



CITY COUNCIL AGENDA

January 6, 2020

Regular meeting 6:30PM

CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

PRIOR TO THE REGULAR MEETING THE COUNCIL WILL MEET AS THE GOLD BEACH URBAN RENEWAL AGENCY AT 6PM.

Call to order: Time: _____

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

Members	Present	Absent
Mayor Karl Popoff		
Council Position #1 Summer Matteson		
Council Position #2 Larry Brennan		
Council Position #3 Anthony Pagano		
Council Position #4 Becky Campbell		
Council Position #5 Tamie Kaufman BEGINNING VOTE		
City Administrator Jodi Fritts		

- 3. **Special Orders of Business:**
 - a. Presentation from ODOT: Hwy 101 Reconfiguration Consideration
 - b. Elect Mayor Pro-Tem 2020
 - c. Annual Committee and Commission listing

MAYOR’S ANNOUNCEMENT: We currently have vacancies on all our commissions/committees: Budget, Planning, and Urban Renewal Advisory. If you live within the City limits, and would like to volunteer for your community, please consider volunteering for one of these important committees

- 4. **Consent Calendar:**
None Scheduled
- 5. **Citizens Comments**
As presented to the Mayor at the beginning of the meeting
- 6. **Public Hearing**
None Scheduled

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

7. Citizen Requested Agenda Items

None Scheduled

8. Public Contracts and Purchasing

None Scheduled

9. Ordinances & Resolutions

- a. Resolution R1920-07 authorizing IFA water improvements loan

10. Miscellaneous Items (including policy discussions and determinations)

- a. Update on Button Lane Dangerous Building
- b. *Monthly Update of City Strategic Plan Goals – work that has been planned or accomplished towards Goals: **GOAL 4 – A Safe Community***
- c. Revisit gas tax/streets reserve charge

11. City Administrator’s Report

To be presented at meeting

12. Mayor and Council Member Comments

- a. Mayor Karl Popoff
- b. Councilors
 - 1) Summer Matteson
 - 2) Larry Brennan
 - 3) Anthony Pagano
 - 4) Becky Campbell
 - 5) Tamie Kaufman

13. Citizens Comments

As permitted by the Mayor

14. Executive Session

None Scheduled

**EFFECTIVE OCTOBER 2019 THE GOLD BEACH CITY COUNCIL REGULAR MONTHLY MEETINGS
WILL BE HELD ON THE FIRST MONDAY OF THE MONTH**

The next regularly scheduled City Council meeting is the **Monday, February 3, 2020, at 6:30PM** in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

15. Adjourn Time: _____

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



SPECIAL ORDERS OF BUSINESS

**SECTION 3. Special Orders of Business**

GOLD BEACH CITY COUNCIL AGENDA REPORTAgenda Item No. **3 a.**

Council Meeting Date: January 6, 2020

TITLE: Presentation by ODOT on options for road reconfiguration**SUMMARY AND BACKGROUND:**

The topic of reconfiguring the lanes for Hwy 101 within the City limits (Ellensburg Avenue) has come up several times in the past year through Gold Beach Main Street. ODOT was asked to prepare information regarding the possibility of reconfiguring the lanes similar to what occurred in Port Orford. ODOT staff will present their findings and possible options for consideration by the Council.

REQUESTED ACTION

Nothing at this time, this is an informational presentation by ODOT regional staff for the Council's future consideration.



SECTION 3. Special Orders of Business

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. **3. b.**
Council Meeting Date: January 6, 2020

TITLE: Elect Mayor Pro-Tem for 2020

SUMMARY AND BACKGROUND:

Pursuant to the City Charter Chapter IV, Section 19 the Council shall appoint a Mayor Pro-Tem at the first regular meeting in January annually. Councilor Kaufman served as Mayor Pro-Tem for 2019.

REQUESTED MOTION/ACTION:

Council discuss and decide on 2020 Mayor Pro-Tem

SAMPLE MOTION:

I make the motion that we appoint Councilor XX as Mayor Pro-Tem for calendar year 2020.



SECTION 3. Special Orders of Business

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. **3. c.**
Council Meeting Date: January 6, 2020

TITLE: Current Commission/Committee Lists

SUMMARY AND BACKGROUND:

Pursuant to Rule No. 44 of the Council Rules (*most recently adopted as Resolution R1314-08*) staff shall provide the Council and Mayor with a current listing of commission and committee members annually. Attached is the most current list of members (*addresses and phone number redacted for publishing purposes*).

REQUESTED MOTION/ACTION:

No action required, info only.

COUNCIL AND COMMITTEE MEMBERS AND TERMS OF OFFICE
PUBLIC DISTRIBUTION LIST

CITY COUNCIL AND MAYOR (4 year terms per Charter)			
POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
MAYOR	Karl Popoff kpopoff@goldbeachoregon.gov	2 nd Term: Elected November 8, 2016 1 st Term: Elected November 6, 2012 <i>(Note Mayor Popoff previously served from 2000-2008)</i>	December 15, 2020
Position #1	Summer Matteson smatteson@goldbeachoregon.gov	Elected November 6, 2018	December 15, 2022
Position #2	Larry Brennan lbrennan@goldbeachoregon.gov	3 rd Term: Elected November 8, 2016 2 nd Term: Elected November 6, 2012 1 st Term: Elected November 4, 2008	December 15, 2020
Position #3	Anthony Pagano apagano@goldbeachoregon.gov	Elected November 6, 2018	December 15, 2022
Position #4	Becky Campbell bcampbell@goldbeachoregon.gov	Appointed to Position #4 November 12, 2018 term to begin December 15, 2018 1 st Term: Elected to Position #3 November 4, 2014	December 15, 2020
Position #5	Tamie Kaufman tkaufman@goldbeachoregon.gov 2019 Mayor Pro-Tem	4 th Term: Elected November 6, 2018 3 rd Term: Elected November 4, 2014 2 nd Term: Elected November 2, 2010 1 st Term: Appointed February 17, 2010 <i>(previously served in the 1990s)</i>	December 15, 2022

BUDGET COMMITTEE (3 year terms per ORS 294.336)			
POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
Position #1	Sandra Vieira	2 nd term appointed: March 11, 2019 <i>1st term appointed April 13, 2015</i>	December 31, 2021
Position #2	VACANT		December 31, 2024
Position #3	Dave Sanders	2 nd term appointed: February 12, 2018 <i>1st term appointed April 14, 2014</i>	December 31, 2021
Position #4	Candace Perryman	2 nd term appointed: March 11, 2019 <i>1st term appointed January 9, 2017</i>	December 31, 2021
Position #5	VACANT		December 31, 2024

PLANNING COMMISSION (4 year terms per Section 1.120(3) City Admin Code)			
POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
Position #1	Jordan Popoff	Appointed December 2, 2019	December 31, 2022
Position #2	VACANT		December 31, 2023
Position #3	Katie Hensley	2 nd term appointed: February 12, 2018 <i>1st term appointed: August 14, 2017</i>	December 31, 2022
Position #4	VACANT		December 31, 2023
Position #5	Bob Chibante	2 nd term appointed: March 12, 2018 <i>1st term appointed: March 10, 2014</i>	December 31, 2022

URBAN RENEWAL CITIZEN ADVISORY COMMITTEE (Ordinance 645)			
POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
Position #1	VACANT		December 31, 2021
Position #2	VACANT		December 31, 2023
Position #3	VACANT		December 31, 2021
Position #4	VACANT		December 31, 2023



ORDINANCES & RESOLUTIONS



SECTION 9. Ordinances & Resolutions

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. **9. a.**
Council Meeting Date: January 6, 2020

TITLE: Resolution R1920-07 for loan with IFA

SUMMARY AND BACKGROUND:

We are working our way through the approved IFA loan requirements to officially secure the funding for the water intake/water treatment plant improvements. This resolution authorizing entering into the financing contract with IFA.

SUGGESTED MOTION:

I make the motion that the Council adopt Resolution R1920-07, A RESOLUTION OF THE CITY OF GOLD BEACH AUTHORIZING A LOAN FROM THE SAFE DRINKING WATER REVOLVING LOAN FUND BY ENTERING INTO A FINANCING CONTRACT WITH THE OREGON INFRASTRUCTURE FINANCE AUTHORITY

~~ END CURRENT MONTH REPORT ~~

PREVIOUS COUNCIL REPORTS ON THIS MATTER

November 2019 Council Report:

As reported earlier this summer, we submitted an application to Business Oregon/Infrastructure Finance Authority (IFA) for funding of priority projects identified in the adopted Water Master Plan (adopted in spring 2016). The IFA board approved our funding request at their August meeting (which City staff and Dyer Partnership staff attended as required). Since then, we have been working through the various requirements of the funding package. One of the required items is officially designating our Engineer of Record for the project. As stated at the October 14th meeting, this is more of a formality since Dyer Partnership, and specifically Aaron Speakman, PE, are already our designated Engineer of Record. The Council approved the Task Order for the work related to the loan that Dyer has already performed, and will continue to perform, on behalf of the City as we begin and work through the loan, bidding, and construction processes. This resolution is formalization of their role as our Engineer of Record specific to this project.

AUGUST 2019 CA REPORT: *Aaron Speakman and I attended the Infrastructure Finance Authority (IFA) Business Oregon monthly board meeting on August 5th in Albany to discuss the water intake and water realignment project. We have applied for \$4 million from IFA. We haven't had to do a face to face in the past because our loan requests were under the board approval threshold, but this one was larger. It was*

**SECTION 9. Ordinances & Resolutions**

a little intimidating, but Aaron presented the technical project details and I did the financial stuff and it went well. They approved the request so now it moves on to the funding stage. Once that is secured Aaron will begin the bid document process.

JULY 2019 CA REPORT: Will and I got the full IFA loan application submitted the last week of June. This is for most of the Priority Projects outlined in the Water Master Plan. The application will go to the IFA Board in August and we should hear by the end of August or early September on the status. We are also applying to USDA for a portion of the funding.

RESOLUTION R1920-07

A RESOLUTION OF THE CITY OF GOLD BEACH AUTHORIZING A LOAN FROM THE SAFE DRINKING WATER REVOLVING LOAN FUND BY ENTERING INTO A FINANCING CONTRACT WITH THE OREGON INFRASTRUCTURE FINANCE AUTHORITY

The CITY COUNCIL (the “Governing Body”) of the City of Gold Beach (the “Recipient”) finds:

A. The Recipient is a community water system as defined in Oregon Administrative Rule 123-049-0010.

B. The Safe Drinking Water Act Amendments of 1996, Pub.L. 104-182, as amended (the “Act”), authorize any community or nonprofit non-community water system to file an application with the Oregon Infrastructure Finance Authority of the Business Development Department (“OBDD”) to obtain financial assistance from the Safe Drinking Water Revolving Loan Fund.

C. The Recipient has filed an application with the OBDD to obtain financial assistance for a “safe drinking water project” within the meaning of the Act, and the OBDD has approved the Recipient’s application for financial assistance.

D. The Recipient is required, as a prerequisite to the receipt of financial assistance from the OBDD, to enter into a Financing Contract with the OBDD, number S20001, substantially in the form attached hereto as Exhibit 1. The project is described in Exhibit C to that Financing Contract (the “Project”).

E. Notice relating to the Recipient’s consideration of the adoption of this Resolution was published in full accordance with the Recipient’s charter and laws for public notification.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Recipient as follows:

1. Financing Loan Authorized. The Governing Body authorizes the City Administrator to execute the Financing Contract (the “Financing Documents”) and such other documents as may be required to obtain financial assistance including a loan from the OBDD on the condition that the principal amount of the loan from the OBDD to the Recipient is not more than \$4,000,000 (with \$530,000 eligible for principal forgiveness if contract conditions are met) and the interest rate is not more than 1% if contract conditions are met (and 2.88% if not met). The proceeds of the loan from the OBDD must be applied solely to the “Costs of the Project” as such term is defined in the Financing Contract.

2. Sources of Repayment. Amounts payable by the Recipient are payable from the sources described in Section 4 of the Financing Contract and the Oregon Revised Statutes Section 285A.213(5) which include:

- (a) Revenue from Recipient’s water system, including special assessment revenue;
- (b) Amounts withheld under subsection 285A.213(6);
- (c) The general fund of the Recipient;
- (d) Any combination of sources listed in paragraphs (a) to (c) of this subsection; or
- (e) Any other source.

3. Additional Documents. The City Administrator is hereby authorized to enter into any agreements and to execute any documents or certificates which may be required to obtain financial assistance from the OBDD for the Project pursuant to the Financing Documents.

4. Tax-Exempt Status. The Recipient covenants not to take any action or omit to take any action if the taking or omission would cause interest paid by the Recipient pursuant to the Financing Documents not to qualify for the exclusion from gross income provided by Section 103(a) of the Internal Revenue Code of 1986, as amended. The City Administrator of the Recipient may enter into covenants on behalf of the Recipient to protect the tax-exempt status of the interest paid by the Recipient pursuant to the Financing Documents and may execute any Tax Certificate, Internal Revenue Service forms or other documents as may be required by the OBDD or their bond counsel to protect the tax-exempt status of such interest.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 6th DAY OF JANUARY, 2020.

APPROVED BY:

Karl Popoff, Mayor

ATTEST:

Jodi Fritts, City Administrator/City Recorder



MISC. ITEMS

(Including policy discussions and determinations)



Section 10. Miscellaneous Items (including policy discussions and determinations)

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. **10.a.**
Council Meeting Date: January 6, 2020

TITLE: Dangerous Building UPDATE – 94270 Button Lane

SUMMARY AND BACKGROUND:

At the December Council meeting the Council directed the property owner to make arrangements to have a disposal bin provided to the site and for significant progress to be made on the debris clean-up within 2 weeks.

The property owner has updated staff on their progress via texted pictures which are below. The dumpster was delivered on December 24th and as of January 3rd the property owner states: *"...metal pile is now all in the bin..."* Staff will conduct a site visit prior to the Monday meeting to verify the current conditions and will update the Council at the meeting.



BIN DELIVERY:



Section 10. Miscellaneous Items (including policy discussions and determinations)





Section 10. Miscellaneous Items (including policy discussions and determinations)

PRIOR COUNCIL AGENDA REPORTS TO THIS MATTER

REPRINT FROM DECEMBER 2019 COUNCIL AGENDA REPORT:

At the November 2019 Council meeting, the Council determined that the burned trailer located at 94270 Button Lane did meet the definition as a Dangerous Building and ordered the owner to have the structure removed by the December 2nd Council meeting.

Prior to the Monday Council meeting staff will conduct a site visit and take current photos.

After the November Council meeting, the owner sent a photo on November 6th of the progress:





Section 10. Miscellaneous Items (including policy discussions and determinations)

And another on November 15th:



REPRINT FROM NOVEMBER 2019 COUNCIL AGENDA REPORT:

Pursuant to City Code Section 5.365 staff notified the Council of a possible code defined “Dangerous Building” at the September Council meeting. Council directed staff to begin the Dangerous Building hearing process. This property was the subject of a Dangerous Building hearing and determination in March 2014.

The current dwelling on the subject property was destroyed by a structure fire in April. The property owner has made some effort to remove the burned structure, but much of it remains on-site. Photos from May and September provided in the September Council packet are attached to this report. Photos from October are in this report on the next 2 pages.



Section 10. Miscellaneous Items (including policy discussions and determinations)

Pursuant to Section 5.370 the Council shall determine by resolution whether or not the building is dangerous. Resolutions are attached for Section 9 (Ordinances & Resolutions) of the Council meeting for the determination. Section 5.370 directs the following:

At the hearing the Council shall determine by resolution whether or not the building is dangerous. The Council may, as a part of the hearing, inspect the building; and the facts observed by the Council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or other person interested in the property or building shall have the right to be heard. At such hearing the Council shall have the power to order any building declared to be dangerous removed and abated, if in its judgment such removal or abatement is necessary in order to remove the dangerous condition; or the Council shall have the power to order the building made safe and to prescribe what acts or things must be done to render the same safe.

Full text of the Dangerous Building section of the Code is attached at the end for reference.

OCTOBER 24, 2019 PHOTOS:





Section 10. Miscellaneous Items (including policy discussions and determinations)



OCTOBER 14, 2019 PHOTOS:





Section 10. Miscellaneous Items (including policy discussions and determinations)



CITATION OF THE DANGEROUS BUILDING CODE FOR COUNCIL REFERENCE

City Code Section 5.350-5.398

DANGEROUS BUILDINGS

5.350 Definitions.

For the purpose of this Code:

- (1) The term “dangerous buildings” shall include:
 - (a) A structure which, for the want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connections, defective heating apparatus, or for any other cause or reason, is especially liable to fire and which is so situated or occupied as to endanger any other building or property or human life.
 - (b) A structure containing combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind especially liable to cause fire or danger to the safety of such building, premises or to human life.
 - (c) A structure which shall be kept or maintained or shall be in a filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious diseases.
 - (d) A structure in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property by reason of probability of partial or entire collapse.
- (2) The term “person” shall include every natural person, firm, partnership, association or



Section 10. Miscellaneous Items (including policy discussions and determinations)

corporation.

- (3) “City official” means any Councilor, mayor, city employee, or any agency or employee of any agency under contract to the City for services.

5.355 General Regulations.

- (1) Administration. The City building official is the primary city official authorized to enforce the provisions of this Code, but any other city official may act under the authority of this Code.
- (2) Inspections. The City building official or another city official is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Code.
- (3) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code and whenever the City building official or another city official has probable and reasonable cause to believe that there exists in any building any condition that would make such building a dangerous building as defined herein, then said city official, including the building official, may enter into such building at reasonable times to inspect said premises for any violations of this Code.

5.360 Nuisance.

Every building or part thereof which is found by the Council to be a dangerous building is hereby declared to be a public nuisance; and the same may be abated by the procedures herein specified, or a suit for abatement thereof may be brought by the City.

5.365 Initial Action.

Whenever a city official shall find or be of the opinion that there is a dangerous building in the City, it shall be his duty to report the same to the City Council. Thereupon, the Council shall, within a reasonable time, fix a time and place for a public hearing thereon.

5.370 Hearing; Mailed Notice.

By certified or registered mail, return receipt requested, the City Administrator shall notify the owner of record of the premises whereon the building in question is located, that a hearing will be held concerning the nuisance character of the property and the time and place of the hearing. A copy of this notice shall also be posted on the property in addition to notices prohibiting entry into building. At the hearing the Council shall determine by resolution whether or not the building is dangerous. The Council may, as a part of the hearing, inspect the building; and the facts observed by the Council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or other person interested in the property or building shall have the right to be heard. At such hearing the Council shall have the power to order any building declared to be dangerous removed and abated, if in its judgment such removal or abatement is necessary in order to remove the dangerous condition; or the Council shall have the power to order the building made safe and to prescribe what acts or things must be done to render the same safe.



Section 10. Miscellaneous Items (including policy discussions and determinations)

5.375 Published and Posted Notices.

Ten (10) days' notice of any hearing shall be published in a newspaper of general circulation in the City or by posting notices thereof in three (3) public places in the City. If the last-mentioned notice be published or given as herein required, no irregularity or failure to mail notices shall invalidate the proceedings.

5.380 Council Orders; Notice.

Five (5) days' notice of findings made by the Council at a hearing and any orders made by the Council shall be given to the owner of the building, the owner's agent or other person controlling the same, and if the orders be not obeyed and the building rendered safe within the time specified by the order (being not less than five (5) days), then the Council shall have the power and duty to order the building removed or made safe at the expense of the property on which the same is situated.

5.385 Abatement by City.

In the event that the Council orders are not complied with, the Council must specify with convenient certainty the work to be done and shall file a statement thereof with the City Administrator, and shall advertise for bids for the doing of the working the manner provided for advertising for bids for street improvement work. Bids shall be received, opened and the contract let.

5.390 Assessment.

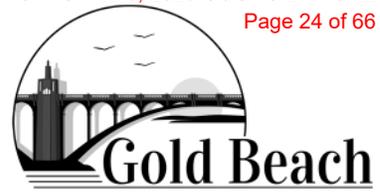
The Council shall ascertain and determine the probable cost of the work and assess the same against the property upon which the building is situated. The assessment shall be entered in the docket of city liens and shall thereupon be and become a lien against the property. The creation of the lien and the collection and enforcement of the cost shall all be performed in substantially the same manner as in the case of the cost of street improvements, but irregularities or informalities in the procedure shall be disregarded.

5.395 Summary Abatement.

The procedures of this Code pertaining to Council declaration of a dangerous building need not be followed where a building is unmistakably dangerous and imminently endangers human life or property. In such an instance, the chief of the fire department, the fire marshal or the Chief of Police may proceed summarily to abate the building.

5.398 Penalty.

Any person who shall be the owner of, or shall be in possession of, or in responsible charge of any dangerous building within the City and who shall knowingly suffer or permit the building to be or remain dangerous beyond the time specified in the order of the Council pursuant to Section 5.380, shall be guilty of a violation of this Code and shall, upon conviction thereof, may be fined a maximum amount as set by resolution of the City Council for the first and all subsequent offenses. Each day's violation of a provision of this Code constitutes a separate offense.



SECTION 10. MISC ITEMS (including policy discussions & determinations)

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. **10. b.**
Council Meeting Date: January 6, 2020

TITLE: MONTHLY STRATEGIC PLAN GOAL REVIEW

SUMMARY AND BACKGROUND:

*Monthly Update of City Strategic Plan Goals – work that has been planned or accomplished towards Goals: **GOAL 4 – A Safe Community***

REVIEW CHART IS ATTACHED

REQUESTED ACTION:

Please review and provide comments and/or direction to staff.

City of Gold Beach Strategic Plan
(formerly Business Plan initially adopted 2010)
JANUARY 2020 Goal 4 Review - last reviewed May 2018
Current review comments highlighted in yellow

Goals & Objectives	Priority/Action Items	RP	Target Date
GOAL 4: A Safe Community			
<ul style="list-style-type: none"> Complete approved capital projects in a timely and cost efficient manner. Provide infrastructure to support economic growth. 	<p>Provide minimum 24/7 20/7 police coverage</p> <p>No charges proposed</p> <p><i>PRIOR COMMENTS: It was determined that it is financially impossible for a city our size to have 24/7 police coverage. When the PD is fully staffed the officers work 2, 10 hour shifts which provides 20/7 coverage.</i></p>	PC	07/2013 ONGOING
	<p>Provide for a community shelter as part of a multi-use community center</p> <p>This is an ongoing discussion, most recently with the library district as a possible partner.</p> <p><i>PRIOR COMMENTS: MAY 2018-we have the east end of Buffington Park and the new park parcel that could be utilized provided we could find funding for a structure.</i></p>	CA	07/2015 ONGOING
	<p>Acquire and install emergency power generators.</p> <p>Emergency backup generators are installed and tested regularly at both the water and wastewater treatment plants.</p> <p><i>PRIOR COMMENTS: MAY 2018-we don't currently have a generator for City Hall. I'm not sure that we actually need that but it could be discussed.</i></p>	PWS/CA	05/2011 2014 COMPLETED
	<p>Develop/update emergency plans & procedures</p> <p>The CA and PW Super have been participating in quarterly county-wide emergency management meetings. The Emergency Coordinator for Curry</p>	CA	07/2010 ONGOING

City of Gold Beach Strategic Plan
(formerly Business Plan initially adopted 2010)
JANUARY 2020 Goal 4 Review - last reviewed May 2018
Current review comments highlighted in yellow

Goals & Objectives	Priority/Action Items	RP	Target Date
	<p>Community Health has spearheaded these quarterly meetings.</p> <p>Executive staff meets regularly to discuss emergency strategies, especially when an event is predicted, and after an event occurs. We try to make refinements to known issues as they arise.</p> <p><i>The most recent update to the emergency plan was completed in 2014 but this is an ongoing process.</i></p> <p><i>PRIOR COMMENTS: MAY 2018-This hasn't been looked at in a while. Executive staff has discussed at various times having EM meetings—we should probably formalize that process—maybe meet quarterly? If we don't schedule it, it won't happen because we all wear various hats.</i></p>		
	<p>Update and adopt hazard mitigation plan.</p> <p>The County and the 3 cities are currently updating the hazard mitigation plan. The update should be completed by mid-2020.</p> <p><i>PRIOR COMMENTS: The most recent update was completed in 2012 but this is an ongoing process.</i></p> <p><i>MAY 2018-This could be part of the EM discussion quarterly.</i></p>	CA/ CC	09/2010 ONGOING
	<p>Pursue streets/highway safety project funding.</p> <p>The City applies for grant funding as often as possible through ODOT. We applied for and were awarded \$100K</p>	CA/PWS	07/2010 ONGOING

City of Gold Beach Strategic Plan
(formerly Business Plan initially adopted 2010)
JANUARY 2020 Goal 4 Review - last reviewed May 2018
Current review comments highlighted in yellow

Goals & Objectives	Priority/Action Items	RP	Target Date
	<p>thru the ODOT SCA program for use this summer on a project by Riley Creek School.</p> <p>We need to revisit the streets reserve fund and gas tax discussion for 2020</p> <p><i>PRIOR COMMENTS: MAY 2018-we plan to submit a SCA grant application this year. In concert with Mainstreet we may apply for some TGM dollars for planning.</i></p>		
	<p>Pursue funding for bicycle/pedestrian improvements.</p> <p>The URA priorities do not currently include the bike/ped improvements in the plan, but staff is working with the Port on moving forward with some smaller projects that will connect to the larger off Hwy route proposed in the UR Plan.</p> <p><i>PRIOR COMMENTS: MAY 2018-Now that we finally have UR funding it would be good to start planning for that bike/ped project. We have had base level discussions with ODOT staff and their initial reaction was favorable so we could start working on that this year. *The 3rd Street Sidewalk completed in 2014 was partially funded by ODOT. The next large bike/ped project is the path proposed through the Port and behind the Airport identified in the Urban Renewal Plan.</i></p>	CA/PWS	07/2010 ONGOING



Section 10. Miscellaneous Items (including policy discussions and determinations)

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. **10.b.**
Council Meeting Date: January 6, 2020

TITLE: Streets Repair Reserve Fee and Review of Failed Gas Tax Measure

SUMMARY AND BACKGROUND:

Beginning in 2017, and continuing throughout most of 2018, staff and the Council spent a tremendous amount of time soliciting citizen input regarding how to fund necessary City owned streets repairs. It was decided by the Council, after the citizen input, to pursue a Fuel Tax measure on the November 2018 ballot. That measure failed by a wide margin despite the citizen input overwhelming stating that was the preferred funding alternative.

Due to the failure of the fuel tax measure, the Budget Officer proposal for FY1920 was a \$2 per month, per account Streets Repair Reserve surcharge. The proposal was approved in the adopted budget for FY1920, but a resolution adopting the surcharge has yet to occur. Staff is proposing to prepare that surcharge resolution for adoption at the February 2020 meeting. Collection of the reserve charge will begin with the February utility billing mid-month.

Staff would like to revisit the fuel tax issue with the Council--if this is something that the Council wishes to discuss again. If the Council is interested in trying the issue before the voters again, we have until mid-February to qualify for the May 2020 election, or mid-August for the November 2020 ballot.

Staff is attaching the following documents to this report for the Council's reference:

- Copy of the FY1920 Budget Message with the surcharge proposal (*item #1 on page 3 of budget message*)
- Copy of the adopted reserve fund pages and FY1920 Reserve Fund resolutions (*second page of the Reserve Funds section and last page of the Reserve Funds Resolution—Fund 98*)
- Copy of the January 2018 initial gas tax survey discussion
- Copy of the July 2018 Council Report on the Fuel Tax Measure
- Copy of the December 2018 Council Report on the measure failure

REQUESTED ACTION:

Discuss the reserve charge and the fuel tax measure and direct staff on how to proceed.



City of Gold Beach

29592 Ellensburg Avenue • Gold Beach, OR 97444

Administration: 541-247-7029 • Police: 541-247-6671 • www.goldbeachoregon.gov

Visitor Center: 541-247-7526 • www.visitgoldbeach.com

Fiscal Year 2019-2020

Budget Message

Members of the City Council & Members of the Budget Committee:

*"I do not mistrust the future; I do not fear what is ahead.
For our problems are large, but our heart is larger."*

President George HW Bush

Per the state's Local Budgeting Manual, the Budget Message is a required component of the annual budget and must contain the following:

- Explain the budget document;
- Include a brief description of the proposed financial policies for the coming year;
- Describe the important features of the budget document in connection with the financial policies of the local government;
- Explain the reason for changes from the previous year in appropriation and revenue items; and
- Explain the major changes in financial policy.

The budget message must be in writing since it is part of the complete budget document and is to be prepared by the executive officer of the district (or in our case municipality).

EXPLAIN THE BUDGET DOCUMENT

The budget is comprised of the following:

- The budget calendar
- Copy of the required public notice and dates of publication
- After adoption by the Council, a copy of the budget resolution adopting the budget and the state required reporting forms is included
- Brief explanation page of each City fund type
- Brief explanation of each department functions and proposed changes for the year
- Comprehensive proposed revenue and expenditures for each City fund/department
- Supplemental documents for transparency which include:
 - Non-departmental Indirect Costs and Allocation chart
 - 2017-2020 Adopted Salary Schedule (*most recently updated in 2017 for all City positions pursuant to the City Strategic Goals*)
 - Breakdown of employees by department, FTE status, and base wage
 - Most recent copy of the City Strategic Goals

BRIEF DESCRIPTION OF THE PROPOSED FINANCIAL POLICES FOR THE COMING YEAR

The Budget Officer proposes the budget but does not set policy—that is the budget committee and Council's responsibility and staff implements those policies.

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

However, personally, and as city administrator, there are standards (or policies if you will) that I hold myself to, and that I expect of all City employees. I keep certain quotes in my office that reflect those standards:

*“And so, my fellow Americans, ask not what your country can do for you;
ask what you can do for your country.”*

President John F Kennedy

“Complaining about a problem without posing a solution is called whining.”

Attributed to President Teddy Roosevelt

“You choose a thankless job, you can’t be upset when nobody thanks you.”

Ron Swanson

Expectations of myself and all City staff:

- We strive always to be good stewards of the public’s trust, and their funds, because we are also part of the citizenry we serve.
- We provide the highest level of service to our citizens at the lowest reasonable cost—that doesn’t mean we always buy or utilize the “cheapest”. We buy and utilize the goods and services that give the City the greatest value for their dollars.
- We put aside some funds for unexpected events, and where possible utilize our own funds to maximize the return on investment since the open market interest is so dismal.
- Transparency in all transactions and reporting: we provide financial information as quickly and efficiently as possible when asked.
- Government is not a “money making” or “for-profit” business. We collect taxes, fees, and other revenues in order to provide an equal amount of service for those dollars. If there is excess revenue, it is reserved and saved for a specific and stated purpose.
- We ensure that City owned property and infrastructure is maintained in good working order to maximize the useful life of property and assets.

DESCRIBE THE IMPORTANT FEATURES OF THE BUDGET DOCUMENT IN CONNECTION WITH THE FINANCIAL POLICIES OF THE CITY

The introductory section in the budget document for each of the City funds explains the purpose for the fund, any proposed changes from the prior year, and the reasons for those changes. I believe those explanations are driven by the policies I have listed above. If changes are proposed for revenue or fees, a detailed explanation is provided.

EXPLAIN THE REASON FOR CHANGES FROM THE PREVIOUS YEAR IN APPROPRIATION AND REVENUE ITEMS

The introductory section in the budget document for each of the City funds explains the purpose for the fund, any proposed changes, and the reasons for those changes. We discuss each fund individually and review the introductory sections prior to reviewing the proposed appropriations.

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

EXPLAIN THE MAJOR CHANGES IN FINANCIAL POLICY

Again, it is not my role to set or change policy; I can only make suggestions. This would be the opportunity for the budget committee and Council to discuss any changes in the City's financial policies for the next year—or for the future.

As budget officer, I have made 2 major proposals for this budget year.

- 1) In the past few years we discussed an alternative/additional funding source for streets maintenance. That discussion began a process with the Council that eventually resulted in a written and digital citizen survey. Based on those survey results, we referred a fuel tax measure to the voters in November 2018. It failed by a wide margin despite the survey findings. The proposal in the budget is the one I originally made in FY1718: a flat fee to be collected monthly with the utility billing. The revenues are shown in the Streets/Culvert Repair Fund.
- 2) Proposed water infrastructure capital project as identified in the adopted Water Master Plan. We have made a preliminary funding request to the state Infrastructure Finance Authority (IFA). They partially funded our recent wastewater capital improvements. We will also be applying to USDA. We hope to secure the funding this FY to begin work in early 2020.

I'll conclude with another quote from the late President Bush:

“We must act on what we know. I take as my guide the hope of a saint: In crucial things, unity; in important things, diversity; in all things, generosity.”

President George HW Bush

We strive to improve ourselves here at the City, so that we can improve the larger Curry County community. The City will continue to offer service, friendship, and assistance whenever and wherever we are able. I would like to thank each of you for your service and I appreciate all that you contribute to the success of our City. And as President Bush said of volunteerism and contributing to the community: you are part of those thousand points of light spread like stars throughout our nation, doing good.

Thank you,



Jodi Fritts
City Administrator/Budget Officer

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

RESERVE FUNDS

Established to accumulate money from year to year for a specific purpose, such as purchase of new equipment [ORS 294.525].



The following reserve funds were reviewed in this budget cycle: Water Reserve, Sewer Reserve, and Nuisance Abatement Reserve

Current Reserve Funds are:

- FUND 64: Water Reserve
- FUND 72: Visitor Center Building Reserve
- FUND 73: Nuisance Abatement Reserve
- FUND 74: Sewer Reserve
- FUND 91: Fleet Replacement Reserve
- FUND 92: Noninsured Losses/Unemployment Reserve
- FUND 93: Building Reserve
- FUND 94: Fire Truck Levy Reserve (most recently renewed May 19, 2015, for collection through November 2022)
- FUND 95: Parks Reserve
- FUND 96: General Fund Reserve
- FUND 97: Water Deposits Reserve
- FUND 98: Street & Culvert Repair Reserve

PROJECTS PROPOSED WITHIN SPECIFIC RESERVE FUNDS

72 – Visitor Center Building Reserve

- Replace decking at Visitor Center
- Minor maintenance repairs to restroom building

74 – Sewer Reserve Fund

- Increase to General Fund Indirect due to additional insurance required by the terms of our USDA loan for the WWTP.

91 – Fleet Replacement

- We had to replace one of the PD vehicles sooner this year, so none were budgeted for FY19-20. A supplemental budget will be part of FY1819, effectively pre-purchasing the FY19-20 vehicle.

93 – Building Reserve

- PD Evidence Room (closet) structural changes
- City Hall/PD computerized key locking system
- Fencing parking area behind Fire Department Barn (west side of City Hall property)

98 – Streets & Culvert Repair Reserve

- \$2 per utility account per month proposed for Streets repair reserve
-

RESOLUTION R1819-13

**A RESOLUTION SETTING THE PURPOSE AND REVIEW TIMES FOR
MUNICIPAL RESERVE FUNDS AND REPEALING RESOLUTION R1718-20 AND ANY OTHER
RESOLUTIONS THAT MAY BE IN CONFLICT**

- WHEREAS:** Oregon Revised Statutes Section 294.346 gives authority to the governing body of a municipal corporation to establish by ordinance or resolution one or more reserve funds to accumulate and expend monies for purposes specified in ORS 280.050; and
- WHEREAS:** ORS 294.346 further requires the governing body review its municipal reserve funds of not less frequency than every ten years to determine whether each fund so reviewed will be continued or abolished; and
- WHEREAS:** the Gold Beach City Council is specifically desirous of complying with ORS 294.346

NOW, THEREFORE, BE IT RESOLVED that the City Council reaffirms the purpose and review periods for the following City reserve funds:

Current Reserve Funds are:

- FUND 64: Water Reserve*
- FUND 72: Visitor Center Building Reserve*
- FUND 73: Nuisance Abatement Reserve*
- FUND 74: Sewer Reserve*
- FUND 91: Fleet Replacement Reserve*
- FUND 92: Noninsured Losses/Unemployment Reserve*
- FUND 93: Building Reserve*
- FUND 94: Fire Truck Levy Reserve (most recently renewed May 19, 2015, for collection through November 2022)*
- FUND 95: Parks Reserve*
- FUND 96: General Fund Reserve*
- FUND 97: Water Deposits Reserve*
- FUND 98: Street & Culvert Repair Reserve*

Fund Purpose & Review Periods:

64-Water Reserve Fund

The purpose of this fund is to accumulate revenues to pay for capital repairs and improvements to the City's water system infrastructure. This reserve was formerly funded through fund transfers from the Water Utility Fund. The reserve rate will be set by resolution annually with the water and sewer utility rates.

This reserve fund was established by Resolution R0910-29 and reaffirmed by R1011-41, R1112-39, R1213-18, R1314-21, R1415-19, R1516-11, R1617-11, and R1718-20.

This fund shall be reviewed in May 2023

72-Visitor Center Building Replacement Reserve Fund

The purpose of this fund is to accumulate revenues to pay for major remodeling projects, building repairs, and replacement of the Visitor Center building located at South Beach Park. This reserve is funded through transfers from the Community Promotions fund specifically for this purpose and in compliance with ORS 320.300.

This reserve fund was established by Resolution R1415-19 and reaffirmed by R1516-11, R1617-11, and R1718-20.

This fund shall be reviewed in May 2022

73-Nuisance Abatement Reserve Fund

The purpose of this fund to accumulate revenues to pay for city authorized abatements of nuisances, dangerous buildings, and other code abatements that may arise. This reserve is funded through transfers from the General Fund derived from state and local marijuana tax revenues. When the fund reaches \$50,000 any excess revenue shall be transferred to fund 95-Parks Reserve Fund.

This reserve fund was established by Resolution by R1516-11, and reaffirmed by R1617-11, and R1718-20.

This fund shall be reviewed in May 2023

74-Sewer Treatment Reserve Fund

The purpose of this reserve fund is to receive and accumulate funds to pay for major improvements and expansion of the City's wastewater treatment facility. This fund shall continue for fiscal year 2013-2014 and shall be reviewed next budget year for possible conversion to a debt reserve fund.

This fund was established April 2001 and reaffirmed by Resolution R0910-30, R1011-41, R1112-39, R1213-18, R1314-21, R1415-19, R1516-11, R1617-11, and R1718-20.

This fund shall be reviewed in May 2023

91-Fleet Replacement Reserve Fund

The purpose of this fund is to accumulate revenues to purchase replacement vehicles as needed for the various city departments. This reserve fund is funded through transfers designated specifically for this purpose.

This reserve fund was established by Resolution R1011-41 and reaffirmed by Resolutions R1213-08, R1314-21, R1415-19, R1516-11, R1617-11, and R1718-20.

This fund shall be reviewed in May 2021

92-Non-insured Losses & Unemployment Reserve Fund

The purpose of this fund is to accumulate revenues to pay for vehicular damages and losses not covered by the City's insurance policies and for unemployment expenses incurred when an employee involuntarily (through termination or layoff) ceases to work for the City. This

reserve is funded through transfers from the General Fund, Water Utility and Sewer Utility. This fund shall maintain a balance of at least \$100,000. ***When the fund reserve exceeds \$100,000, the excess funds will be transferred to the Streets/Culvert Repair Reserve Fund at year end.***

This reserve fund was established by Resolution R0910-29; reaffirmed by R1011-41, R1112-39, R1213-18, R1314-21, R1415-19, R1516-11, R1617-11 and R1718-20.
This fund shall be reviewed in May 2021

93-Building Reserve Fund

The purpose of this fund is to accumulate revenues to pay for major remodeling projects, building repairs, and replacement of municipal owned buildings. This reserve is funded through fund transfers designated specifically for this purpose.

This reserve fund was established by Resolution R0910-29 and reaffirmed by Resolutions R1213-18, R1314-21, R1415-19, R1516-11, R1617-11, R1718-20.

This fund shall be reviewed in May 2021

95-Parks Reserve Fund

The purpose of this fund is to accumulate revenues to pay for major remodeling projects or capital improvements to the City's parks. This reserve fund is funded through transfers designated specifically for this purpose.

This reserve fund was established by Resolution R1011-41 and reaffirmed by Resolutions R1213-08, R1314-21, R1415-19, R1516-11, R1617-11, and R1718-20.

This fund shall be reviewed in May 2021

96-General Reserve Fund

The purpose of this fund is to accumulate revenues consistent with the City's adopted Strategic Plan Goal 1(a) which states the City desires to have a yearly contingency of at least 5% as a safety net for unanticipated General Fund expenditures. This reserve fund is funded through transfers designated specifically for this purpose.

This reserve fund was established by Resolution R1011-41 and reaffirmed by Resolutions R1213-08, R1314-21, R1415-19, R1516-11, R1617-11, and R1718-20.

This fund shall be reviewed in May 2021

97-Water Deposits Reserve Fund

The purpose of this fund is to segregate out the Water Deposits payable from the Water Utility fund. These funds are customer deposits retained by the city for utility services. This reserve fund is funded solely by customer water deposits. ***Beginning fiscal year 19-20 deposits older than 10 years old will be refunded to customer accounts to reduce the trust liability.***

This reserve fund was established by Resolution R1011-41 and reaffirmed by Resolution R1213-08, R1314-21, R1415-19, R1516-11 and R1617-11.

This fund shall be reviewed in May 2021

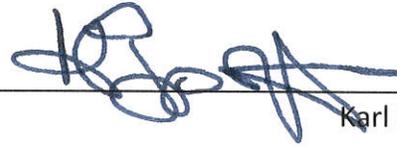
98-Streets & Culvert Repair Reserve Fund

The purpose of this fund is to accumulate revenues to fund major culvert repairs to the City's stormwater infrastructure. This reserve fund is funded through fund transfers designated specifically for this purpose. ***Beginning fiscal year 19-20 this fund is renamed from the Culvert Replacement Reserve to the Streets & Culvert Repair Reserve. The fund will continue to receive transfers for the culvert repairs and will also receive monthly Street Repair Reserve fees.***

This reserve fund was established by Resolution R1112-39 and reaffirmed by Resolutions R1213-18, R1314-21, R1415-19, R1516-11, R1617-11, and R1718-20.

This fund shall be reviewed in May 2022

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 10th DAY OF JUNE 2019.



Karl Popoff, Mayor

ATTEST:



Jodi Fritts, City Administrator/Recorder



SECTION 10.

MISC ITEMS (including policy discussions & determinations)

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. 10. a.

Council Meeting Date: January 8, 2018

TITLE: FINAL REVIEW STREET SURVEY QUESTIONNAIRE

SUMMARY:

We have discussed the Street Funding Survey previously. Most recently at our December meeting (*that report is attached to the end of this January report for reference*). At the December meeting I was asked to insert information about the recent pavement study that had been completed by Dyer Partnership. I have amended the proposed survey and would ask for a final review of the proposed survey. If it's acceptable we will send it out in the water bills and post it on the website.

AMENDED PROPOSED SURVEY TO BE SENT OUT & POSTED ONLINE:

Narrative: The City of Gold Beach is responsible for the maintenance and construction of City owned roads within our jurisdiction (*note-Hwy 101 and many Hunter Creek area roads are not owned or maintained by the City—if you have questions about a particular road ownership please contact City Hall*). Unfortunately, the only revenue available for annual road maintenance is approximately \$120K the City receives from the state of Oregon in gas tax sharing. While this may sound like a tidy sum, one single road failure/repair can easily use all those funds and more. As an example, a small slide in the winter of 2016 on Grizzly Mtn Road, by the library, cost over \$120K to repair. Repairs to stormwater culverts and catch basins are also part of the street maintenance fund.

The City's engineers recently completed a Pavement Condition Survey and Pavement Management Plan for all the paved roads under the City's jurisdiction (A copy of the plan is posted on our website). The capital improvement plan estimate to make the repairs identified in the study is 2.15 million dollars.

In order to provide a stable funding stream for needed repairs and on-going maintenance of City streets, the Council would like your input on possible funding options.

PLEASE NOTE: THE CITY IS NOT IMPLEMENTING ANY FEES OR OTHER PAYMENT OPTIONS IMMEDIATELY. At this time we are only soliciting citizen input.



SECTION 10.

MISC ITEMS (including policy discussions & determinations)

The two options that have been discussed are listed below. The City would like to hear from you on which option you feel is more fiscally responsible. To submit your input, please take a moment to review the two options below and circle the one you prefer. You can drop off your completed form to City Hall or you can complete the survey online at our website:

www.goldbeachoregon.gov

You may leave your name or remain anonymous, and you may leave comments if you wish. The survey will remain open for approximately one month. Staff will tabulate the responses and present them to the Council at a future meeting date for discussion.

If you have any questions about this survey please contact Jodi at City Hall or email: (insert my email address)

OPTIONS DISCUSSED BY COUNCIL (there are pros/cons to each option)

OPTION A: A flat monthly fee added to monthly water utility bill.

This flat fee would be in the range of \$1-\$5 per month, depending on the proposed capital improvement plan schedule.

OPTION B: A % tax on local gas sales

This would be in the 1%-4% range per gallon, depending on gas data from the state and the proposed capital improvement plan schedule.

COMMENTS (if any):

≈ ≈ END OF JANUARY 2018 COUNCIL REPORT ≈

PREVIOUS COUNCIL REPORTS ON THIS TOPIC BELOW

FROM THE DECEMBER 2017 COUNCIL MEETING:

We have discussed at various times this year about a future funding mechanism for street repairs. We received the completed Pavement Management Plan last week from our engineers, Dyer Partnership. The plan identifies \$2.1 million in needed capital improvements to City owned streets. We have no funding mechanism for those repairs or any unanticipated failures, such as last winter's Grizzly slide.

Staff recommended, during the FY1718 budget process, a flat fee to be added to the monthly utility bills. An alternate suggestion (Councilor Kaufman?) was a gas tax similar to what the City of Brookings enacted last year. We had discussed the pros/cons of both options and thought a citizen's survey would



SECTION 10.

MISC ITEMS (including policy discussions & determinations)

be helpful in determining which funding mechanism to choose, if any. Staff was to develop a draft survey for review by the Council. Once approved, it would be included in the utility bills and also posted online at the City website.

SAMPLE SURVEY FOR COUNCIL REVIEW AND REVISION:

Narrative: The City of Gold Beach is responsible for the maintenance and construction of City owned roads within our jurisdiction (*note-Hwy 101 and many Hunter Creek area roads are not owned or maintained by the City—if you have questions about a particular road ownership please contact City Hall*). Unfortunately, the only revenue available for annual road maintenance is approximately \$120K the City receives from the state of Oregon in gas tax sharing. While this may sound like a tidy sum, one single road failure/repair can easily use all those funds and more. As an example, a small slide in the winter of 2016 on Grizzly Mtn Road, by the library, cost over \$120K to repair. Repairs to stormwater culverts and catch basins are also part of the street maintenance fund.

In order to provide a stable funding stream for needed repairs and on-going maintenance of City streets, the Council would like your input on possible options. The two options that have been discussed are listed below. The City would like to hear from you on which option you feel is better. You may complete this form and return it to City Hall or you can complete the online survey at our website:

www.goldbeachoregon.gov

You may leave your name or remain anonymous, and you may leave comments if you wish. The survey will remain open for approximately one month. Staff will tabulate the responses and present them to the Council at a future meeting date for discussion.

If you have any questions about this survey please contact Jodi at City Hall or email: (insert my email address)

OPTIONS DISCUSSED BY COUNCIL (there are pros/cons to each option)

OPTION A: A flat monthly fee added to monthly water utility bill.

This flat fee would be in the range of \$1-\$5 per month, depending on the proposed capital improvement plan schedule.

OPTION B: A % tax on local gas sales

This would be in the 1%-4% range per gallon, depending on gas data from the state and the proposed capital improvement plan schedule.



SECTION 9. ORDINANCES & RESOLUTIONS

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. **10. a.**
Council Meeting Date: July 9, 2018

TITLE: FUEL TAX ELECTION RESOLUTION & ORDINANCE

SUMMARY AND BACKGROUND:

The Council directed me to work with legal counsel to draft the ballot title and measure info for the Fuel Tax measure to be on the November ballot. The attorney has prepared the following for your review and adoption this evening. There were likely be minor changes—especially to those areas highlighted in yellow, but in order to meet the election timelines the resolution will need to be adopted this evening. Our legal counsel, Christy Monson, will be on the phone this evening to walk you through the resolution and the ordinance and answer questions you may have.

At the end of this report I have attached a copy of the March 2018 Council report with the Street Survey results for your convenience and reference.

The Brookings city voters had the reauthorization of their fuel tax on the May 2018 ballot. I checked the election results and the voters approved it at 82%:

City of Brookings Measure 8-90 REAUTHORIZATION OF LOCAL TAX ON MOTOR VEHICLE FUEL SALES, Vote For 1					
YES	0	0.00%	1,265	82.09%	1,265 82.09%
NO	0	0.00%	276	17.91%	276 17.91%
Cast Votes:	0	0.00%	1,541	96.61%	1,541 96.61%
Over Votes:	0	0.00%	0	0.00%	0 0.00%
Under Votes:	0	0.00%	54	3.39%	54 3.39%



RESOLUTION R1819-01

A RESOLUTION CALLING FOR AN ELECTION WITHIN THE CITY REFERRING TO THE VOTERS A MEASURE FOR THE ADOPTION OF AN ORDINANCE IMPOSING A TAX ON MOTOR VEHICLE FUEL DEALERS; PROVIDING FOR ADMINISTRATION, ENFORCEMENT AND COLLECTION OF THE TAX; AND ADOPTING A BALLOT TITLE AND EXPLANATORY STATEMENT

WHEREAS, pursuant to state law, the City Charter, and the City's constitutional home rule authority, the City of Gold Beach may enact a motor vehicle fuel dealers license tax; and

WHEREAS, the City has determined that there is a need for additional funds for the City to build, maintain and repair its streets and transportation infrastructure; and

WHEREAS, the City is proposing the adoption of an ordinance, attached hereto as Exhibit A, that creates a motor vehicle fuel dealers tax and provides for the administration, enforcement and collection of the tax; and

WHEREAS, the City Council has determined that the enactment and adoption of such ordinance should be by a vote of the people of the City; and

WHEREAS, the Oregon Constitution, the City Charter, the Gold Beach City Code and ORS Chapter 250 authorize the City to submit this measure to City voters.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Gold Beach, as follows:

Section 1. An election is called to be held in the City of Gold Beach on November 6, 2018, among the qualified voters of the City on the question of adoption of an ordinance, which is attached as Exhibit A, for the implementation of tax on motor fuel dealers.

Section 2. The election will be conducted by Curry County. The County Clerk for Curry County is hereby instructed to prepare the ballots and to take other actions necessary to conduct the election.

Section 3. The proposed ballot title prepared by the City Council for the measure is attached as Exhibit B.

Section 4. Ballots from the election shall be counted and tabulated and the results certified as provided by law. If a majority of the legal voters of the City of Gold Beach voting on the measure approve the measure, the ordinance shall be adopted and shall take effect as provided for in the ordinance.

Section 5. This Resolution, including the proposed ballot title, shall be filed with the City Recorder at the City of Gold Beach City Hall.

Section 6. Upon filing of this Resolution, the City Recorder shall give notice of the election by posting notice thereof in a public place in City Hall and by publishing a notice thereof in a newspaper of general circulation in the City of Gold Beach. The notice shall contain a statement that the ballot title was received, a statement that an elector may file a petition for review of the ballot title, the deadline by which petitions for review must be filed, the ballot title caption and question, the date of the election, and information on where the full ballot title may be reviewed.

Section 7. The City Recorder is authorized and shall take such other actions to proceed with the election as provided in state law and is further authorized by the City Council to act so as to carry out the purposes of this resolution.

Section 8. This Resolution shall become effective immediately upon its adoption.

PASSED BY THE GOLD BEACH CITY COUNCIL, this 9th day of July, 2018.

Mayor Karl Popoff

ATTEST:

Jodi Fritts, City Administrator/City Recorder

Ordinance No. 667 Exhibit A

**CITY OF GOLD BEACH
ORDINANCE NO. 667, SERIES 2018**

AN ORDINANCE ESTABLISHING A MOTOR VEHICLE FUEL DEALER'S BUSINESS TAX AND RELATED REGULATIONS AND ADDING CHAPTERS 4.600-4.700 THE MOTOR VEHICLE FUEL TAX CODE TO THE GOLD BEACH CITY BUSINESS CODE

THE CITY OF GOLD BEACH ORDAINS AS FOLLOWS:

Section 1. Title MOTOR VEHICLE FUEL TAX CODE, Chapters 4.600-4.700 of the Gold Beach City Business Code are added as follows:

**TITLE MOTOR VEHICLE FUEL TAX CODE
CHAPTERS 4.600-4.700**

MOTOR VEHICLE FUEL DEALER'S TAX

4.610: DEFINITIONS. As used in this Chapter, unless the context requires otherwise the following words and phrases shall mean:

City The City of Gold Beach.

Dealer Any Person who:

- A. Imports or causes to be imported Motor Vehicle Fuel for sale, use or Distribution in the City, but "Dealer" does not include any Person who imports into the City Motor Vehicle Fuel in quantities of 500 gallons or less purchased from a supplier who is a Dealer hereunder if that Dealer assumes liability for the payment of the applicable tax to the City; or
- B. Produces, refines, manufactures or compounds Motor Vehicle Fuels in the City for use, Distribution or sale in the City; or
- C. Acquires for sale, use or Distribution in the City Motor Vehicle Fuel for which there has been no Motor Vehicle Fuel tax previously paid or incurred.

Distribution In addition to its ordinary meaning, the delivery of Motor Vehicle Fuel by a Dealer to any Service Station or into any tank, storage facility or series of tanks or storage facilities connected by pipelines, from which Motor Vehicle Fuel is withdrawn directly for sale or for delivery into the fuel tanks

Ordinance No. 667 Exhibit A

of Motor Vehicles, whether or not the Service Station, tank or storage facility is owned, operated or controlled by the Dealer.

Highway	Every way, thoroughfare and place of whatever nature, open for use of the public for the purpose of vehicular travel.
Motor Vehicle	All vehicles, engines or machines, movable or immovable, operated or propelled by the use of Motor Vehicle Fuel.
Motor Vehicle Fuel	Includes all gasoline, diesel, mogas, methanol and any other flammable or combustible gas or liquid, by whatever name such gasoline, diesel, mogas, methanol, gas or liquid is known or sold, which is usable as fuel for the operation of Motor Vehicles, except gas, diesel, mogas, methanol or liquid, the chief use of which, as determined by the Tax Administrator, is for purposes other than the propulsion of Motor Vehicles upon the Highways.
Person	Includes every natural Person, association, firm, partnership, corporation, joint venture or other business entity.
Service Station	Any place operated for the purpose of retailing and delivering Motor Vehicle Fuel into the fuel tanks of Motor Vehicles.
Tax Administrator	The City Administrator, the City Administrator's designee, or any Person or entity with whom the City Administrator contracts to perform those duties.
Weight Receipt	A receipt issued by the Oregon Department of Transportation, stating the combined weight of each self-propelled or motor-driven vehicle.

4.615: TAX IMPOSED. A tax is hereby imposed on every Dealer. The tax imposed shall be paid [monthly] to the Tax Administrator. The Tax Administrator is authorized to exercise all supervisory and administrative powers with regard to the enforcement, collection and administration of the tax, including all powers specified in ORS 319.010 to 319.430.

4.620: AMOUNT AND PAYMENT. In addition to any fees or taxes otherwise provided for by law, every Dealer engaging in the City in the sale, use or Distribution of Motor Vehicle Fuel, shall:

Ordinance No. 667 Exhibit A

- A. [Not later than the 25th day of each calendar month], provide a statement to the Tax Administrator on forms prescribed, prepared and furnished by the Tax Administrator describing and quantifying all Motor Vehicle Fuel sold, used or distributed by him/her in the City as well as all such fuel sold, used or distributed in the City by a purchaser of such Motor Vehicle Fuel for which the Dealer has assumed liability for payment of the applicable tax during the preceding calendar month.
- B. Pay a tax computed on the basis of
1. \$.01 (one cent) per gallon of Motor Vehicle Fuel so sold, used or distributed as shown by such statement in the manner and within the time provided in this code, plus
 2. Beginning May 1 and ending October 31 of each year, an additional \$.03 (three cents) per gallon of Motor Vehicle Fuel so sold, used or distributed as shown by such statement in the manner and within the time provided in this code.

4.625: LICENSE REQUIREMENTS. No Dealer shall sell, use or distribute any Motor Vehicle Fuel until he/she has secured a Dealer's license as required herein.

4.630: LICENSE APPLICATIONS AND ISSUANCE.

- A. Every Person, before becoming a Dealer in Motor Vehicle Fuel in this City, shall make application to the Tax Administrator for a license authorizing such Person to engage in business as a Dealer.
- B. Applications for the license shall be made on forms prescribed, prepared and furnished by the Tax Administrator.
- C. Applications shall be accompanied by a duly acknowledged certificate containing:
1. The business name under which the applicant transacts business.
 2. The address of applicant's principal place of business and location of distributing stations in City and within three miles of the City.
 3. The name and address of the managing agent, the names and addresses of the several Persons constituting the firm or partnership or, if a corporation, the name under which the corporation is authorized to transact business and the names and addresses of its principal officers and registered agent, as well as primary transport carrier.

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- D. If an application for a Motor Vehicle Fuel Dealer's license is complete and accepted for filing, the Tax Administrator shall issue to the Dealer a license in such form as the Tax Administrator may prescribe to transact business in the City. A license issued hereunder is not assignable, and is valid only for the Dealer in whose name it is issued.
- E. The Tax Administrator shall retain all completed applications with an alphabetical index thereof, together with a record of all licensed Dealers.

4.635: FAILURE TO SECURE LICENSE.

- A. If a Dealer sells, distributes or uses any Motor Vehicle Fuel without first filing the certificate and obtaining the license required by [REDACTED], the tax on all Motor Vehicle Fuel sold, distributed or used by that Dealer shall be immediately due and payable.
- B. The Tax Administrator shall determine, from the number and types of sources as the Tax Administrator determines reasonable, the amount of tax due. The Tax Administrator shall assess the Dealer for the tax in the amount determined, together with a penalty of 100 percent of the tax, and shall make its certificate of such assessment and penalty. In any suit or proceeding to collect the tax or penalty or both, the certificate shall be prima facie evidence that the Dealer therein named is indebted to the City in the amount of the tax and penalty stated.
- C. Any tax or penalty assessed pursuant to this section may be collected in the manner prescribed in this Chapter regarding delinquency in payment of the fee or by an action at law.
- D. In the event any suit or action is instituted to enforce this section, if the City is the prevailing party, the City shall be entitled to recover from the Person sued reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law.

4.640: REVOCATION OR CANCELLATION OF LICENSE. The Tax Administrator may revoke the license of any Dealer refusing or neglecting to comply with any provision of this Chapter. The Tax Administrator shall mail, by certified mail addressed to the Dealer at his/her last known address appearing in the files of the Tax Administrator, a notice of intent to revoke. The notice shall give the reason for the revocation. The license revocation shall become effective without further notice if within 10 days from the mailing of the notice, the Person or Dealer has not satisfied its default or delinquency.

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4.645: CANCELLATION OF LICENSE.

- A. The Tax Administrator may, upon written request of a Dealer, cancel a license issued to that Dealer. The Tax Administrator shall, upon approving the Dealer's request for cancellation, set a date not later than 30 days after receipt of the written request, after which the license shall no longer be effective.
- B. The Tax Administrator may, after 30 days' notice has been mailed to the last known address of the Dealer, cancel the license of Dealer upon finding that the Dealer is no longer engaged in the business of a Dealer.

4.650: REMEDIES CUMULATIVE. The remedies provided in this Chapter are cumulative. No action taken pursuant to this Chapter shall relieve any Person from the penalty provisions of this Chapter or other remedies available under law.

4.655: PAYMENT OF TAX AND DELINQUENCY.

- A. The tax imposed by Section 4.615 of this Code shall be paid to the Tax Administrator [on or before the 25th day of each month].
- B. Except as provided in subsections (C) and (E) of this section, if the tax is not paid as required by subsection (A) of this section, a penalty of 1 percent of such tax due and owing shall be assessed and shall be immediately due and payable.
- C. Except as provided in subsection (E) of this section, if the payment of the tax and penalty, if any, is not made on or before the 1st day of the next month following that month in which payment is due, a further penalty of 10 percent of the tax due and owing shall be assessed. Said penalty shall be in addition to the penalty provided for in subsection (B) of this section and shall be immediately due and payable.
- D. If the tax imposed by Section 4.615 of this Code is not paid as required by subsection (A) of this section, interest shall be charged at the rate of [.0329 percent per day] until the tax, interest and penalties have been paid in full.
- E. The Tax Administrator may at its sole discretion and for good cause shown, waive any penalties assessed under this section.
- F. If any Person fails to pay the tax, interest, or any penalty owed under the Ordinance, City shall collect such tax, interest, and/or penalty. The Tax Administrator or designee shall commence and prosecute to final determination in any court of competent jurisdiction an action at law to collect the same.

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- G. In the event any suit or action is instituted to collect the tax, interest, or any penalty provided for by this section, if the City is the prevailing party, the City shall be entitled to recover from the Person sued reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law.

4.660: **MONTHLY STATEMENT OF DEALER.** Every Dealer shall provide to the Tax Administrator [on or before the 25th day of each month], on forms prescribed, prepared and furnished by the Tax Administrator, a statement of the number of gallons of Motor Vehicle Fuel sold, distributed or used by the Dealer during the preceding calendar month. The statement shall be signed by the Dealer or the Dealer's agent.

4.665: **FAILURE TO FILE MONTHLY STATEMENT.** If a Dealer fails to file any statement required by _____, the Tax Administrator shall proceed forthwith to determine from as many available sources as the Tax Administrator determines reasonable the amount of Motor Vehicle Fuel sold, distributed, or used by such Dealer for the unreported period and such determination shall in any proceeding be prima facie evidence of the amount of fuel sold, distributed or used. The Tax Administrator shall immediately assess the Dealer for the tax upon the amount determined, adding thereto a penalty of 10 percent of the tax. The penalty shall be cumulative to other penalties provided in this Chapter.

4.670: **BILLING PURCHASERS.** Dealers in Motor Vehicle Fuel shall render bills to all purchasers of Motor Vehicle Fuel. The bills shall separately state and describe the different products and quantities of Motor Vehicle Fuel sold or shipped thereunder and shall be serially numbered unless other sales invoice controls acceptable to the Tax Administrator are maintained.

4.675: **FAILURE TO PROVIDE INVOICE OR DELIVERY TAG.** No Person shall receive and accept Motor Vehicle Fuel from any Dealer, or pay for the same, or sell or offer Motor Vehicle Fuel for sale, unless the Motor Vehicle Fuel is accompanied by an invoice or delivery tag showing the date upon which Motor Vehicle Fuel was delivered, purchased or sold and the name of the Dealer in Motor Vehicle Fuel.

4.680: **TRANSPORTING MOTOR VEHICLE FUEL IN BULK.** Every Person operating any conveyance for the purpose of hauling, transporting or delivering Motor Vehicle Fuel in bulk shall, before entering upon the public Highways of the City with such conveyance, have and possess during the entire time of the hauling or transporting of such Motor Vehicle Fuel, an invoice, bill of sale or other written statement showing the number of gallons, the true name and address of the seller or consignor, and the true name and address of the buyer or consignee, if any, of the

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same. The Person hauling such Motor Vehicle Fuel shall, at the request of any officer or Person authorized by law to inquire into or investigate such matters, produce and offer for inspection the invoice, bill of sale or other statement.

4.685: EXEMPTION OF EXPORT FUEL.

- A. The tax imposed by **Section 4.615** shall not be imposed on Motor Vehicle Fuel which is:
 - 1. Exported from the City by a Dealer; or
 - 2. Sold by a Dealer for export by the purchaser to an area or areas outside the City in containers other than the fuel tank of a Motor Vehicle, but every Dealer shall be required to report such exports and sales to the City in such detail as the City requires.
- B. In support of any exemption from taxes claimed under this section, every Dealer must execute and file with the Tax Administrator an export certificate [in such form as shall be prescribed, prepared and furnished by the Tax Administrator], containing a sworn statement, made by a Person having actual knowledge of such exportation, confirming that the Motor Vehicle Fuel has been exported from the City, and giving such details with reference to such shipment as the Tax Administrator may require. The Tax Administrator may demand of any Dealer such additional data as is deemed necessary in support of any such certificate and failure to supply such data will constitute a waiver of any rights to exemptions claimed by virtue of such certificate. The Tax Administrator may, in a case where the Tax Administrator believes no useful purpose would be served by filing of an export certificate, waive the filing of the certificate.
- C. Any Motor Vehicle Fuel carried from the City in the fuel tank of a Motor Vehicle shall not be considered as exported from the City and does not qualify for the exemptions herein.
- D. No Person shall, through false statement, trick, or otherwise, obtain Motor Vehicle Fuel for which the tax has not been paid for export and fail to export the same, or any portion thereof, or cause the Motor Vehicle Fuel or any portion thereof not to be exported. Nor shall any Person divert or cause to be diverted Motor Vehicle Fuel, for which the tax has not been paid, or any portion thereof to be used, distributed or sold in the City and fail to notify the Tax Administrator and the Dealer from whom the Motor Vehicle Fuel was originally purchased of such diversion.
- E. No Dealer or other Person shall conspire with any Person to withhold from export, or to divert from export or to return Motor Vehicle Fuel to the City for sale or use so as to avoid any of the taxes or fees imposed herein.

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- F. In support of any exemption from taxes on account of sales of Motor Vehicle Fuel for export by the purchaser, the Dealer shall retain in his/her files for at least three years an export certificate executed by the purchaser in such form and containing such information as is prescribed by the Tax Administrator. This certificate shall be prima facie evidence of the exportation of the Motor Vehicle Fuel to which it applies only if accepted by the Dealer in good faith.

4.690: SALES TO ARMED FORCES EXEMPTED. The tax imposed by **Section 4.615** shall not be imposed on any Motor Vehicle Fuel sold to the Armed Forces of the United States, including the United States Coast Guard and the Oregon National Guard, for use in ships, aircraft or for export from the City; but every Dealer shall be required to report such sales to the Tax Administrator in such detail as may be required. A certificate by an authorized officer of such Armed Forces shall be accepted by the Dealer as sufficient proof that the sale is for the purpose specified in the certificate.

4.695: FUEL IN VEHICLES COMING INTO CITY NOT TAXED. Any Person coming into the City in a Motor Vehicle may transport in the fuel tank of such vehicle, Motor Vehicle Fuel for his/her own use only and for the purpose of operating such Motor Vehicle without securing a license or paying the tax provided in herein or without complying with the provisions imposed upon Dealers herein; but if the Motor Vehicle Fuel so brought into the City is removed from the fuel tank of the vehicle or used for any purpose other than the propulsion of the vehicle, the Person so importing the fuel into the City shall be subject to all the provisions herein applying to Dealers.

4.705: REFUNDS.

- A. Refunds of tax on Motor Vehicle Fuel will be made pursuant to any applicable refund provisions of Chapter 319 of the Oregon Revised Statutes, including but not limited to ORS 319.280 and 319.831. **[Claim forms for refunds may be obtained from the Tax Administrator's office.]**
- B. A holder of a Weight Receipt which certifies to the City that the Motor Vehicle Fuel upon which the tax was imposed will be used only for fueling vehicles subject to the State of Oregon's weight-mile tax, may apply for a refund of 80 percent of the tax imposed by **Section 4.615** on Motor Vehicle Fuel purchased in bulk for Distribution at the Weight Receipt holder's facility located within the City.
- C. All claims for refund under subsection (B) of this section shall be filed within 15 months of the date that the fuel was purchased and may not be filed more frequently than quarterly. The minimum claim for refund filed under subsection (B) of this section shall be \$25.00.

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4.715: EXAMINATIONS AND INVESTIGATIONS. The Tax Administrator, or duly authorized agents, may make any examination of accounts, records, stocks, facilities and equipment of Dealers, Service Stations, storage facilities, and other Persons or facilities engaged in storing, selling or distributing Motor Vehicle Fuel or other petroleum product or products within this City; and make such other investigations as it considers necessary in carrying out the provisions of this Ordinance. If the examinations or investigations disclose that any reports of Dealers or other Persons filed with the Tax Administrator have shown incorrectly the amount of Motor Vehicle Fuel distributed or the tax accruing thereon, the Tax Administrator may make such changes in subsequent reports and payments due and owing, or may make refunds, as may be necessary to correct any errors discovered. The Dealer shall reimburse the City for the reasonable costs of the examination or investigation if the Tax Administrator finds that the Dealer paid 95 percent or less of the tax owing for the period of the examination or investigation. In the event that such examination or investigation determines that an additional payment is due, such additional payment shall be subject to interest at the rate of .0329 percent per day from the date the original tax payment was due.

4.720: OVERPAYMENT AND UNDERPAYMENT

- A. Overpayment. Except as otherwise provided in this Chapter, in order to receive a credit or refund from the City for an erroneous overpayment of tax, the Dealer must file a written claim for credit or refund within three years from the date on which the overpayment was made.
- B. Underpayment. City may require a Dealer to correct an underpayment of tax by providing the Dealer with written notice of such underpayment within three years from the date upon which the tax was due and owing. Such underpayment shall be subject to the penalties provided in **Section _____**. Notwithstanding the immediately preceding, the City may at any time require a Dealer who has filed a fraudulent report or has neglected to file a required report to correct for underpayment.

4.725: EXAMINING BOOKS AND ACCOUNTS OF CARRIER OF MOTOR VEHICLE FUEL. The Tax Administrator or duly authorized agents of the Tax Administrator may at any time during normal business hours examine the books and accounts of any carrier of Motor Vehicle Fuel or Dealer operating within the City for the purpose of enforcing the provisions of this Chapter.

4.730: RECORDS TO BE KEPT BY DEALERS. Every Dealer in Motor Vehicle Fuel shall keep a record in such form as may be prescribed by the Tax Administrator of all purchases, receipts, sales and Distribution of Motor Vehicle Fuel. The records shall include copies of all invoices or bills of all such sales and shall at all times during the business hours of the day be subject to inspection by the Tax Administrator or authorized officers or agents of the Tax Administrator.

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4.735: RECORDS TO BE KEPT THREE YEARS. Every Dealer shall maintain and keep, for a period of three years, all records of Motor Vehicle Fuel used, sold and distributed within the City by such Dealer, together with stock records, invoices, bills of lading and other pertinent papers as may be required by the Tax Administrator. In the event such records are not kept within the state of Oregon, the Dealer shall reimburse the Tax Administrator for all travel, lodging, and related expenses incurred by the Tax Administrator in examining such records. The amount of such expenses shall be assessed in addition to the tax imposed by **Section 4.715**.

4.740: USE OF TAX REVENUES

- A. For the purpose of this section, net revenue shall mean the revenue from the tax and penalties imposed under this Chapter remaining after providing for the cost of administration, enforcement, or any refunds and credits authorized herein.
- B. The net revenue shall be used only for the construction, reconstruction, improvement, repair, maintenance and operation of public Highways, roads and streets, and transportation infrastructure within the City.

Section 2. Severability

If any portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date

This ordinance shall take effect only if approved by a majority of the electors who voted on the measure at the November 6, 2018, election. In such an event, once the Council completes its canvass of the returns showing passage of the measure, this Ordinance shall take effect on **January 1, 2019**.

EXHIBIT B

FUEL TAX BALLOT TITLE

Caption *(10-word limit)*

Adoption of Tax on Motor Vehicle Fuel Dealers

Question *(20-word limit)*

Shall the City adopt an ordinance imposing a tax on motor vehicle fuel dealers to raise revenue for street repairs?

Summary *(175-word limit)*

This measure is a submission to the voters from the Gold Beach City Council. It proposes the adoption of an ordinance to impose a tax on motor vehicle fuel dealers. It provides for the administration, enforcement and collection of the tax.

The tax is imposed on dealers when they sell or distribute motor vehicle fuel within the City. Most commonly, the tax will be paid by gas stations for the sale of gasoline and diesel. The proposed ordinance creates a tax rate of one cent per gallon throughout the year and an additional three cents per gallon from May 1 through October 31.

The net revenue collected from the tax will only be used for the construction, reconstruction, improvement, repair, maintenance, and operation of streets and transportation infrastructure within the City of Gold Beach. This revenue will help the City reduce its backlog of street repairs and will also help the City maintain the City's street system. If approved by the voters, the ordinance would take effect January 1, 2019.

Notice of Measure Election

City

Notice		
Date of Notice	Name of City or Cities	Date of Election

Final Ballot Title The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure.

Question 20 words which plainly phrases the chief purpose of the measure.

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

Explanatory Statement 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:
 → any measure referred by the city governing body; **or**
 → any initiative or referendum, if required by local ordinance.

Explanatory Statement Attached? Yes No

Authorized City Official Not required to be notarized.

Name	Title
------	-------

Mailing Address	Contact Phone
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By signing this document:
 → I hereby state that I am authorized by the city to submit this Notice of Measure Election; **and**
 → I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Signature	Date Signed
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ORDINANCES & RESOLUTIONS

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. 10. a.
Council Meeting Date: March 12, 2018

REPRINT OF MARCH 2018 COUNCIL REPORT BELOW

STREET SURVEY RESULTS

SUMMARY AND BACKGROUND:

As reported in February the street funding survey went out in the January water bills and was also posted online. The results are tabulated listed below.

The written comments are divided into categories based on: A, B, Either, Neither, or General. After going through them all, it's obvious there is a lack of basic awareness of services, what monies can legally be used for what purposes, and jurisdictional responsibilities. There were some insightful and helpful responses, and there were some ignorant and rude responses. Overall it was an interesting exercise in the democratic process.

After the Council has had the opportunity to review and digest the survey and responses we can discuss what direction you would like to take.

Overall Results:

OPTION	#
A – Monthly fee collected on utility bill	30
B – Gas tax	153
Either/or Both	7
I don't care either way, BUT	3
Neither	4
TOTAL RESPONSES RECEIVED	197
<i>Total Responses received at City Hall</i>	123
<i>SurveyMonkey responses</i>	74

TABLE OF COMMENTS RECEIVED

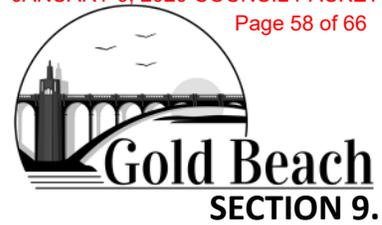
Please note—these are the transcribed actual comments from the sheets—no corrections have been made for grammar, readability, or spelling

OPTION A COMMENTS
My opinion is \$1 to \$5 dollar increase on the monthly water bill is really not much and probably



ORDINANCES & RESOLUTIONS

<p>would go unnoticed...and even though a 1 to 4 cent tax per gallon on our local gas doesn't sound like much then 1 is gonna hurt our local economy...just because our gas prices are already fairly high because were a rural area which in turn could hurt our tourist season if our gas prices are high...some grumpy dumb locals may not like when were flooded with tourists but it really does help our economy big time cause all the money that comes into our local business...and if its only gonna be a few bucks a month more to improve our roads that's a good thing. Raising gas prices is also gonna hurt local folks too (like mainly loggers and truck drivers) who already have very high fuel bills...</p>
<p>It seems many people-locals and tourists don't buy their gas in town</p>
<p>Unfair to non-residents</p>
<p>I lived up river for yrs. Moved to town 3 yr ago. I had water system 10,000 gal stored, filters, UV, pumps, so on. I gladly pay 5.00 xtra. Also the first responders are incredible, alarms going off 2am 3am 4am 7 days 24 hours living up river never knew!</p>
<p>I am out of state so gas taxes don't work I would vote for the increment on the water bill</p>
<p>Considering this option. Is there a time or monetary limit on this charge.</p>
<p>It seems like it would be most fair if both revenue sources were used, but perhaps the administrative expenses to collect the funds would be doubled (not good). I'd favor Option A, because we depend on no-local traffic for our businesses and infrastructure, so we don't want to be expensive for them. Hopefully the "Pavement Condition Survey" addressed cut and fill stability and drainage capacity and impervious surface effects on drainage – otherwise the plan may not address the causes of road failure!</p>
<p align="center">OPTION B COMMENTS</p>
<p>Gas tax. Tourism ☺</p>
<p>A tax on fuel is <u>more FAIR</u> to residents since it taxes those who "use up" the roads via vehicle use, which includes the vehicles that <u>just pass through</u> – which are often very big heavy vehicles such as commercial trucks and various large RVs. Property taxes in GB are already high (mostly to pay for schools), so I really object to shouldering the cost of repairs as a resident <u>when you offer</u> an option that distributes coast among actual <u>USERS</u> of roads via gas tax. Go with gas tax please. Maybe also <u>EXTRA TAX</u> on <u>diesel</u> fuel since most of the heavy vehicles (that inflict more damage) use this fuel type!</p>
<p>Since we are talking about Road Repairs. This should be part of a gas tax. Why should home owners be the only one to pick up the bill.</p>
<p>We believe this the best choice, taxing everyone that uses the roads</p>
<p>...more fairly places the burden on those who use/damage/ware-out the cities roads...</p>
<p>Capital improvement plan?? or repair & maintenance Cost of collection? What exactly are these capital improvements? They don't sound like repair and maintenance.</p>



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Perhaps the city's engineers are WRONG You all better look again for your money somewhere else than my shallow pocket!! ☹️ Option B so far my choice or is there an option C??
The price of gas fluctuates varies all year long so people won't notice any real increase in price, due to the tax. Also "B" would tap HIGHWAY 101 thru traffic and should be more efficient. PS The cost of street repairs would be shared by a much larger group of people
GAS TAX ONLY FAIR WAY EVERY BODY PAYS
I believe the gas tax would be the equitable
Feel Option B spreads the responsibility
I vote for Option B – which would also exact revenue from people who don't just live locally but utilize the local resources
Option A = home owners foot the bill for roads that are used by everyone. Therefore, I choose Option B = more fair
A gas tax may allow tourists to help pay for maintenance of the roads they use
I'd prefer Option B – because Option A would cost me more. I can always get my gas somewhere else!
<ul style="list-style-type: none">- Water bill already high enough compared to other localities, due to our sewer plant/water treatment upgrades!- Seems like might be reasonable to include our many out-of-town visitors in helping pay for this, as they use the roads off of 101 as well!
Best thing would be tax <u>ALL</u> who use the roads, including travelers. Thank you! 😊
With Option B there is a nexus between those who use the service (roads) and those who pay. Also, some of the money to be raised will come from tourists who also use the roads. Water fees should be used only for water system service & improvements.
If the Sheriff's Dept would leave the road funds alone, you might have what you need. How is that even fair?
WHAT DOES THE WATER UTILITY BILL HAVE TO DO WITH ROAD MAINTENANCE. GAS AND DIESEL IS RELATED TO ASPHALT WEAR AND TEAR. THOSE DRIVING ON ROADS SHOULD BE PAYING FOR REPAIRS.
WE LIKE OPTION B – per gallon tax on local gas sales. THANKS! GOD BLESS THE USA!
WHY WOULD WE NEED TO HAVE CHARGES ON OUR WATER BILL TO PAY FOR THE ROAD REPAIR? LET'S KEEP OUR WATER BILL FEES TO PAY FOR WATER RELATED ISSUES. I FAVOR OPTION B! GAS TAX ON AUTOMOBILE DRIVING TO PAY FOR ROAD REPAIR.
Better to get tourist to help pay. Visitors need to help.
A gas tax would include tourist who use the roads more than water use (which only happens if they rent a hotel room or house)
YEAH, OPTION B IS THE WAY TO GO. WHY NOT LET ALL OF OUR TOURIST FRIENDS HELP PAY? SEEMS FAIR
ROAD USE = VEHICLE/GAS



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<p>The sewer & water is comparatively high already in cost. When you add an additional amount it always starts low but is easily increased and that always happens. Local gas sales tax would have all drivers helping.</p>
<p>Take it out of the sewer budget</p>
<p>Utility revenue should be spent for utilities only</p>
<p>I would support Option "B". I believe it to be more equitable.</p>
<p>MAKE THE TOURIST PAY</p>
<p>Option B would be best. Gas is so outrageous here anyway what is another 4 cents</p>
<p>How LONG will this be on?</p>
<p>Gas goes in cars – Cars drive on Roads – Those of us with cars should pay for roads</p>
<p>We <u>strongly</u> believe a gas tax would be the best. Not only local people but, others passing through would enjoy the maintenance. Either North Bend or Coos Bay are doing this. You may see how it's working for them.</p>
<p>I WOULD EXCLUDE THE ETHANOL FREE GAS FROM THIS AS IT WOULD PUT UNDUE BURDEN ON THE LOCAL FISHING GUIDES WHO USE THIS GAS.</p>
<p>GAS TAX PLEASE – PEOPLE BUYING GAS ARE THE USERS OF THE ROAD – SEEMS FAIR USES SHOULD PAY FOR WHAT THEY USE! THANK YOU 😊</p>
<p>SEEMS LIKE THIS WOULD ALLOW OUR WONDERFULL TOURISTS TO MAK OUR ROADS BETTER FOR THEM!!</p>
<p>PLEASE PUT THE TAX ON GAS FOR THOSE ARE THE PEOPLES USING THE ROADS. AND IT WOULD HURT THE POOREST – THE LEAST. THANK YOU</p>
<p>Please add upper Turner St. from Coos Curry driveway north up to Betuch driveway on the west side. If I fall down on the holes?</p>
<p>It spreads the burden on all residents as well as the tourists. Plus, less fuel efficient vehicles are often heavier and put greater wear and tear on the road.</p>
<p>Gas tax seems to be working quite well for Brookings!!!</p>
<p>We have been thinking about the best revenue stream for the city for maintenance. The fuel tax makes the most sense as it will pick up a few dollars from the tourist trade. As a contractor we often buy our fuel bulk, Diesel and Gas. The airport, Jerry's Jets, forest service and others does the same. If a program is put together using fuel tax make sure that bulk fuel is put into the equation. Thank you for the survey.</p>
<p>Go with the GAS TAX, !!! THE GAS TAX, SIMPLE..</p>
<p>I really believe the gas tax option makes the most sense. It is directly related to street use and while I understand you can implement a street utility tax, I believe the gas tax has the most merit.</p>
<p>Everyone that uses the road pays for gas. If we did a monthly fee on our bill it would only affect some people.</p>
<p>Gas tax captures visitors as well.</p>



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<p>It would be difficult to see that extra \$5 on the water bill every month, tho it seems a more stable means of funding for the City. Well users would get off Scott free? Go with gas tax!</p>
<p>people that use our roads should pay for maintance</p>
<p>What does the "road repair tax" have to do with the water I drink? Why do those of us who don't drive, have to pay for fixing the roads for those of you who do?</p>
<p>The gas tax is fairer. Everyone who drives in Gold Beach should contribute, not just those who pay a water utility bill.</p>
<p>B would be partially funded by tourists who are using the road, makes sense. A - people know exactly how much they are paying. With B no one really realizes they are paying for it as they don't "see" it broken out on the receipt.</p>
<p>There is a long tradition of funding roads with tax revenue on fuel. It has at least an indirect connection between use of roads -> buying fuel -> and wear on roads. Plus, those just passing through who buy gasoline will subsidize the repairs.</p>
<p>EITHER A OR B, or a COMBO OF BOTH COMMENTS</p>
<p>I would like to see a combination of the 2 options eq. \$2.50/mo utility charge & \$0.25 cents/gallon. This spreads the costs out as much as possible</p>
<p>Either option – we need our city streets maintained & we are happy to pay!</p>
<p>I’M OK WITH EITHER WAY – WHATEVER WORKS BEST FOR MOST!</p>
<p>Both would be acceptable. “Option B” obviously utilizes tourist dollars as well but either option would be acceptable!</p>
<p>I would not object to either – or both!</p>
<p>I’d split it. Don’t know if this will affect us much in Wedderburn. Parts of the loop road down below by jetty are cracking on the Oceanside of the road. Will funds cover this? Also on the riverside going up Doyle Pt. Rd? Option A - #3/mo Option B - .025/gal</p>
<p>Good user tax. Why not do some of both options since they reach different people groups. We are praying for our infrastructure! Thank God for Will Newdall.</p>
<p>Perhaps the gas tax along with a small flat fee to improve the capital fund at a faster pace.</p>
<p>Tourists use our roads extensively. So, I think another option would be to combine the two options set forth. A very small portion of the funds should be raised in higher water fees. But most of the capital should come through a local gas tax. This would incorporate not only locals paying but tourists helping out with the roads we all use. I hope you consider this as a valid option. Thanks for listening.</p>
<p>NEITHER COMMENTS</p>
<p>We are not in your jurisdiction so want neither option!!</p>
<p>The water/sewer bills are very high as is – while I appreciate the city’s pie in the sky excessive plans for roads, as a taxpayer on a fixed income, I absolutely would <u>not</u> endorse any further</p>



ORDINANCES & RESOLUTIONS

increase to pay for anything more.
Don't care for either option. What was done previously and why is there a shortage now? This should go to a citizen vote.
FOR HOW LONG?
GENERAL COMMENTS
Whatever it takes. Would like to have the roads in better condition. Also, please install a street lamp at the intersection of the library drive, Grizzly Mtn Rd, Park Drive, 3 rd Street, and Park Place. It's a <u>5</u> drive intersection. It needs a street lamp.
I don't care how you fund it. Just fix it write an keep the runoff out of my yard and put a speed bump in the to slow the speeders on 11 th st.
Is getting grants an option?
As usual the City is expecting county residents to fund their needs. Public safety and medical care are already paid by residents outside of the city. How about a city liscensing or property fee for city residents?

~~END OF MARCH COUNCIL REPORT~~

FROM THE FEBRUARY 12, 2018 COUNCIL REPORT

The approved survey went out in the January water bills and the SurveyMonkey survey is live on our City webpage: goldbeachoregon.gov. As of Friday we have received a total of 159 responses either by returning the page or taking the survey online.

OPTION A: Fee on monthly utility bill - 29

OPTION B: Gas tax - 130

We have received 66 written comments; some have been thoughtful and engaging, others have been snarky and ignorant. Democracy in action!

We will close the survey at the end of the month and I will have the survey results tallied and the comments put into a digestible format for the March meeting.



**SECTION 3.
Special Orders of Business**

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. 3 c.
Council Meeting Date: December 10, 2018

TITLE: Mayor's Proclamation on Election Measure #8-94

SUMMARY AND BACKGROUND:

Pursuant to City Code Section 1.210(7)(a), the Mayor shall issue a proclamation recapitulating the vote on an election measure and declaring number of votes regarding the measure.

Measure #8-94, was a measure placed before the voters on the November 6th ballot regarding a local fuel tax to fund street maintenance within the City. The measure failed.

Attached is a copy of the official canvass of votes from the Curry County Clerk's office and the proclamation the Mayor will read. Pursuant to the City Code section cited above, the proclamation was published in the Saturday, December 8th edition of the Curry Coastal Pilot.



**MAYOR'S PROCLAMATION
ON BALLOT MEASURE 8-94**

WHEREAS, Resolution R1819-01: a resolution of the City of Gold Beach to submit to the voters of the City a measure concerning imposing a tax on motor vehicle fuel sales within the City was passed by the Council on July 9, 2018; and

WHEREAS, the proposed motor fuel tax was placed on the November 6, 2018 ballot as Measure 8-94; and

WHEREAS, Pursuant to City Code Section 1.210(7) (a) the Mayor shall issue a proclamation on the ballot measure results immediately following the election; and

WHEREAS, the November 6, 2018, election results for Measure 8-94 as certified to the City by the Curry County Elections Division were:

1026 total votes were cast regarding ballot measure 8-94
384 voters were in favor of the measure (YES votes)
642 voters were NOT in favor the measure (NO votes)

Based on the official canvass of votes provided by the Curry County Elections Division (attached to this proclamation), I Karl Popoff, Mayor of the City of Gold Beach proclaim the following:

The voters of the City of Gold Beach DID NOT APPROVE Ballot Measure 8-94: Imposing a tax on motor vehicle fuel sales on the November 6, 2018 General Election.

Ordinance No. 667 does not go into effect due to the voter rejection of Measure 8-94.

DATED this 10th day of December, 2018

Karl Popoff, Mayor

Publish: December 8, 2018 newspaper edition



Reneé Kolen
Curry County Clerk

Recording Division
Elections Division

29821 Ellensburg Avenue, 2nd Floor Courthouse
Mail To: 94235 Moore Street, Suite 212
Gold Beach, OR 97444
(541) 247-3295
(800) 243-7620
(541)-247-9361 Fax
www.co.curry.or.us/Clerk

Date: November 26, 2018
To: City Election Authority
From: Shelley Denney, Supervisor of Elections
Subject: Election Abstract

Per ORS 254.545(3) enclosed is the Election Abstract for the November 8, 2016 General Election.

Should you have any questions please feel free to contact our office.

Sincerely,

A handwritten signature in blue ink that reads "Shelley Denney".

Shelley Denney, C.R.A., C.E.A.
Chief Deputy County Clerk

**City of Gold Beach — Official
Curry County, Oregon — General Election — November 06, 2018**

Total Number of Voters : 11,727 of 17,016 = 68.92%
Number of District Voters: 1,053 of 1,575 = 66.86%

Precincts Reporting 27 of 27 = 100.00%
District Precincts Reporting 2 of 2 = 100.00%

Party	Candidate	Absentee/NA	Ballots Cast	Total
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City of Gold Beach, Council, Position 1, Vote For 1

II	Deborah Lewis	0 0.00%	126 15.22%	126 15.22%
II	Bernice Torrez	0 0.00%	210 25.36%	210 25.36%
II	Summer Matteson	0 0.00%	482 58.21%	482 58.21%
	Write-Ins	0 0.00%	10 1.21%	10 1.21%
Cast Votes:		0 0.00%	828 78.63%	828 78.63%
Over Votes:		0 0.00%	0 0.00%	0 0.00%
Under Votes:		0 0.00%	225 21.37%	225 21.37%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
2	2	100.00%	1,053	1,575	66.86%

City of Gold Beach, Council, Position 3, Vote For 1

II	Anthony Pagano	0 0.00%	441 52.25%	441 52.25%
II	Becky Campbell	0 0.00%	397 47.04%	397 47.04%
	Write-Ins	0 0.00%	6 0.71%	6 0.71%
Cast Votes:		0 0.00%	844 80.15%	844 80.15%
Over Votes:		0 0.00%	0 0.00%	0 0.00%
Under Votes:		0 0.00%	209 19.85%	209 19.85%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
2	2	100.00%	1,053	1,575	66.86%

City of Gold Beach, Council, Position 5, Vote For 1

II	Amy Gaddis-Parker	0 0.00%	398 44.92%	398 44.92%
II	Tamie Kaufman	0 0.00%	478 53.95%	478 53.95%
	Write-Ins	0 0.00%	10 1.13%	10 1.13%
Cast Votes:		0 0.00%	886 84.14%	886 84.14%
Over Votes:		0 0.00%	0 0.00%	0 0.00%
Under Votes:		0 0.00%	167 15.86%	167 15.86%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
2	2	100.00%	1,053	1,575	66.86%

**City of Gold Beach — Official
Curry County, Oregon — General Election — November 06, 2018**

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District Precincts Reporting 2 of 2 = 100.00%

Party	Candidate	Absentee\NA	Ballots Cast	Total
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City of Gold Beach Measure 8-94 Adoption of Tax on Motor Vehicle Fuel Dealers., Vote For 1

II	YES	0 0.00%	384 37.43%	384 37.43%
II	NO	0 0.00%	642 62.57%	642 62.57%
Cast Votes:		0 0.00%	1,026 97.44%	1,026 97.44%
Over Votes:		0 0.00%	0 0.00%	0 0.00%
Under Votes:		0 0.00%	27 2.56%	27 2.56%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
2	2	100.00%	1,053	1,575	66.86%

I certify the votes recorded on this abstract correctly summarize the tally of votes cast for the

November 6, 2018 Election.

Shelley Denney
Renee Kelen, Curry County Clerk

By: Shelley Denney,
Chief Deputy County Clerk

Dated this 26th day of November 2018