments where social games may occur. Finally, the history demonstrates that the legislature intended the prohibition on "house income" to prevent professional gambling and to make the gambling laws

easier to enforce. It is evident that these were primary considerations in defining social games. Accordingly, we keep those purposes in mind when interpreting the house prohibitions.

Based on the text, context, and legislative history, we interpret "house" to include: (1) all private businesses, private clubs, and places of public accommodation where social games occur, including their owners and personnel; and (2) any one who operates a social game for profit rather than for social purposes. "Operates" for those purposes would include any action that materially aids the game as described in ORS 167.117(18).

2. "House income from operation of the social game"

Having interpreted "house," we now examine the prohibitions on "house" activity in a social game, beginning with the prohibition on "house income from operation of the social game." The plain meaning of "income" is "a gain or recurrent benefit." WEBSTER'S at 1143. Hence, the house may not receive any gain or benefit from the operation of a game. In a 1974 opinion, this office opined that:

> no "house income" * * * mean[s] precisely that: counties and cities cannot, by ordinance, authorize an establishment to charge for the privilege of holding or participating in a social game. Whatever benefit the business derives must be a consequence of the mere existence of the game, not revenue specifically exacted from the game or its participants. So construed, the Act prohibits not only a [$1.00 per hour per player fee to defray expenses of the operation of the social game] but also, *inter alia,* the raising of prices charged for some or all of the establishment's regular services in a manner to coincide with the hours during which social games are permitted on the premises.

Attorney General opinion letter dated April 17, 1974 to Honorable Robert Elliott. That interpretation accords with the plain language, context, and legislative history of the provision. In addition, since *anyone* who attempts to operate a social game for profit is the "house," the prohibition on house income effectively prevents *anyone at any place* from making any income from operation of a social game.

3. "House player"

The prohibition on a "house player" prevents the house from gambling in a social game. Again, "player" means:

> A person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein is a person who does not otherwise render material assistance to the establishment, conduct or operation thereof by performing,

> without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefore and supplying cards or other equipment.

ORS 167.117(16). Assuming, however unlikely, that the house could ever qualify *solely* as a player, it is expressly prohibited from doing so. Thus, in addition to being prevented from making any income from *operation* of a social game, the house is prohibited from betting and becoming entitled to receive gambling winnings from competing in the game.

That prohibition prevents games where players bet against the house from qualifying as social games. For example, a bar, restaurant, hotel, private club, or any person who attempts to operate a game for profit could not supply a dealer in a blackjack game, because the house would be competing to receive gambling winnings. More broadly, the prohibition on a house player prevents the house from betting in any social game, even games where players bet against each other, rather than the house, because the house may never compete for gambling winnings.

4. "House bank"

Next, a social game may have no "house bank." Webster's contains several definitions of "bank" that specifically apply in the gambling context: (1) "GAMBLING HOUSE" [which, as discussed above, is a place where gambling is carried on or allowed as a business]; (2) "a person or persons conducting a gambling house or game; *specif:* DEALER"; (3) "the sum of money in certain gambling games (as chemin de fer) that is deposited or stated by the dealer as a fund from which to pay his losses"; and, (4) "the whole supply of chips available for purchase and use by players in a game played with chips (as poker)." WEBSTER'S at 172.

In addition, the verb "bank" in the gambling context means "to act as banker for (as a gambling game)." *Id.* And, "banker" in the gambling context has three meanings: (1) "the player who keeps, sells, and redeems the supply of chips used in a game – compare BANK (referring to the meaning of the whole supply of chips available for purchase and use by players in a game played with chips (as poker)"; (2) "the person who agrees to cover the bets of all players up to a certain limit established as the bank"; and, (3) "a dealer (as in blackjack) or a gambling house or its representative against whom all bets must be placed." *Id.*

The most natural meaning of "house bank" in this context is the house acting as the banker for a game. Some prohibitions on activities that the house might do as the banker are duplicative of other prohibitions. For example, the house player prohibition prevents the house from competing in a social game, thus, bets may not be placed against a house dealer. And covering bets or selling chips to the extent that the house would make a profit from doing so is precluded by the prohibition on house income. But we construe the house bank prohibition to go further and *to preclude the house from having any involvement in the financial aspects of a social game*, even if the house makes no profit from its involvement. This construction gives the house bank prohibition some independent meaning. For example, the house could not keep, sell or redeem chips in a social game, even if the house makes no profit from doing so. On the other hand, the house does not appear to be prohibited from simply supplying chips that the players

themselves sell, keep and redeem. That interpretation gives effect to the legislative purpose for the prohibitions – ease of enforcement and preventing professional gambling – while still recognizing that the house may provide equipment for a game if it handles no money and does so free of charge.

5. "House odds"

Finally, no "house odds" may exist in a social game. Potentially pertinent definitions of "odds" are: (1) the "amount of difference by which one thing exceeds or falls short of another: amount in excess or defect"; (2) the "difference favoring one of two opposed things : balance of advantage or weight of opposition"; (3) "the probability that one thing is so rather than another or that one thing will happen rather than another : balance of probability : greater likelihood CHANCES"; (4) "the ratio existing between the amount to be paid off for a winning bet and the amount of the bet placed <the horse was running at *odds* of 6 to 1." WEBSTER'S at 1563. No context or legislative history clarifies which meaning the legislature intended. Nor could we find any definition of "house odds" in the texts that we consulted on gambling law.[5/]

Again, our guiding rule is to give this provision some independent meaning, if possible, that is not subsumed by the other prohibitions.[6/] To give "house odds" independent effect, we interpret it to preclude the house from having any involvement in establishing the ratio between the pay off for a winning bet and the amount of the bet placed even when it has no money at stake in the game. For example, this prohibition would preclude the house from setting odds governing pay-out for a bet between players or awarding a prize or gift certificate to the winner of a game.

CONCLUSION

We summarize our conclusions as follows:

Private businesses, private clubs or places of public accommodation that allow social games and their personnel may not: (a) derive any income from the game (including charging cover, usage or rental charges for the place or equipment), or extract any money directly from the participants other than for the sale of food and drink on the same terms as all other patrons (even if an establishment sells food and drink on the same terms to all patrons, if it charges inflated prices in relation to other similar establishments and its only patrons are social game players that may be evidence that the establishment is in fact making income from operation of social games); (b) compete or bet in the game; (c) act as "banker," by being involved in the financial aspects of a social game, including selling, keeping and redeeming chips even if it makes no profit from doing so; or (d) have any advantage or set the ratio between the payout and bet amount;

- Anyone who attempts to operate a social game for profit – no matter where – will be deemed to be the "house" and subject to the same prohibitions;

- A person who invites friends in for a social game in the person's home may bet in the game as long as the person is not operating the game for profit and may arrange the game and provide the necessary equipment as long as the person receives no fee or remuneration for doing so and plays on equal terms with the other players;

- Any social game players who deal in a game where the dealer has an inherent advantage, such as blackjack, must pass the deal and receive no fee or remuneration for dealing; and,

- All persons who bet in a social game must stand to gain only their own personal gambling winnings and no other profit from the game.

Sincerely,

David Leith
Chief Counsel
General Counsel Division

AEA:JTM:mcg/1311273-v3

[1/] ORS 167.121 provides that "[c]ounties and cities may, by ordinance, authorize the playing or conducting of a social game in a private business, private club or in a place of public accommodation. Such ordinances may provide for regulation or licensing of the social games authorized."

[2/] Obviously, if no participants in a game are betting, the game does not meet the general definition of "gambling" and requires no legislative exemption or authorization to be lawful.

[3/] We also recognize that we have answered this question differently before. *See* Letter of Advice dated September 17, 1982, to Polk County District Attorney Doug Dawson (OP-5409) at 3-4 (rejecting that notion that a "dealer does not participate because he handles the cards, supervises and * * * inevitably works for tips"); Letter of Advice dated April 14, 1983, to Senator Fred Heard (OP-5460) at 5 (concluding that providing a role for anyone other than "players" – in that case dealers – "takes the activity out of the social gaming exception"). Those opinions were issued prior to *PGE* and *Gaines* and did not examine the issue using their methodology. To the extent that the opinions are inconsistent with this opinion, we overrule them.

[4/] Changes in statutory text over time are considered part of the context of the statute. *Krieger v. Just*, 319 Or 328, 336, 876 P2d 754 (1994). We discuss the change in statutory text in our discussion of legislative history, because the statutory change alone does not eliminate ambiguity and it makes more sense to do so.

[5/] Several gambling websites do discuss "house odds." A typical website explains "house odds" this way:

> A casino earns money by paying winners at "house odds." This is an amount that is slightly less than the true odds of winning the contest. Let's say we're flipping a coin and the bet is one dollar. The true odds of winning are 1 to 1, but the house odds might be 0.95 to 1. In other words, a loss to the casino costs $1, but the casino will only pay 95 cents when a player wins. That's the house edge. Sometimes professional gamblers can use strategy to shift the edge away from the casino, but in most situations the casino has an advantage.

http://casinogambling.about.com/od/oddsandends/a/houseedge.htm. Whatever clarity that definition provides, the courts are unlikely to rely on gambling website definitions. And, since the house may not bet at all in the game under the prohibition on "house player" that definition gives no independent meaning to the prohibition on "house odds."

[6/] The house cannot gamble in a social game, nor may it pay off winning bets. Consequently, the prohibitions on a house player and house bank effectively preclude the house from having any advantage in a social game. House odds must mean something more than simply having an advantage in a game or it adds nothing to those prohibitions.

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **10 c.**

TITLE: Business Plan Review

SUMMARY AND BACKGROUND:
The Business Plan was developed from two town hall meetings held in the summer of 2010 and adopted by resolution in September 2010. We have reviewed the plan quarterly and annually since then. We have completed many of our priority/action items.

My question to the Council: do we feel it is time to have another town hall for further input from the community-- to perhaps add or amend the 8 goals--or do feel we still have ongoing work to complete in the current plan? Based on the existing plan what unfinished goals does the Council want staff (all departments) to focus on for 2014?

From an administration standpoint these priority/action items are on the top of my list, but I would like direction from the Council on what you feel are the priority items city staff should be focusing on:

- fiscal and budget policies,
- developing a three year revenue forecast,
- work more on pursuing grant funding
- the community shelter as part of a multi-use community center
- possibility of relocating city facilities
- annexation issue
- economic development activities
- seek funding for comp plan update

FINANCIAL IMPACT:
None at this time.

DOCUMENTS ATTACHED:
- Latest revision of the Business Plan

REQUESTED MOTION/ACTION:
Direction on Council priorities for 2014

COPY OF REPORT AND ATTACHMENTS SENT TO:
Council
Department Heads

City of Gold Beach Business Plan

Latest Revision January 2013

Goals & Objectives		Priority/Action Items	Responsible Party	Target
GOAL 1: Achieve Fiscal Sustainability				
• 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	~~09/2010~~ 03/2013
	3	Maximize long-term debt repayments.	CA	~~06/2011~~ 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				
• 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	~~07/2010~~ ~~05/2011~~ 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

City of Gold Beach Business Plan

Latest Revision January 2013

Goals & Objectives		Priority/Action Items	Responsible Party	Target
• Promote and assist in developing educational opportunities.	4	Pursue opportunities to enhance education outreach and workforce/VOCATIONAL training programs for Gold Beach residents.	CA	Ongoing
	5	Provide community events and activity schedule	CA	~~07/2010~~ ONGOING
	6	Update and maintain park facilities	PWS	ONGOING
GOAL 3: Improve Internal Systems				
Positive workplace environment and employee morale. Assure internal consistency and efficiency. Excellent customer service.	1	Conduct quarterly workshops AS PART OF REGULAR COUNCIL MEETINGS to review progress on goals. SCHEDULE JANUARY: Review Goals 1 & 2 APRIL: Review Goals 3 & 4 JULY: Review Goals 5 & 6 SEPTEMBER: Review Goals 7 & 8	CA/CC	~~10/2010~~ ONGOING
	2	Review and update administrative policies and procedures. COMPLETED REVIEW AT SAME TIME AS TEAMSTERS CONTRACT AND SALARY STUDY	CA/CC	~~09/2010~~ EVERY 3RD YEAR 2013
	3	Review and update personnel policies and procedures. COMPLETED REVIEW AT SAME TIME AS TEAMSTERS CONTRACT AND SALARY STUDY	CA/CC	08/2010
	4	Complete public works standards and specifications for new plant.	PWS	~~09/2010~~ ONGOING
	5	Regularly review and update organizational chart.	CA	Ongoing
	6	Review and update Municipal Code.	CC	Ongoing
	7	Integrate infrastructure data into GIS.	PWS/FC/PC	~~06/2011~~ ONGOING
	8	Computerize, catalog and back-up City records	CA	~~06/2011~~ 12/2012 THEN ONGOING

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City of Gold Beach Business Plan

Latest Revision January 2013

Goals & Objectives		Priority/Action Items	Responsible Party	Target
	9	Improve internal control policies and procedures	CA	~~10/2010~~ ONGOING
	10	Provide for efficient, timely and thorough audits	CA	~~09/2010~~ ONGOING
GOAL 4: A Safe Community				
Adequately staffed, equipped and housed police and fire departments. Maintain streets in a safe/serviceable condition. Provide clean drinking water and compliant wastewater treatment. Improve personal/family preparedness.	1	Provide minimum ~~24/7~~ 20/7 police coverage	PC	~~07/2013~~ ONGOING
	2	Provide for a community shelter as part of a multi-use community center	CA	07/2015
	3	Acquire and install emergency power generators.	PWS/CA	~~05/2011~~ CHECK
	4	Develop/update emergency plans & procedures COMPLETED BUT ONGOING	CA	~~07/2010~~ ONGOING
	5	Update and adopt hazard mitigation plan. COMPLETED BUT ONGOING	CA/ CC	~~09/2010~~ ONGOING
	6	Pursue streets/highway safety project funding.	CA/PWS	~~07/2010~~ ONGOING
	7	Pursue funding for bicycle/pedestrian improvements.	CA/PWS	~~07/2010~~ ONGOING
GOAL 5: Complete Capital Projects and Identify Future Capital Needs				
Complete approved capital projects in a timely and cost efficient manner. Provide infrastructure to support economic growth.	1	Complete new sewer plant	PWS/CA	~~03/2013~~ 07/2013
	2	Evaluate and identify water projects.	PWS	~~06/2011~~ COMPLETED
	3	Complete funding and construction of 3rd street sidewalks	CA/PWS	~~11/2011~~ ONGOING
	4	Evaluate possibility of relocating city facilities	CA/CC	~~07/2011~~ ONGOING
	5	Complete pavement management analysis.	PWS	07/2011 CHECK

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City of Gold Beach Business Plan

Latest Revision January 2013

Goals & Objectives		Priority/Action Items	Responsible Party	Target
	6	Improve project readiness to take advantage of federal/state funding opportunities	CA/PWS	Ongoing
GOAL 6: Influence Economic Growth				
Establish development policies and public improvements/standards that recognize economic trends. Secure needed resources. Establish policy that City is pro-growth.	1	Study annexation pros and cons INFO GATHERING AND WORKSHOPS	CC	~~01/2011~~ SUMMER 2012
	2	Pursue development of an urban renewal district. FORMED AGENCY	CC	~~09/2010~~ AGENCY FORMED 07/2010
	3	Participate in regional economic development activities; develop strategic partners.	CA	Ongoing
	4	Develop and regularly review/update infrastructure master plans and development standards.	PWS/CA	~~07/2011~~ ONGOING
	5	Develop plan for addressing downtown parking needs. TASK TO PLANNING COMMISSION	CA/ PLANNING COMM	~~05/2011~~ ONGOING
GOAL 7: Effective Intergovernmental Relations				
Influence regional, state, national policy on issues important to achieving City goals. Secure grant funding. Efficient use of City resources. Orderly urban growth. Achieve City goals through strategic partnerships.	1	Participate in intergovernmental agencies and initiatives that further the City's goals.	CA/CC	Ongoing
	2	Develop strategic partners, public and private.	CA/CC	Ongoing
	3	Improve relations with the Fair Board, County and Port District and participate in joint activities with Port Orford and Brookings	CA/CC	Ongoing

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City of Gold Beach Business Plan

Latest Revision January 2013

Goals & Objectives		Priority/Action Items	Responsible Party	Target
GOAL 8: Update City Planning				
Become more proactive in planning activities	1	Update the current city sign code and incorporate it into the zoning ordinance	CA/CC	~~05/2011~~ 12/2012
	2	Develop general zoning standards for "hot button" topics such as: • Homeless shelters • Wind turbines • No pornography near schools • Credit for on-street parking and parking in general • Viewscape/viewshed protection standards • Height limits – generally • Maximum/minimum setbacks in commercial and high density residential zones • Affordable housing	ASD/CC	~~03/2012~~
	3	Investigate ~~the ODOT Safe Routes to School program for~~ possible grant opportunities for the library sidewalk and other pedestrian/bike path projects.	CA	~~11/2010~~ ONGOING
	4	Update the land division code	CA/CC	~~06/2012~~ 06/2013
	5	Formulate site review/site design standards for building permit and land use applications. This would include ~~landscaping requirements~~ OPEN SPACE OPTIONS.	CA/CC	~~07/2011~~ 06/2013
	6	Triage the current Comprehensive Plan and begin the process of updating the chapters (current comp plan circa 1984).	CA/CC	~~01/2011~~ 12/2012

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GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **10 d.**

TITLE: Hwy 101 Sewer Loan payoff

SUMMARY AND BACKGROUND:
The Budget Committee authorized the payoff of the DEQ loan we received in 2005 for improvements to the main sewer line under Hwy 101. The original loan amount was $1,531,000 at 3.19% for 20 years. The current balance on the loan is approximately 890K (actual payoff would be slightly more/less depending on payoff date). It was decided when the budget was adopted in June that the council would revisit the payoff mid-year and decide at that time whether to actually pay it off.

FINANCIAL IMPACT:
Will reduce the City's liquid assets but the interfund loan would pay a higher interest rate than we currently receive on the City's deposits (less than $0.20%)

DOCUMENTS ATTACHED:
- Resolution R1213-14 authorizing the interfund loan
- Hwy 101 adopted budget pages

REQUESTED MOTION/ACTION:
Decision on whether to pay the loan off

COPY OF REPORT AND ATTACHMENTS SENT TO:
Council

RESOLUTION R1213-14

A RESOLUTION AUTHORIZING AN INTERFUND LOAN BETWEEN THE HWY 101 SEWER DEBT FUND AND THE SEWER RESERVE, BUILDING RESERVE, AND WATER RESERVE FUNDS

WHEREAS, the City obtained a Clean Water State Revolving Fund loan in 2005 from the Oregon Department of Environmental Quality to make improvements to the main sewer line under Hwy 101; and

WHEREAS, the original loan amount was $1,531,000, at 3.19%, with a 0.50% annual fee for 20 years; and

WHEREAS, current interest rates on savings reserves are less than 0.25%; and

WHEREAS, the Council has determined that it is fiscally responsible to pay off the remainder of the loan debt to DEQ with reserve monies and reimburse the reserve funds at 3%; and

WHEREAS, ORS 294.468 permits interfund loans contingent upon adopting a ordinance or resolution to authorize the loan; and

WHEREAS, the Sewer Reserve, Water Reserve, and Building Reserve Funds have sufficient liquid assets to loan to the Hwy 101 Sewer Debt Fund to pay off the DEQ loan.

NOW, THEREFORE, BE IT RESOLVED that the City of Gold Beach City Council hereby authorizes an interfund loan of $770, 000 between the Hwy 101 Sewer Debt Fund and Sewer Reserve ($462,000), Water Reserve ($154,000) and Building Reserve ($154,000) Funds to be paid back in ten (10) annual installments with an interest rate of 3%. The first payment will be due in FY 2013-2014. Loan amortization schedules are attached as EXHIBIT A.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 10th DAY OF JUNE 2013.

Karl Popoff, Mayor

ATTEST:

Candy Cronberger, City Recorder

Loan Amortization Schedule

Loan from Sewer Reserve Fund to Hwy 101 Sewer Debt Fund

Enter values	
Loan amount	$ 462,000.00
Annual interest rate	3.00 %
Loan period in years	10
Number of payments per year	1
Start date of loan	7/1/2013
Optional extra payments	$ -

Loan summary	
Scheduled payment	$ 54,160.49
Scheduled number of payments	10
Actual number of payments	10
Total early payments	$ -
Total interest	$ 79,604.94

Lender name:

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
1	1/1/2014	$ 462,000.00	$ 54,160.49	$ -	$ 54,160.49	$ 40,300.49	$ 13,860.00	$ 421,699.51	$ 13,860.00
2	1/1/2015	421,699.51	54,160.49	-	54,160.49	41,509.51	12,650.99	380,190.00	26,510.99
3	1/1/2016	380,190.00	54,160.49	-	54,160.49	42,754.79	11,405.70	337,435.20	37,916.69
4	1/1/2017	337,435.20	54,160.49	-	54,160.49	44,037.44	10,123.06	293,397.76	48,039.74
5	1/1/2018	293,397.76	54,160.49	-	54,160.49	45,358.56	8,801.93	248,039.20	56,841.67
6	1/1/2019	248,039.20	54,160.49	-	54,160.49	46,719.32	7,441.18	201,319.89	64,282.85
7	1/1/2020	201,319.89	54,160.49	-	54,160.49	48,120.90	6,039.60	153,198.99	70,322.45
8	1/1/2021	153,198.99	54,160.49	-	54,160.49	49,564.52	4,595.97	103,634.46	74,918.42
9	1/1/2022	103,634.46	54,160.49	-	54,160.49	51,051.46	3,109.03	52,583.00	78,027.45
10	1/1/2023	52,583.00	54,160.49	-	52,583.00	51,005.51	1,577.49	0.00	79,604.94

Loan Amortization Schedule

Loan from Building Reserve Fund to Hwy 101 Sewer Debt Fund

Enter values	
Loan amount	$ 154,000.00
Annual interest rate	3.00 %
Loan period in years	10
Number of payments per year	1
Start date of loan	7/1/2013
Optional extra payments	$ -

Loan summary	
Scheduled payment	$ 18,053.50
Scheduled number of payments	10
Actual number of payments	10
Total early payments	$ -
Total interest	$ 26,534.98

Lender name:

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
1	1/1/2014	$ 154,000.00	$ 18,053.50	$ -	$ 18,053.50	$ 13,433.50	$ 4,620.00	$ 140,566.50	$ 4,620.00
2	1/1/2015	140,566.50	18,053.50	-	18,053.50	13,836.50	4,217.00	126,730.00	8,837.00
3	1/1/2016	126,730.00	18,053.50	-	18,053.50	14,251.60	3,801.90	112,478.40	12,638.90
4	1/1/2017	112,478.40	18,053.50	-	18,053.50	14,679.15	3,374.35	97,799.25	16,013.25
5	1/1/2018	97,799.25	18,053.50	-	18,053.50	15,119.52	2,933.98	82,679.73	18,947.22
6	1/1/2019	82,679.73	18,053.50	-	18,053.50	15,573.11	2,480.39	67,106.63	21,427.62
7	1/1/2020	67,106.63	18,053.50	-	18,053.50	16,040.30	2,013.20	51,066.33	23,440.82
8	1/1/2021	51,066.33	18,053.50	-	18,053.50	16,521.51	1,531.99	34,544.82	24,972.81
9	1/1/2022	34,544.82	18,053.50	-	18,053.50	17,017.15	1,036.34	17,527.67	26,009.15
10	1/1/2023	17,527.67	18,053.50	-	17,527.67	17,001.84	525.83	0.00	26,534.98

Loan Amortization Schedule

Loan from Water Reserve to Hwy 101 Sewer Debt Fund

Enter values	
Loan amount	$ 154,000.00
Annual interest rate	3.00 %
Loan period in years	10
Number of payments per year	1
Start date of loan	7/1/2013
Optional extra payments	$ -

Lender name:

Loan summary	
Scheduled payment	$ 18,053.50
Scheduled number of payments	10
Actual number of payments	10
Total early payments	$ -
Total interest	$ 26,534.98

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
1	1/1/2014	$ 154,000.00	$ 18,053.50	$ -	$ 18,053.50	$ 13,433.50	$ 4,620.00	$ 140,566.50	$ 4,620.00
2	1/1/2015	140,566.50	18,053.50	-	18,053.50	13,836.50	4,217.00	126,730.00	8,837.00
3	1/1/2016	126,730.00	18,053.50	-	18,053.50	14,251.60	3,801.90	112,478.40	12,638.90
4	1/1/2017	112,478.40	18,053.50	-	18,053.50	14,679.15	3,374.35	97,799.25	16,013.25
5	1/1/2018	97,799.25	18,053.50	-	18,053.50	15,119.52	2,933.98	82,679.73	18,947.22
6	1/1/2019	82,679.73	18,053.50	-	18,053.50	15,573.11	2,480.39	67,106.63	21,427.62
7	1/1/2020	67,106.63	18,053.50	-	18,053.50	16,040.30	2,013.20	51,066.33	23,440.82
8	1/1/2021	51,066.33	18,053.50	-	18,053.50	16,521.51	1,531.99	34,544.82	24,972.81
9	1/1/2022	34,544.82	18,053.50	-	18,053.50	17,017.15	1,036.34	17,527.67	26,009.15
10	1/1/2023	17,527.67	18,053.50	-	17,527.67	17,001.84	525.83	0.00	26,534.98

City of Gold Beach
DEBT SERVICE FUND
HWY 101 SEWER FUND
Fiscal Year 2013-2014

Fund: **Hwy 101 Sewer Line Debt Fund**

Program Description/Mission:
This is a debt service fund to receive funds and service debt related to work performed on the main Hwy 101 sewer line in 2004. The beginning balance of the loan was $1,531,000. Current balance of the loan is: $968,791. The interest rate on the loan is 3.19% The City makes 2 payments of $55,102 each fiscal year on this loan. The debt is projected to be retired in August of 2023. The remaining debt schedule is listed below.

The monthly basic sewer portion of a utility bill is $49.60. $6 of that amount is dedicated to service this debt. A portion of the General Indirect costs are allocated to this fund for billing, collection, and financial management.

Budget Comments:
No changes were initially proposed for this fund. The Budget Committee voted to pay off the debt this fiscal year by transferring funds from the Sewer Reserve Fund (60%), Water Reserve Fund (20%), and the Building Reserve Fund (20%). The Hwy 101 Sewer Line fund will pay the reserve funds back at 3% interest.

DEBT REPAYMENT SCHEDULE

Due Date	Principal	Interest	Fees	Total	Balance
					$ 968,791
2/1/13	$ 39,027	$ 16,075	$ 5,039	$ 60,141	$ 968,791
8/1/13	$ 39,650	$ 15,452	$ -	$ 55,102	$ 929,141
2/1/14	$ 40,282	$ 14,820	$ 4,646	$ 59,748	$ 888,859
8/1/14	$ 40,925	$ 14,177	$ -	$ 55,102	$ 847,934
2/1/15	$ 41,577	$ 13,525	$ 4,240	$ 59,342	$ 806,357
8/1/15	$ 42,241	$ 12,861	$ -	$ 55,102	$ 764,116
2/1/16	$ 42,914	$ 12,188	$ 3,821	$ 58,923	$ 721,202
8/1/16	$ 43,599	$ 11,503	$ -	$ 55,102	$ 677,603
2/1/17	$ 44,294	$ 10,808	$ 3,388	$ 58,490	$ 633,309
8/1/17	$ 45,001	$ 10,101	$ -	$ 55,102	$ 588,308
2/1/18	$ 45,718	$ 9,384	$ 2,942	$ 58,044	$ 542,590
8/1/18	$ 46,448	$ 8,654	$ -	$ 55,102	$ 496,142
2/1/19	$ 47,189	$ 7,913	$ 2,481	$ 57,583	$ 448,953
8/1/19	$ 47,941	$ 7,161	$ -	$ 55,102	$ 401,012
2/1/20	$ 48,706	$ 6,396	$ 2,005	$ 57,107	$ 352,306
8/1/20	$ 49,483	$ 5,619	$ -	$ 55,102	$ 302,823
2/1/21	$ 50,272	$ 4,830	$ 1,514	$ 56,616	$ 252,551
8/1/21	$ 51,074	$ 4,028	$ -	$ 55,102	$ 201,477
2/1/22	$ 51,888	$ 3,214	$ 1,007	$ 56,109	$ 149,589
8/1/22	$ 52,716	$ 2,386	$ -	$ 55,102	$ 96,873
2/1/23	$ 53,557	$ 1,545	$ 484	$ 55,586	$ 43,316
8/1/23	$ 43,316	$ 691		$ 44,007	$ -

City of Gold Beach

Debt Service Fund

HWY 101 SEWER PROJECT

Fiscal Year 2013-2014

		2010-2011 FISCAL ACTUAL	2011-2012 FISCAL ACTUAL	2012-2013 COUNCIL ADOPTED	2013-2014 CITY ADMIN PROPOSED	2013-2014 BDGT COMM APPROVED	2013-2014 COUNCIL ADOPTED
SERVICE FEES							
62-33-110	MONTHLY SURCHARGE	108,401	109,521	116,400	116,400	116,400	116,400
	TOTAL MONTHLY SURCHARGE	108,401	109,521	116,400	116,400	116,400	116,400
MISCELLANEOUS REVENUE							
62-36-100	INTEREST	5,973	515	414	75	75	75
	TRANSFER IN SEWER RESERVE	0	0	0	0	462,000	462,000
	TRANSFER IN WATER RESERVE	0	0	0	0	154,000	154,000
	TRANSFER IN BUILDING RESERVE	0	0	0	0	154,000	154,000
	TOTAL MISCELLANEOUS REV	5,973	515	414	75	770,075	770,075
BEGINNING FUND BALANCE							
	BEGINNING FUND BALANCE	264,697	261,680	250,000	220,659	220,659	220,659
	TOTAL BEGINNING FUND BALANCE	264,697	261,680	250,000	220,659	220,659	220,659
	TOTAL RESOURCES	379,072	371,716	366,814	337,134	1,107,134	1,107,134
EXPENDITURES & REQUIREMENTS							
MATERIALS AND SERVICES							
	TOTAL MATERIALS AND SERVICES						
DEBT SERVICE							
62-40-660	FEES	5,789	0	5,040	2,500	2,500	2,500
62-40-610	PRINCIPAL	72,692	75,029	77,442	79,932	970,000	970,000
	DEBT PAYMENT TO RESERVE FUNDS	0	0	0	0	67,168	67,168
62-40-620	INTEREST	37,512	40,595	32,762	30,272	23,100	23,100
	TOTAL DEBT SERVICE	115,993	115,624	115,244	112,704	1,062,768	1,062,768
TRANSFERS OUT							
	TRANSFER TO GENERAL INDIRECT	1,399	0	7,822	8,107	8,127	8,127
	TOTAL TRANSFERS OUT	1,399	0	7,822	8,107	8,127	8,127
CONTINGENCY							
	CONTINGENCY	0	0	0	0	25,000	25,000
	TOTAL CONTINGENCY	0	0	0	0	25,000	25,000
UNAPPROPRIATED ENDING FUND BALANCE							
	UNAPP ENDING FUND BAL	262,346	263,408	243,748	216,323	11,239	11,239
	TOTAL UNAPP ENDING FUND BAL	262,346	263,408	243,748	216,323	11,239	11,239
	TOTAL EXPENDITURES & REQUIREMENTS	379,738	379,032	366,814	337,134	1,107,134	1,107,134

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **10 f.**

TITLE: Compliance with DEQ MAO

SUMMARY AND BACKGROUND:
As of December 6, 2013 we have fulfilled the obligations of the DEQ Mutual Agreement and Order issued in 2002. The state Director of the Department of Environmental Quality, Dick Pedersen sent Public Works Superintendent, Will Newdall a letter congratulating the City. I wanted to share it with all of you.

FINANCIAL IMPACT:
None

DOCUMENTS ATTACHED:
December letter from Director Pedersen

REQUESTED MOTION/ACTION:
None needed—info only

COPY OF REPORT AND ATTACHMENTS SENT TO:
Council
Will Newdall, PW Superintendent

Oregon
John A. Kitzhaber, MD, Governor

Department of Environmental Quality
Headquarters
811 SW Sixth Avenue
Portland, OR 97204-1390
(503) 229-5696
FAX (503) 229-6124
TTY 711

RECEIVED
DEC 12 2013
CITY OF GOLD BEACH

December 6, 2013

Mr. Will Newdall, Public Works Director
29592 Ellensburg Ave
Gold Beach, OR 97444-6700

RE: WQ - CURRY County
GOLD BEACH, CITY OF/GOLD BEACH STP
Site ID # 33864/Permit # 103006 /EPA ID # OR0020303

RE: Compliance with Mutual Agreement and Order (MAO) No. WQ/M-WR-02-001
WQ- Curry County / Permit No. 103006 / File No. 33864

Dear Mr. Newdall:

I am writing to you today to thank the City of Gold Beach for completing construction of the new sequencing batch reactor that will serve the City's needs for many years. With completion of this project, the City's obligation under MAO No. WQ/M-WR-02-001is fulfilled. This was a significant undertaking for a small community and we appreciate the city's efforts to see it through to completion.

Municipal wastewater treatment facilities play a very important role in protecting water quality and help achieve our goal of having all waters fishable and swimmable. By constructing the new wastewater treatment system with increased capacity, the City has resolved the long standing issue of an excessive number of sanitary sewage overflows. The upgraded facility also provides better treatment, reducing pollutant concentrations and effectively eliminating toxic levels of ammonia and chlorine.

I also thank the City for operating and maintaining the treatment plant in the past and we trust that the city will maintain these new facilities and continue to provide skilled operators to produce the highest effluent quality possible.

Again, congratulations on the successful completion of an ambitious project and thank you for your continued efforts in improving our environment.

Sincerely,

Dick Pedersen
Director

DP:jdg

cc: Ranei Nomura, ODEQ Salem Office
Jon Gasik, ODEQ Medford Office

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **10 g.**

TITLE: Review of the current Rules of the City Council

SUMMARY AND BACKGROUND:
The current Council Rules were adopted by resolution R0910-02 in September of 2009. Council Rules were first adopted as resolution 9697-02. Amending resolutions over the subsequent years: 9899-05, 0102-26, 0203-03, 0809-09, and 0809-18.

I proposed an addition to Rule 9(a) which I mentioned to the Council in November. Please review the proposal and also make any suggestions to change/add/delete to the current rules.

FINANCIAL IMPACT:
None

DOCUMENTS ATTACHED:
Rules of the City Council

REQUESTED MOTION/ACTION:
Please review and make suggestions

COPY OF REPORT AND ATTACHMENTS SENT TO:
Council

Rules of the City Council
City of Gold Beach

Rules of the City Council as provided in the Gold Beach City Charter, Chapter IV, Section 13. Rules may be clarified by the City Charter but nothing herein may take precedence over the City Charter, as may be amended from time to time. Rules may be amended by Council Resolution.

COUNCIL MEETINGS

RULE NO. 1 **Regular Council Meetings** Council shall hold its regular meetings at least once a month on a date, or dates, to be specified from time to time by the Council. In no case shall less than one meeting be held in each month, in conformance with the City Charter. Regular meetings shall be held at a time and at a place that it designates and to last no longer than 10:30 P.M., unless there is a unanimous consent to continue beyond that time.

RULE NO. 2 **Special Meetings** Special council meetings may be called by the Mayor, or any two Councilors, or the City Administrator.

RULE NO. 3 **Executive Sessions** Executive sessions of the Council may be called by the Mayor, or any two Councilors, or the City Administrator. Only members of the Council, the City Administrator and others invited by the Council or City Administrator shall attend executive sessions. Representatives of the news media may attend all executive sessions, except those where the Council deliberates and meets with its labor negotiator, but nothing said in executive session may be disclosed or published by the media or by any other meeting attendees, including the Mayor and Councilors.

RULE NO. 4 **Adjourned Meetings** Any meeting of the Council may be continued or adjourned from day to day or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting thereafter.

THE PRESIDING OFFICER

RULE NO. 5 **Presiding Officer** The Mayor shall be the Presiding Officer at all regular, special and executive meetings of the Council of which the Mayor is in attendance. The Mayor shall be limited only to such limitations as those imposed by Section 17 of the City Charter, reason for acting as Presiding Officer. The Mayor may speak on all questions of order in preference to any other member. The Mayor, or in the absence of the Mayor, the Mayor Pro Tem, shall take the chair at the hour appointed for the Council to meet and shall immediately call the members to order. The City Administrator or Recorder shall enter in the minutes of the meeting the names of the members present.

RULE NO. 6 **Mayor Pro Tem** At its first meeting in January of each year, the Council shall appoint a Mayor Pro Tem from its membership. Whenever the Mayor is unable, on account of absence, illness or other cause, to perform the functions of the office, the Mayor Pro Tem shall act as Mayor. Section 19, paragraphs (3) and (4) of the City Charter shall provide further guidance, regarding the Mayor Pro Tem.

RULE NO. 7 **Temporary Mayor Pro Tem** In case of the absence of the Mayor and Mayor Pro Tem, the City Administrator shall call the Council to order and call the roll of the members, and if a quorum is found to be present the Council shall proceed to elect, by a majority vote of those present, a Temporary Mayor Pro Tem of the meeting to act until the Mayor or Mayor Pro Tem appears. Upon the arrival of the Mayor or Mayor Pro Tem, the Temporary Mayor Pro Tem shall immediately relinquish the chair upon conclusion of the business immediately before the Council.

RULE NO 8 **Quorum** A majority of the Council shall constitute a quorum to do business but a less number may meet and adjourn from time to time and compel attendance of absent members.

RULE NO. 9 **Decorum and Order** The Mayor shall preserve decorum and decide all questions or order, subject to appeal of Council.

a) During Council Meetings the Councilors shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings or refuse to obey the orders of the Mayor or the rules of the Council. **When addressing Councilors, Mayor, staff, or audience formal titles shall be used to be courteous and respectful (i.e. Mayor Smith, Councilor Smith, Chief Smith, Mr. Smith, Mrs./Ms. Smith, etc.).** Every Councilor desiring to speak shall address the chair and upon recognition by the Mayor, shall limit comments to the question under debate. Every Councilor desiring to question the administrative staff shall address questions to the City Administrator, who shall be entitled to either answer the inquiries or designate a staff member for that purpose. A Councilor, once recognized, shall not be interrupted while speaking unless called to order by the Mayor, or unless a point of order is raised while the Councilor is speaking, the Councilor shall cease speaking immediately until the question of order is determined. If ruled to be in order the Councilor shall be permitted to proceed; if ruled to not be in order the Councilor shall remain silent or shall alter his or her remarks as to comply with the rules of the Council.

b) Members of the administrative staff and employees of the City and other persons attending Council meetings also shall observe the same rules of procedure, decorum and good conduct, applicable to the members of the Council. Any person making personal, impertinent and slanderous remarks or who becomes boisterous while addressing the Council or attending the Council meeting, shall be removed from the room if the Sergeant-At-Arms is so directed by the Mayor. Such person or persons shall be barred from further audience before the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Mayor who may direct the Sergeant-at-arms to remove such offenders from the room. Aggravated cases shall be prosecuted by an appropriate complaint signed by the Mayor. In case the Presiding Officer should fail to act, any member of the Council can move to require the Presiding Officer to act to enforce the rules and the affirmative vote of the majority of the Council present shall require the Mayor to act.

c) Any citizen desiring to address the Council shall be recognized by the Mayor. A citizen addressing the Council shall limit remarks to the item under discussion, and shall be allowed a maximum of 5 minutes to speak. The Mayor may allow additional time for individual citizen comments, upon a majority vote from the Council. All comments shall be addressed to the Council as a whole and not to any individual member thereof. All comments addressed to any administration of the City shall be addressed to the City Administrator and not to any individual City employee. Citizens shall not be disorderly, abusive, or disruptive, nor shall they present irrelevant, immaterial, or unduly repetitious testimony. No persons other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without the permission of the Mayor.

RULE NO. 10 **Sergeant-At-Arms** The Chief of Police or such members of the Police Department as designated by the Chief of Police will be Sergeant-At-Arms at Council Meetings. The Sergeant-At-Arms shall carry out all orders or instructions given by the Mayor for the purpose of retaining order and decorum at the council meetings. The Sergeant-At-Arms will only attend meetings if requested by the Mayor or the City Administrator.

EMPLOYEES

RULE NO. 11 **City Administrator** The City Administrator shall attend all meetings of the Council unless excused by the Council. The City Administrator shall make recommendations to the Council and shall take part in all discussions concerning the welfare of the City and shall perform such other duties in the meeting as ordered by the Mayor or Councilors. No elected official shall be eligible to receive appointment as City Administrator during the term for which that official is elected.

RULE NO. 12 **City Attorney** The City Attorney shall either in person or by deputy attend meetings of the Council when requested to do so by the Mayor, two Councilors or the City Administrator. Any elected official desiring an informal oral opinion should request same through the City Administrator. Written or oral opinions shall be authorized by City Administrator or the City Administrator's designee.

RULE NO. 13 **Officers and Employees to Attend** Any member of the City Council may request the City Administrator to direct any employee to attend any regular, special or executive meeting to confer with the Council on matters relating to the City.

DUTIES AND PRIVILEGES OF MEMBERS

RULE NO. 14 **Right to Floor** When recognized by the Mayor, a Councilor shall confine comments to the questions under debate, avoid personalities and refrain from impugning the motives of any member's argument or vote. No member shall address the Mayor or demand the floor while any vote is being taken.

RULE NO. 15 **Right to Appeal** Any Councilor may appeal to the Council from a ruling of the Mayor, and if the appeal is seconded, the member making the appeal may briefly state reasons for the same and the Mayor may briefly explain the ruling; but there

shall be no debate on the appeal and no other Councilor shall participate in the discussion. The Mayor shall then put the question, "Shall the decision of the Chair stand as the decision of the Council?" If the majority of the members vote "AYE", the ruling of the Mayor is sustained; otherwise it is overruled.

RULE NO. 16 **Voting** When the question has been called for, the Mayor shall ask for the voice vote by consecutive numerical position. At each succeeding meeting at which a roll call is taken, the Councilor who voted second during the previous meeting, shall vote first. After a vote has been taken, the Mayor shall announce the results of the vote. Every Councilor present when a question is called shall vote either AYE or NAY. No Councilor present at a Council meeting shall abstain from voting without first stating reasons in detail at the meeting.

RULE NO. 17 **Debate** No motion shall be debated until it has been seconded and announced by the Mayor. Any Councilor may request that a motion be reduced to writing and read by the City Administrator. Councilors shall limit their remarks on a subject to five minutes unless granted additional time by the majority of the Council. No Councilor shall be allowed to speak more than once upon any subject, until every other member choosing to speak thereon has spoken. No Councilor shall speak more than twice upon any subject without approval of the Council.

RULE NO. 18 **Personal Privilege** The right of a Councilor to address the Council on a question of personal privilege shall be limited to cases in which the Councilor's integrity, character or motives are assailed, questioned or impugned.

RULE NO. 19 **Dissent and Protest** Any Councilor shall have the right to express dissent from or protest against any Ordinance, Resolution or decision of the Council and have the reason, entered into the Council minutes. Such dissent or protest must be filed in writing, couched in respectful language and presented to the Council not later than the next regular meeting following the date of passage of the Ordinance, Resolution or decision.

RULE NO. 20 **Excusal During the Meeting** No Councilor may leave a Council meeting while in session without permission from the Mayor.

RULE NO. 21 **Code of Ethics** Councilors shall conduct themselves as to bring credit upon the City as a whole, so as to set an example of good ethical conduct for all citizens of the community. Councilors shall bear in mind at all times the responsibility to the entire electorate, shall refrain from actions benefiting special interest groups at the expense of the City as a whole and shall do everything in their power to insure an equal and impartial law enforcement throughout the City at large without respect to race, color, creed, gender, or the economic or social position of individual citizens.

RULE NO. 22 **Council Procedure - Order of Business** The business of all regular meetings of the Council shall be transacted in the following order:

1} Pledge of Allegiance
2} Roll Call
3} Special Orders of Business
4} Consent Calendar

5} Citizens Comments
6} Public Hearings
7} Citizen-Requested Agenda Items
8} Public Contracts and Purchasing
9} Ordinances and Resolutions
10} Miscellaneous Items (including policy discussions and determination)
11} City Administrator's Report
12} Mayor and Council Comments
13} Citizen Comments
14} Executive Session
15} Adjournment

When it appears to be in the best interest of the public, the Mayor may, upon approval of a majority of the Councilors present, change the order of business specified above.

RULE NO. 23 **Special Order of Business** Agenda items that are of special importance to the Council may be treated as Special Orders of Business. Special Orders of Business agenda items have transaction precedence over all other items except the Flag Salute and Roll Call.

RULE NO. 24 **Consent Calendar** The approval of minutes, warrants and other routine agenda items may be placed on the Consent Calendar. Discussion of the Consent Calendar shall be limited to five minutes. Any item placed on the Consent Calendar shall be removed at the request of the Mayor or a Councilor prior to the vote being taken on the Consent Calendar items. All remaining items on the Consent Calendar shall be disposed of by a single motion "to adopt the Consent Calendar" which shall not be debatable. Adoption of the Consent Calendar shall be by the affirmative vote of all Council members present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item on the Consent Calendar shall be voted upon separately in the usual manner.

RULE NO. 25 **Agendas** Staff shall prepare an agenda for every regular, and if requested, for every special Council meeting. Items may be placed on the agenda by any person, but such items shall be presented to the City Administrator or designee in writing at least six days prior to the meeting at which they are to be discussed. Agendas and informational material for regular meetings shall be distributed to the Council at least four days prior to the meeting. Items may be added to the agenda in accordance with Council Rule 26. New business brought before the Council in a meeting may be referred to the City Administrator for a report at a future Council meeting.

RULE NO. 26 **Additions to Agenda** A request to add an item for Council consideration to the Council agenda may be presented at the Council meeting but shall require a majority concurrence of the Councilors present to be so added. Decisions on added agenda items that were not advertised on the agenda could be challenged.

RULE NO. 27 **Precedence of Motions** When a question is before the Council no motion shall be entertained except:

1} to abide by the rules

2} to adjourn
3} to fix the hour of adjournment
4} to lay on the table
5} for the previous question
6} to postpone to a certain date
7} to refer
8} to amend
9} to postpone indefinitely

These motions shall have precedence in the order indicated. Any such motion except a motion to amend shall be put to a vote without debate.

RULE NO. 28 **Motions to be Stated by Presiding Officer - Withdrawal** When a motion is made and seconded it shall be stated by the originator or the Mayor before debate. A motion may not be withdrawn without the consent of the Councilor seconding it.

RULE NO. 29 **Motion to Adjourn - When not in Order - When Not Debatable** A motion to adjourn will be in order at any time except as follows:

1} when made as an interruption of a member while speaking
2} when the previous question has been ordered
3} while a vote is being taken

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

RULE NO. 30 **Motion to Lay on the Table** A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion should prevail, consideration of the subject may be resumed only upon motion of a Councilor voting with the majority and with the consent of two-thirds of the Councilors present.

RULE NO. 31 **Division of Question** If the question contains two or more divisible propositions the Mayor may, upon request of the Councilors, divide the same.

RULE NO. 32 **Motion to Postpone** All motions to postpone, excepting to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared defeated.

RULE NO. 33 **AYES and NAYS** On the passage of every Ordinance the vote shall be taken by AYES and NAYS and entered upon the record.

RULE NO. 34 **Motion to Reconsider** Any Councilor who voted with the majority may move for a reconsideration of an action at the same or the next regular meeting. Once a matter has been reconsidered, no motion for further reconsideration thereof shall be made without unanimous consent of the Council.

RULE NO. 35 **Procedure in Absence of Rule** In all cases not provided for by these rules, the Council shall be governed by the laws and practice laid down in Robert's Rules of Order, Revised Edition.

RULE NO. 36 **Suspension of Rules** No rule shall be suspended except by the vote of the majority of Councilors present at the meeting. A motion to suspend a rule is not debatable.

RULE NO. 37 **Anonymous Communication** Anonymous and unsigned communications shall not be introduced in Council meetings.

CITY BOARDS, COMMISSIONS, LAY-COMMITTEES AND COUNCIL COMMITTEES

RULE NO. 38 **Appointments to the City Boards, Commissions, Lay Committees** All appointments to City Boards, Commissions and Lay-Committees shall be made in accordance with the Oregon Revised Statutes City Charter and City Code. Appointees shall not be appointed to more than two Boards or Commissions at a time.

All appointees submitting applications for appointments shall be interviewed by the Mayor and Councilors prior to being appointed. Exceptions may be made for incumbents that are resubmitting applications for the same positions for an additional term.

The City Administrator shall give written notice to all Councilors the expiration of the term of office of all members of City Boards, Commissions and Laymen Committees at least thirty (30) days prior to expiration date of said term of office. Within 10 days of the close of the time set to receive applications, the City Administrator shall submit the name of applicants to Councilors in writing. All appointments and reappointments shall be made by majority vote of the Council.

RULE NO. 39 **Council Committees** Council Committees shall be appointed by the Mayor subject to confirmation by the Council. Membership on such Council Committees shall include only members of the Council. All Council Committees shall have a Chairman and Secretary, either appointed by the Mayor or by a majority vote of the Committee in the absence of an appointed Chairman and Secretary.

RULE NO. 40 **Council Committee Meetings** Council Committee meetings shall meet on call of the Chairman or any two members. Such Committees shall report to the Council without unnecessary delay upon matters referred to them. A majority of the members of a Committee shall constitute a quorum.

RULE NO. 41 **Additional Boards, Commissions, Lay-Committees and Council Committees** At any time, the Council may, by a majority vote of Councilors, at any regular meeting, establish any City Board, Commission, Council Committee or Lay-Committee that it deems necessary. Appointments shall be made in conformance with Rule No. 38 of these Council Rules.

RULE NO. 42 **Student Liaison Positions** Student Liaisons may be appointed by the Mayor subject to confirmation by the Council. A student liaison position is considered as that of an interested citizen. Comments from the student liaison will be invited at such times as comments from the audience are invited. The Student Liaison shall be given an opportunity to give a "student liaison report" on each meeting agenda.

RULE NO. 43 **Council Liaison Positions** The Mayor may from time to time appoint individual Councilors as liaisons to local, regional or state organizations, agencies or groups, as the Mayor may determine that such liaison is of direct benefit to the City. Any Councilor Liaison appointment must be voluntary and desired by the affected Councilor, as well as deemed beneficial by the associated organization, agency or group the Councilor is appointed to. The length of any liaison term shall continue until relinquished by the Councilor or terminated by the Mayor, or organization, agency or group to which the Councilor is appointed. Each Councilor may make brief reports of their liaison activities at each regular Council meeting.

RULE NO. 44 **Lists of Boards, Commissions, Lay-Committees and Council Committee Members** The City Administrator shall prepare and keep current a list of all members, date appointed, length of term, address and phone number of all City of Gold Beach Boards, Commissions, Lay-Committees and Council Committees. A copy of this list shall be given to all members of the Council at least yearly or when the membership of any Committee changes. A current list shall be kept on file and in the City Business Office.

Footnotes:

a) The word "shall" is mandatory, the word "may" is permissive.

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **10 h.**

TITLE: Current Committee/Commission Roster

SUMMARY AND BACKGROUND:
Council Rule No. 44 requires that I provide the Council with a current list of committee/commission members annually. Generally this is provided at the January meeting.

We have four vacancies on the Planning Commission. We have advertised for months with few candidates. I have run an ad in the papers a few times this year and we have the vacancy posted on the city webpage, facebook, and on the bulletin boards. I will ask KGBR to make the announcement on the radio.

Two of the budget positions expired on December 31st. Typically I contact the member and ask if they wish to serve again. If the two incumbents don't want to, I will post those vacancies as well.

The Urban Renewal Advisory Committee has one vacancy. We will start having monthly meetings this spring.

Finally, Council Position #1 (McVey), Position #3 (Gregory), and Position #5 (Kaufman) all expire this December. I will provide those councilors with election filing data soon. Usually the filing deadline is about 2 months from the November election.

FINANCIAL IMPACT:
None

DOCUMENTS ATTACHED:
Public List of the Committee/Commission membership

REQUESTED MOTION/ACTION:
None needed, information only

COPY OF REPORT AND ATTACHMENTS SENT TO:
Council

****PUBLIC LIST****

2013 COUNCIL AND COMMITTEE MEMBERS AND TERMS OF OFFICE

CITY COUNCIL AND MAYOR (4 year terms per Charter)

POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
MAYOR	**Karl Popoff**	Elected November 15, 2012	December 15, 2016
Position #1	**Melinda McVey**	Appointed June 24, 2013	December 15, 2014
Position #2	**Larry Brennan**	Elected November 15, 2012	December 15, 2016
Position #3	**Brice Gregory**	Elected November 15, 2010	December 15, 2014
Position #4	**Douglas Brand**	Appointed November 15, 2012	December 15, 2016
Position #5	**Tamie Kaufman**	Elected November 15, 2010	December 15, 2014

PLANNING COMMISSION (4 year terms per Section 1.120(3) City Admin Code)

POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
Position #1	**VACANT**		December 31, 2017
Position #2	**VACANT**		December 31, 2015
Position #3	**VACANT**		December 31, 2017
Position #4	**Richard Thompson**	Appointed August 12, 2013	December 31, 2015
Position #5	**VACANT**		December 31, 2017

BUDGET COMMISSION (3 year terms per ORS 294.336)

POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
Position #1	**Sandra Jill Benson**	Appointed February 13, 2012	December 31, 2014
Position #2	**VACANT**		December 31, 2016
Position #3	**VACANT**		December 31, 2016
Position #4	**Kate Freedman**	Appointed February 13, 2012	December 31, 2014
Position #5	**Olivia Israel**	Appointed February 13, 2012	December 31, 2014

1/10/2014 8:04 PM last update

URBAN RENEWAL CITIZEN ADVISORY COMMITTEE (Ordinance 645)

POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
Position #1	**Karen Richmond**	Appointed March 11, 2013	December 31, 2017
Position #2	**Sandra Vieira**	Appointed March 11, 2013	December 31, 2015
Position #3	**Beth Barker-Hildago**	Appointed March 11, 2013	December 31, 2017
Position #4	**VACANT**		December 31, 2015

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **10. i.**

TITLE: Upcoming Meetings and Trainings

DATE	TIME	EVENT	LOCATION
January 14th	Noon	Chamber Monthly Luncheon	Showcase Building Fairgrounds
January 14th	6:00PM	Lower Rogue Watershed Meeting	City Hall
January 15th	3:00PM	Monthly Chamber Board Meeting	City Hall
January 18th	3:30PM	Senator Merkley town hall	American Legion Hall, Port Orford
January 28th	9:00AM-4:00PM	Final Rural Tourism Studio Workshop	American Legion Hall, Port Orford
February 1st	5:30PM-10:00PM	Annual Chamber Awards Banquet	Docia Sweet Hall, Fairgrounds

LOWER ROGUE WATERSHED COUNCIL

P.O. Box 666, Gold Beach, OR 97444
(541) 247-2755 ext 4#, fax 247-0408

Kelly Timchak | Coordinator
kelly.sparks@currywatersheds.org

Meeting Agenda
Tuesday, January 14th, 2014
6:00 – 8:00 p.m.
Gold Beach City Hall

Call to Order (5 minutes)
Introductions
Additions to the Agenda

Presentation by Frank Burris (35 min): "How our forest plays a role in the community in terms of jobs, money and overall statistics for Curry County."

Old Business (10 minutes)
1. Approve Minutes 11/19/13
2. RBCC update

New Business (10 minutes)
1. LRW Work Plan Committee
2. RBCC representative
3. NOWC Business Plan update
4. King Tide Project
5. Kelly vacation request

Current Grant Updates (10 minutes)
1. EPA Urban Waters
2. Riley Creek Culvert 11th Street
3. USFWS Tidal Wetlands
4. Canfield Bar Culvert
5. Jim Hunt Access Culvert

Information Sharing (5 min)
1. Council members, guests
2. The King Tide Project is still ongoing, with dates in early January (1-3) and late January is the last one (29-31). If you are capable, please document wetlands at high tide, and make sure to mark your location well. Your pictures can be directly uploaded to the approved Oregon King Tide site (link found below), or feel free to email me the photos directly.
   http://www.flickr.com/groups/oregonkingtides/

Upcoming Grants (5 minutes)
USFWS data compilation pre-proposal– This pre-proposal was submitted to collect invasive faunal species data for the mainstem Rogue River, then put that information into GIS layers and a report to be used by natural resource agencies.
DEQ 319 pre-proposal – Looking at shade cover over the last ten years on the Lower Rogue tributaries
WWRI full proposal – Indian Creek Wetland Enhancement or Jim Hunt wetland enhancement

Next Meeting
Feburary 18th, 2014 – TBD

"Striving for success without hard work is like trying to harvest where you haven't planted."
— David Bly

Annual Chamber Awards Banquet

Saturday, February 1st

5:30 pm - 10:00 pm

Of The Year Awards, Dinner, No-host Bar, Auction, Music & Games

NOMINEES

BUSINESS
Arch Rock Brewing Company
Ev's Hi-Tech and Towing
KGBR Radio
Mangia Buff
McKay's Market

CITIZEN
Marjie & Larry Brennan
Leslie Keating
Dale Thomas

NON-PROFIT
Coastal Home Health & Hospice
Ellensburg Theater Company
Oasis Shelter Home
Pennies for Pooches

VOLUNTEER
Sue Baczik
Donna Bates
Bryan Grummon
Tammy Ross

Tickets available at
Gold Beach Chamber
94080 Shirley Lane
541-247-0923

Purchase before 1/17/14
$25 member, $30 non-member
Purchase after 1/17/14
$30 member, $35 non-member

Event Center on the Beach
Docia Sweet Hall
29392 Ellensburg Ave.
Gold Beach