



CITY COUNCIL AGENDA

July 9, 2018, 6:30PM

Regular Meeting

CITY COUNCIL CHAMBERS, CITY HALL

29592 ELLENSBURG AVE

GOLD BEACH OR 97444

Call to order: Time: _____

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

	Present	Absent
Mayor Karl Popoff		
Council Position #1 Melinda McVey		
Council Position #2 Larry Brennan		
Council Position #3 Becky Campbell		
Council Position #4 Doug Brand STARTING VOTE		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison		

3. **Special Orders of Business:**
None Scheduled

4. **Consent Calendar:**
 - a. City Administrator contract

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

6. **Public Hearing**
None Scheduled

7. **Citizen Requested Agenda Items**
 - a. Deborah Lewis – address Council about possible Zoning Code amendment

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

9. **Ordinances & Resolutions**
 - a. Resolution R1819-01 Referring fuel tax measure to voters and calling for an election

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

- 10. Miscellaneous Items (including policy discussions and determinations)**
 - a. Monthly Update of City Strategic Plan Goals – work that has been planned or accomplished towards Goal #6 – Influence Economic Growth
 - b. Councilor Campbell request to schedule workshop with Fair Board
 - c. Councilor Kaufman request regarding Pocket Park (Moore and Ellensburg)
 - d. LOC request Legislative Priorities

- 11. City Administrator’s Report**
To be presented at the meeting

- 12. Mayor and Council Member Comments**
 - a. Mayor Karl Popoff
 - b. Councilors
 - 1) Melinda McVey
 - 2) Larry Brennan
 - 3) Becky Campbell
 - 4) Doug Brand
 - 5) Tamie Kaufman
 - c. Student Liaison:

- 13. Citizens Comments**
As permitted by the Mayor

- 14. Executive Session**
None Scheduled

The next regularly scheduled City Council meeting is **Monday, August 13th at 6:30PM** in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

- 15. Adjourn Time: _____**

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CONSENT CALENDAR

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. 4. a.
Council Meeting Date: July 9, 2018

TITLE: Consent Calendar – City Administrator Contract

SUMMARY AND BACKGROUND:

For several months the Council has been working with legal counsel on the CA contract renewal. The Mayor appointed Councilor Brand to work with the attorney on changes requested by the Council. One final review occurred last week with the attorney and she incorporated those changes into this final document for adoption.

City of Gold Beach 2018 Employment Agreement
CITY ADMINISTRATOR

BETWEEN: City of Gold Beach,
a municipal corporation (City),

AND: Jodi Fritts (City Administrator),

DATE: _____, 2018

AGREEMENT HISTORY

- A. On October 10, 2011, the City Council of the City of Gold Beach by motion authorized the Mayor of the City of Gold Beach to enter into an employment agreement with Jodi Fritts to act as City Administrator for the City of Gold Beach.
- B. On October 11, 2011, Mayor James Wernicke and Jodi Fritts executed an employment agreement (Fritts City Administrator Agreement) naming Jodi Fritts as City Administrator for the City of Gold Beach. The Term of the Fritts City Administrator Agreement expired on June 30, 2013. On November 12, 2012, the Gold Beach City Council voted to extend the term of the Fritts City Administrator Agreement until June 30, 2017. That extension has since expired.
- C. This 2018 Employment Agreement replaces, nullifies and supersedes all previous Employment Agreements and amendments or extensions.
- D. The City’s personnel policies and other policies and practices apply to the City Administrator unless she is expressly exempted from such policies within this Agreement.

SECTION 1: PARTIES

THIS AGREEMENT is made and entered into this day by and between the City of Gold Beach, Curry County, state of Oregon, a municipal corporation, hereinafter referred to as “City” by and through its City Council, and Jodi Fritts, hereinafter referred to as “City Administrator”, both of whom agree and understand as follows:

SECTION 2: RECITALS

WHEREAS, City desires to employ Jodi Fritts as the City Administrator for the City of Gold Beach as provided by the City Charter for the City of Gold Beach; and

WHEREAS, it is the desire of City to provide certain benefits, establish certain conditions of employment, and to set working conditions for the City Administrator; and

WHEREAS, it is the desire of City to:

1. Retain the services of City Administrator and to provide inducement for City Administrator to remain in such employment;
2. Make possible full work productivity by assuring City Administrator morale and peace of mind with respect to future security;
3. Deter malfeasance and dishonest conduct for personal gain on the part of City Administrator;
4. Provide a just means for terminating City Administrator services at such time as she may be unable to discharge her duties or when City may desire to terminate City Administrator's employment; and

WHEREAS, Jodi Fritts desires to accept employment with the City of Gold Beach, Curry County, state of Oregon, as the City Administrator under the terms and conditions specified in this Agreement.

NOW, THEREFORE, in consideration of the recitals contained above and the mutual covenants contained herein, City and City Administrator agree as follows:

SECTION 3: DUTIES

City hereby agrees to employ Jodi Fritts as City Administrator of the City of Gold Beach, Curry County, Oregon, to perform the functions and duties specified in the attached job description (which by this reference is incorporated herein), Charter, ordinances, policies, and resolutions of the City of Gold Beach, and as required by state and federal law, as well as to perform other legally permissible and proper duties and functions as City shall, from time to time, assign. City Administrator may not assign or transfer to any other person, firm, or corporation, any of her obligations under this Agreement without the prior written consent of a majority of the Gold Beach City Council. However, City Administrator may delegate some of her duties to subordinate staff or to hired contractors or agents as allowed by the Charter, ordinances, resolutions, by her job description, or by state or federal law.

SECTION 4: TERM

- A. The term of this Agreement shall begin on July 1, 2018 (Commencement Date) and shall expire on June 30, 2023, unless otherwise renewed or terminated as provided herein.
- B. Except as provided in Section 4 C., the parties agree to review the terms of this Agreement and to commence negotiations of the terms of renewal of this

Agreement at least 120 days prior to the Expiration Date. If the parties cannot agree to renewal terms and this Agreement expires, or if this Agreement otherwise expires by its terms, the provisions of Section 5 A. will not apply to the expiration of this Agreement.

- C. If either party gives notice to the other party at least 180 days prior to the Expiration Date that the party giving notice will not agree to renew this Agreement, the parties will not be required to negotiate renewal terms as provided in Section 4 B and the provisions of Section 5 A will not apply to the expiration of this Agreement.
- D. Nothing in this Agreement or in City policies shall prevent, limit, or otherwise interfere with the right of the City Council to terminate the services of City Administrator at any time, subject only to the provisions set forth in Section 5 of this Agreement.
- E. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of City Administrator to resign at any time from City Administrator's position with City, subject only to the provisions set forth in Section 5 of this Agreement.

SECTION 5: DISCIPLINE AND TERMINATION

A. TERMINATION WITHOUT CAUSE BY CITY

The City Council may terminate this Agreement "without cause" and may terminate the City Administrator's employment with the City, at any time and at the sole discretion of the City Council. In such event, City shall enter into a severance agreement with City Administrator and shall agree to pay a severance payment to City Administrator (in addition to any wages and benefits owed as of the date of termination) in a lump sum cash equivalent of three (3) months of City Administrator's gross monthly salary less all amounts required by law to be withheld and deducted. As additional severance payment, City shall also pay the cost to continue all health insurance coverage and benefits provided to City Administrator under this Agreement for three (3) months following such "without cause" termination pursuant to this Section 5 A. City Administrator acknowledges that this contract provision cannot be changed or modified by any statement or policy of City which may indicate that City Administrator may not, at any time, be dismissed without cause, or that City Administrator is other than an "at will" employee. Acceptance of the severance payment by City Administrator shall constitute a waiver and release of all claims by City Administrator and any persons legally entitled to assert claims as a result of City Administrator's dismissal against the City, its mayor, council, employees, volunteers, agents or representatives, whether such claims are known or unknown to City Administrator at the time such severance pay is accepted. City and City Administrator shall negotiate and enter into a severance agreement prior to payment of the severance payment.

B. TERMINATION BY CITY ADMINISTRATOR

City Administrator may terminate this Agreement upon 45 days written notice to

City. In such event, City Administrator shall continue to render services and shall be paid her regular compensation up to the date of termination. If City Administrator terminates this Agreement as provided in this Section 5 B., City Administrator shall not be entitled to any severance payment or severance benefits listed in Section 5 A.

C. DISCIPLINARY ACTION OR TERMINATION FOR CAUSE

The disciplinary process and performance review process in the City's personnel policies do not apply to the City Administrator. This Employment Agreement provides the sole process for disciplining or terminating the City Administrator.

City may terminate City Administrator for cause at any time. Grounds for such termination "for cause" are:

- (1) Intentional or repeated violation(s) of the Charter, ordinances, policies, or resolutions of the City of Gold Beach, the Council's legal directives, or state or federal law.
- (2) Incompetence; dishonesty; intemperance; or use of controlled substances which negatively affects job performance; public misconduct which reflects poorly on the City; or discourteous treatment of the public or fellow employees.
- (3) Any other willful failure of good conduct tending to injure the public service.
- (4) Neglect of duty or excessive and unapproved absence(s).
- (5) Illegal action involving personal gain.

Before disciplining the City Administrator, City Council shall notify City Administrator as provided in Section 19 of this Agreement of any allegations against her and any possible discipline being considered by the City Council. City Administrator shall also be advised of the date and time when the City Council will consider allegations and possible discipline. She will be afforded an opportunity to refute the allegations, either orally or in writing, before the City Council and to have representation of her choice at the hearing. Discipline available to the City Council other than termination include oral or written reprimand, and suspension with pay.

If the City Council terminates City Administrator for cause in accordance with this Section 5 C., City Administrator shall not be entitled to any of the severance payments listed in Section 5 A.

- D. In the event the City at any time during the term of this Agreement reduces the benefits of the City Administrator by a greater percentage than that applicable to an across-the-board reduction for all non-union, supervisory City employees, or the City Administrator resigns following a formal request by a majority of the Council at a public meeting that she resign, City Administrator will be deemed to be "terminated" at the date of such reduction or such resignation and will be entitled to the benefits listed in Section 5 A.

SECTION 6: SALARY

City hereby agrees to pay City Administrator an annual salary of Seventy Thousand Seven Hundred and Twenty Dollars (\$70,720) for services rendered effective January 1, 2018, which shall be payable in installments at the same time and in the same manner as other employees of City are paid.

City may increase City Administrator's annual salary and/or other benefits of City Administrator in such amounts and to such extent as the City Council may determine is desirable on the basis of an annual salary review of City Administrator made at the same time as similar consideration is given to other administrative City employees generally. Notwithstanding the immediately preceding, if City Administrator receives a neutral or a positive performance evaluation pursuant to Section 7 below, her salary shall be increased as follows:

- For the second fiscal year of this contract (July 1, 2018 - June 30, 2019), by four percent (4%) of the salary listed in this Section 6 above.
- For the third, fourth, and fifth fiscal years of this contract (respectively: July 1, 2019 - June 30, 2020; July 1, 2020 - June 30, 2021; and July 1, 2021 - June 30, 2022), by three percent (3%) of her then-current annual salary.
- Any extension or renewal of this Agreement must be signed and shall provide for annual salary increase of at least two percent (2%) of the City Administrator's then-current annual salary. Such increase shall be provided under the same terms and conditions as specified in this Section 6.

SECTION 7: PERFORMANCE EVALUATION

- A. City Council shall formally review and evaluate the performance of City Administrator annually. The performance review and evaluation shall be in accordance with an evaluation form adopted by the City Council in consultation with the City Administrator. The City Council may update the evaluation form and revise criteria from time to time in consultation with the City Administrator.
- B. Nothing in this provision prohibits the City Council from performing informal reviews and/or additional evaluations of City Administrator at any time the City Council deems appropriate.

SECTION 8: EXTENT OF SERVICES

City Administrator shall devote her entire time, attention and energies to the City's business and to performing her duties as City Administrator. As City Administrator, she is the Chief Executive Officer of the City and shall operate in accordance with the Gold Beach City Charter, ordinances and resolutions. During the term of this Agreement, City Administrator shall not engage in any business activities that interfere with her duties as City Administrator except as approved in writing by the City Council. The City Administrator is an FLSA-exempt employee and will generally work in excess of 40 hours

a week. She may regulate and flex her own hours in accordance with instructions of the City Council in fulfillment of her duties.

SECTION 9: VACATION AND SICK LEAVE

City Administrator shall accrue vacation and sick leave at the rate provided for employees of the City with 10 or more years of service to the City, and shall continue to accrue vacation and sick leave as provided in the City of Gold Beach Policy Manual. All limits and policies of City that affect other City employees' use of vacation and sick leave shall apply to City Administrator.

SECTION 10: AUTOMOBILE

City Administrator shall be reimbursed for the business use of her personal vehicle in accordance with City reimbursement policies and at the rate for employee travel reimbursement described in the City of Gold Beach Policy Manual.

SECTION 11: INSURANCE

City agrees to pay for and maintain City Administrator's and City Administrator's qualified dependents' health, dental, and vision insurance at the same coverage levels and premium contribution percentages as the City provides to other City non-union, administrative employees and as further specified by City Policy 214 as it currently exists or as it may be amended from time to time. Other insurances, such as unemployment insurance and workers compensation insurance or long term disability insurance will be provided as required under the law or per City policy.

SECTION 12: RETIREMENT

City agrees to pay the Public Employee Retirement System (PERS) retirement premium contributions for City Administrator, including both City's and City Administrator's contributions, at the same rate as that provided to all non-union, administrative employees of City.

SECTION 13: DUES, SUBSCRIPTIONS AND DISCLOSURES

- A. City hereby agrees to pay the travel and related expenses of City Administrator adequate to continue the professional development of City Administrator and to pursue reasonably necessary official and other functions of City, including, but not limited to: dues for membership in the League of Oregon Cities; the Oregon City/County Management Association; the International City/County Management Association; and other state and local government groups and committees thereof. All such memberships and activities shall be included for review as part of the City's budget process. Expenses for out-of-state travel greater than 150 miles must be pre-approved by the City Council or City Council designee. City Administrator will inform the Council before attending functions in her official capacity outside of Curry County.

- B. City Administrator shall not participate on any Board of Directors of any professional, charitable or business organization, or committee thereof, without the express consent of the City Council. Subject to the restrictions of Section 13 C., the City Administrator may accept general membership in professional, charitable and business organizations without the prior consent of the City Council.

- C. City Administrator is required to disclose to the City Council, in accordance with Chapter 244 of the Oregon Revised Statutes and any administrative rules adopted thereunder, any outside activities or interests that conflict, or may conflict, with the best interests of the City. Prompt disclosure is required if the activity or interest is related, directly or indirectly, to an activity or issue that City Administrator may be involved with on behalf of City.

SECTION 14: GENERAL EXPENSES

City recognizes that certain expenses related to City Administrator’s professional duties will be incurred by City Administrator, and hereby agrees to reimburse said expenses, upon receipt of duly executed expense or petty cash vouchers, receipts, statements, or personal affidavits, and in compliance with policies of City.

SECTION 15: BONDING

City shall pay for the full cost of any fidelity or other bonds required of City Administrator under any law or ordinance.

SECTION 16: INDEMNIFICATION

City agrees to defend, hold harmless and indemnify City Administrator from any and all demands, claims, suits, actions or legal proceedings brought against City Administrator while she was acting within her proper scope of authority and in her official capacity as an agent and employee of City. This indemnification provision is subject at all times to the tort claim limitations in the Oregon Tort Claims Act and the Oregon Constitution.

SECTION 17: OTHER TERMS AND CONDITIONS OF EMPLOYMENT

The City Council, in consultation with City Administrator, may fix any other terms and conditions of employment relating to the performance of City Administrator as it may determine from time to time to be desirable or necessary, provided such terms and conditions are not inconsistent with, or in conflict with, the provisions of this Agreement, the Gold Beach City Charter, City ordinances, City resolutions, federal or state law.

SECTION 18: CONFIDENTIALITY

- A. City Administrator recognizes that City has and will have future plans, business affairs, employment, legal, and litigation matters, and other proprietary information that constitutes valuable, special and unique assets of City

SECTION 20: GENERAL PROVISIONS

- A. In affecting the provisions of this Agreement, City and City Administrator mutually agree to abide by the provisions of the Gold Beach City Charter, and applicable City ordinances, City resolutions, and federal and state laws.
- B. The text herein shall constitute the entire Agreement between the parties and shall replace and supersede all previous written or oral agreements.
- C. If any provision or any portion thereof, contained in the Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.
- D. Upon termination of this Agreement, City Administrator shall promptly deliver to City all records, notes, data, memoranda, passcodes, documents, models, and equipment of any nature that are in City Administrator's possession or under her control and that are City's property or relate to City's business.
- E. This Agreement may only be modified or amended if the amendment is made in writing and is signed by both parties.
- F. The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.
- G. The laws of the state of Oregon shall govern this Agreement.
- H. Representation. At all times, City has been represented by attorney Christy Monson of the firm of Speer Hoyt LLC. City Administrator acknowledges that City Administrator, at all times, had the right to and the availability of independent counsel of City Administrator's choosing in regard to this Agreement, whether or not City Administrator chose to exercise that right.
- I. Headings are used solely for convenience and are not to be used in construing or interpreting the Agreement.

IN WITNESS WHEREOF, the City of Gold Beach and the Gold Beach City Council have caused this Agreement to be signed and executed by the Mayor and duly attested by the City Recorder of the City of Gold Beach, and City Administrator has signed and executed the Agreement, both in duplicate.

Dated this _____ as authorized by motion of the City Council of Gold Beach on _____.

CITY OF GOLD BEACH

CITY ADMINISTRATOR

Karl Popoff, Mayor

Jodi Fritts

Date: _____

Date: _____

ATTEST:

, City Recorder

CITY ADMINISTRATOR POSITION DESCRIPTION



Pursuant to the City Charter, the City Administrator is the administrative head of the City. The City Administrator is appointed by the Mayor with majority approval of the Council. The Council fixes the City Administrator compensation and conditions of employment and defines the duties by ordinance (*the most current Ordinance No. 657 attached as an exhibit to this position description*).

The City Administrator supervises the operation of all City departments to ensure the most effective and efficient use of City finances, personnel, and other resources. The City Administrator serves as the Administrative Services Director, City Recorder, Finance Officer, Emergency & Risk Manager, and Planning Director.

ESSENTIAL DUTIES & RESPONSIBILITIES

The duties listed here are intended as illustrative examples of the various types of work that may be performed by the City Administrator. These examples do not include all specific essential functions and responsibilities that may be performed.

- Attend all meetings of the City Council unless excused by the Council or Mayor. Provide professional advice and specialized administrative support to the Council and Mayor. Keep the Council advised of the affairs and needs of the City. Make reports monthly to the Council regarding the affairs and departments of the City.
- Shall develop and organize, when necessary, improvement projects and programs to further the mission of the City. Aid and assist the Council and City departments in carrying through to conclusion.
- Honorably represent the City by responding to the public, citizens, employees, and other governmental agencies in a professional and courteous manner. Make informational and other presentations to the Council, boards, commissions, civic groups and the general public; accurately communicate adopted plans, policies, and procedures to staff, media, and the public.
- Demonstrate personal, professional and organization integrity in all activities. Shall endeavor at all times to exercise the highest degree of tact, patience, and professional courtesy in contacts with the Mayor and City Council, City personnel, and the public.
- Enforce, or cause to be enforced, all City codes and ordinances. Make suggestions to the Council regarding needed revisions to the codes and ordinances in order to maintain compliance with state and federal regulations and increase department efficiencies.
- Maintain professional networks and attend local and regional training sessions and conferences as necessary to maintain and advance thorough knowledge of issues and practices affecting local government.
- As Personnel Director: Hire, control the work of, and discipline—including discharge, of all City employees. In role as Personnel Director, shall make studies and surveys of the duties, responsibilities and work of City personnel both employed and appointed.

- As Budget Officer: Shall prepare annual budget for presentation to the Council and Budget Committee and perform other statutory budget preparation and adoption duties.
- As Finance Director: Contracting authority and purchasing agent, supervise expenditures of all departments, divisions or services of the City. Analyze and supervise the functions, duties and activities of the various departments, boards and services of the City, and make recommendations to the Council regarding measures that may increase the efficiency of the operation of the City.
- As Administrative Service Director: Department head and direct supervisor of Administration & Finance Department and staff. City Recorder and custodian of all City records.
- As Planning Director: Administer and implement the City's day-to-day and long-range planning program.
- As Risk Manager: Ensure implementation and monitoring of enterprise risk management functions for property and personnel to minimize and reduce City liabilities.
- As Emergency Manager: Plan and direct disaster response or crisis management activities, provide disaster preparedness training, and prepare emergency plans and procedures for natural and other disasters.

EXPERIENCE & EDUCATION

Bachelor's degree in a related field OR minimum of four years of city, county, or other governmental work experience. A minimum of two years of governmental supervisory management experience.

SKILLS & ABILITIES

- Ability to effectively communicate and serve as a strong partner with the City Council and Mayor; provide effective leadership and coordinate the activities of the municipal organization and serve effectively as the administrative agent of the Council.
- Establish and maintain effective working relationships with employees, City officials, the public and citizens, and other governmental partners and agencies.
- Extensive knowledge of modern policies and practices of local government administration.
- Thorough knowledge of: municipal finance, human resources, public works, public safety (law enforcement, emergency management, and fire), information technology, parks and recreation, community development and planning, principles of effective communications and relations, inter-and-intra governmental relationships and community groups and agencies.
- Interpret and apply federal, state, and City policies, procedures, laws and regulations.
- Advanced written and oral communication skills; advanced analytical and data management skills; strong presentation and speaking skills.

SUPERVISORY DUTIES

The City Administrator supervises all City departments/operations either directly or through

subordinate department heads. The Administration & Finance staff report directly to the City Administrator.

SUPERVISION RECEIVED

The City Administrator works under general supervision of the City Council with significant latitude to complete assignments and program responsibilities independently.

PHYSICAL DEMANDS OF THIS POSITION

Work duties will be performed in an office environment under usual office working conditions. The noise level in the work area is typical of most office environments. Work is also performed in numerous meeting settings in offices, conference rooms and public spaces.

Occasional field visits/inspections are required as it relates to planning, code enforcement, City owned utilities, or other City related projects. During emergency events conditions may be hazardous.

Travel is a regular part of this classification, including local and regional meetings, training sessions, and conferences.

PHYSICAL REQUIREMENTS

Check if required for essential job function	ACTIVITY	Continuously 67-100%	Frequently 34-66%	Occasionally 0-33%
<input checked="" type="checkbox"/>	Standing		<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Sitting – ½ hour or more	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/>	Moving about work area		<input checked="" type="checkbox"/>	
	Bending			<input checked="" type="checkbox"/>
	Stoop Position 1 minute plus			<input checked="" type="checkbox"/>
	Climbing stairs			rarely
	Crawling – hands/knees			rarely
	Reaching overhead			<input checked="" type="checkbox"/>
	Lifting up to 20 lbs.			<input checked="" type="checkbox"/>
	Lifting overhead			<input checked="" type="checkbox"/>

	Moving/carrying items			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Dexterity/coordination	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/>	Keyboard operation	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/>	Rapid mental/hand/eye coordination	<input checked="" type="checkbox"/>		
	Operation of motor vehicle		<input checked="" type="checkbox"/>	

PURSUANT TO CHAPTER VI Section 23, the City Council shall define the duties of the city administrator by ordinance. The most current City Administration Code (*adopted as Ordinance No. 642 and revised in No. 657*), defines the City Administrator duties in Section 1.110(2). This Position Description will be revised to reflect any future changes of the Administration Code.

Section 1.110 (2) Duties, Powers and Authority of the City Administrator.

(a) City Administrator shall devote his/her entire time to the discharge of his/her official duties as outlined hereunder, and shall attend all meetings of the City Council, unless excused therefrom, by the Council or the Mayor. He/she shall keep the City Council advised, at all times, of the affairs and needs of the city and make reports annually, or more frequently if requested by the Council, on all the affairs and departments of the city.

(b) City Administrator shall be the chief administrative officer and head of the administrative branch of the city and shall have the right to hire, discharge and discipline all city employees and control their work. This power shall include the power to transfer an employee from one department to another. City Administrator shall supervise the departments to the end of attaining the utmost efficiency in each of them. City Administrator shall also have the power to contract for necessary services. City Administrator shall have no power to appoint or remove the Municipal Judge, or other officers appointed pursuant to Chapter III, Section 10, of the Gold Beach Charter of 1986, as such appointment and removal power is within the hands of the Mayor and City Council pursuant to the Charter. City Administrator shall have the right to control the work of such city-appointed officers.

(c) City Administrator shall enforce all codes and ordinances of the city, including the provisions of all franchises, leases, contracts, permits and privileges granted by, or running to the city.

(d) City Administrator shall act as purchasing agent for all departments of the city and all purchases shall be requisitioned and signed by him/her or his/her designee.

(e) City Administrator shall supervise the operation of all departments and public utilities owned and operated by the city and shall have supervision powers over all city real or personal property. Prior to acquisition, disposal, or substantial improvements to real property owned by the City, the City Administrator shall consult with the City Council before taking action to acquire, dispose, or improve such real property.

(f) City Administrator or his/her designee shall act as budget officer and prepare an annual budget for presentation to the City Budget Committee and City Council.

(g) City Administrator shall supervise the expenditures of all departments, divisions or services of the city and analyze and supervise the functions, duties and activities of the various departments, boards and services of the city, and all employees thereof, and make such recommendations to the Mayor and the City Council with reference thereto, which in his/her judgment, will result, if adopted, in greater efficiency of the overall operation of the City of Gold Beach's government.

(h) City Administrator shall develop and organize, when necessary, improvement projects and programs, and aid and assist the Mayor and City Council in the various departments and boards in carrying through to a successful conclusion.

(i) City Administrator will make and keep an inventory of all personal and real property owned by the city and advise the Mayor and Council of the purchase of new machinery, equipment or supplies, which in his/her judgment the same can be obtained under the terms and conditions which are most advantageous to the city.

(j) City Administrator shall make, or cause to be made, studies and surveys of the duties, responsibilities and work of the personnel appointed or employed by the city. The City Administrator shall inform and update the Mayor and City Council in regards to his/her decisions on abolition, consolidation, transfer, removal of positions or personnel, or any other administrative decisions made by the Administrator which in his/her judgment will increase administrative efficiency. Such information reports to the Council may be made orally or in writing at the discretion of the City Administrator.

(k) City Administrator shall perform such other duties as may be required of him/her by the Mayor and City Council, not inconsistent with the laws of the State of Oregon, and the provisions of the Charter and Codes and Ordinances of the City of Gold Beach.

(l) The City Administrator shall endeavor at all times to exercise the highest degree of tact, patience and professional courtesy in his/her contacts with the public and personnel employed by the city, to the end that the highest possible standards of public service shall be maintained.



CITIZEN REQUESTED AGENDA ITEMS



SECTION 7.

CITY REQUESTED AGENDA ITEMS

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. 7. a.
Council Meeting Date: July 9, 2018

**TITLE: Request to Address Council regarding Recreational
Vehicle Use**

SUMMARY AND BACKGROUND:

Deborah Lewis would like to address the council regarding RV use for additional dwelling units within the City. Unfortunately, in preparing the Council packet I somehow managed to mislay her very nice narrative of what she would like to propose. I will try to summarize and she can flesh in the details at the meeting.

Ms. Lewis has a carport area where she stores her RV while not in use. Because our housing shortage is at critical mass she has had offers to rent her RV as a dwelling unit. I'm quite certain she is not the only one in town. The zoning code prohibits long-term habitation of an RV. This prohibition is based on the state building code regulations regarding recreational vehicles.

I agree we have a critical housing shortage and we need to think creatively about how to address and solve the issue. This could be one avenue, under the right circumstances. If the Council wants to entertain the idea I can check with state building codes about state prohibitions, if any.

State Building Codes regarding RVs

Recreational Vehicle Program

Adopted codes online

The division adopts, amends, and interprets the safety and construction standards for recreational vehicles. These standards apply to the design and manufacture of recreational vehicles rented, leased, or sold, or offered for rent, lease, or sale in Oregon.

CODE PROGRAMS

- Code program contacts
- Statewide alternate methods
- Statewide code interpretations
- Appeals
- Codebook history
- Codebook vendors

Code adoption and review

Adopted codes and standards

2017 Oregon Recreational Vehicle Safety and Construction Standards Effective Jan. 19, 2017

This code consists of the following:

- 2015 NFPA 1192, Standard on Recreational Vehicles
- 2014 NFPA 70, National Electrical Code
- 2014 ANSI/RVIA Standard for Low Voltage Systems in Conversions and RVs

Services

- Recreational vehicle services

Contact a Code specialist

Program activities

- Residential and Manufactured Structures Board
- Code adoption and review committees
- Proposed rulemaking hearings

Recreational Vehicle definition from NFPA 1192 Standard on Recreational Vehicles

GENERAL REQUIREMENTS 1192-9

3.3.47.2 Tank. A container constructed in accordance with the Section VIII, "Rules for the Construction of Unfired Pressure Vessels" of the ASME *Boiler and Pressure Vessel Code*.

3.3.48 Propane Supply Connection. The terminal end or connection where a propane supply connector is attached to the propane supply source.

3.3.49 Propane Supply Connector. Tubing or pipe connecting the recreational vehicle to the propane supply source.

3.3.50* Protruding Component. Movable component that can protrude beyond the periphery or extend below a recreational vehicle.

3.3.51 Readily Accessible. For recreational vehicles, able to be located, reached, serviced, or removed without removing other components or parts of the apparatus and without the need to use special tools to open enclosures.

3.3.52* Recreational Vehicle (RV). A vehicle or slide-in camper that is primarily designed as temporary living quarters for recreational, camping, or seasonal use; has its own motive power or is mounted on or towed by another vehicle; is regulated by the National Highway Traffic Safety Administration as a vehicle or vehicle equipment; does not require a special highway use permit for operation on the highways; and can be easily transported and set up on a daily basis by an individual.

3.3.53 Regulated High-Pressure Piping. Piping with a pressure in excess of 14 in. water column and less than or equal to 30 psi (207 kPa).

3.3.54 Slope. For recreational vehicles, a grade or fall of a line of pipe in reference to a horizontal plane.

3.3.55 System.

3.3.57 Toilet.

3.3.57.1 Mechanical Seal Toilet. A toilet fitted with a water flushing device and mechanically sealed trap.

3.3.57.2 Recirculating Chemical Toilet. A self-contained, recirculating toilet in which the waste is chemically treated.

3.3.58 Toilet Trap Arm. The piping between the toilet and its vent that receives the discharge from each toilet.

3.3.59 Trap. A fitting or valve device designed and constructed to provide a liquid or mechanical seal that will prevent the back passage of air without materially affecting the flow of liquid waste through it.

3.3.60 Trap Arm. That portion of a fixture drain between a water seal trap and its vent.

3.3.61 Trap Seal. The vertical depth of liquid that a water seal trap will retain.

3.3.62* Tubing. Semirigid conduit of copper, steel, aluminum, corrugated stainless steel tubing (CSST), or plastic. [54, 2017]

3.3.63 Vacuum Breaker. A device that prevents back siphonage by allowing atmosphere air pressure into the system.

3.3.64 Valve.

3.3.64.1 Backflow Check Valve. A device designed to allow flow in only one direction.

3.3.64.2 Fullway Termination Valve. A valve that when fully opened has a non-fouling passageway not less than the inside diameter of connected piping.

3.3.65* Vapor Resistant. Constructed so that gas or air is

1192 NFPA 1192: Standard on Recreational
From: \$54.00
[Buy the code](#)

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ORDINANCES & RESOLUTIONS



ORDINANCES & RESOLUTIONS

GOLD BEACH CITY COUNCIL AGENDA REPORT

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

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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:

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- 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 [REDACTED], 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

SEL 802

rev 01/18 ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

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

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

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.</p> <p>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.</p> <p>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>

ORDINANCES & RESOLUTIONS

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



ORDINANCES & RESOLUTIONS

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.
Take it out of the sewer budget
Utility revenue should be spent for utilities only
I would support Option "B". I believe it to be more equitable.
MAKE THE TOURIST PAY
Option B would be best. Gas is so outrageous here anyway what is another 4 cents
How LONG will this be on?
Gas goes in cars – Cars drive on Roads – Those of us with cars should pay for roads
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.
I WOULD EXCLUDE THE ETHANOL FREE GAS FROM THIS AS IT WOULD PUT UNDUE BURDEN ON THE LOCAL FISHING GUIDES WHO USE THIS GAS.
GAS TAX PLEASE – PEOPLE BUYING GAS ARE THE USERS OF THE ROAD – SEEMS FAIR USES SHOULD PAY FOR WHAT THEY USE! THANK YOU 😊
SEEMS LIKE THIS WOULD ALLOW OUR WONDERFULL TOURISTS TO MAK OUR ROADS BETTER FOR THEM!!
PLEASE PUT THE TAX ON GAS FOR THOSE ARE THE PEOPLES USING THE ROADS. AND IT WOULD HURT THE POOREST – THE LEAST. THANK YOU
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?
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.
Gas tax seems to be working quite well for Brookings!!!
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.
Go with the GAS TAX, !!! THE GAS TAX, SIMPLE..
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.
Everyone that uses the road pays for gas. If we did a monthly fee on our bill it would only affect some people.
Gas tax captures visitors as well.

ORDINANCES & RESOLUTIONS

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!
people that use our roads should pay for maintance
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?
The gas tax is fairer. Everyone who drives in Gold Beach should contribute, not just those who pay a water utility bill.
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.
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.
EITHER A OR B, or a COMBO OF BOTH COMMENTS
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
Either option – we need our city streets maintained & we are happy to pay!
I’M OK WITH EITHER WAY – WHATEVER WORKS BEST FOR MOST!
Both would be acceptable. “Option B” obviously utilizes tourist dollars as well but either option would be acceptable!
I would not object to either – or both!
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
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.
Perhaps the gas tax along with a small flat fee to improve the capital fund at a faster pace.
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.
NEITHER COMMENTS
We are not in your jurisdiction so want neither option!!
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



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.

Notice of Measure Election

City

SEL 802

rev 01/18 ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

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

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



MISC. ITEMS

(Including policy discussions and determinations)



MISC ITEMS (including policy discussions & determinations)

GOLD BEACH CITY COUNCIL AGENDA REPORT

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

TITLE: MONTHLY STRATEGIC PLAN GOAL REVIEW

SUMMARY AND BACKGROUND:

This month is Goal 6 – Influence Economic Growth

City of Gold Beach Strategic Plan

(formerly Business Plan)

JULY 2018 GOAL 6 REVIEW

Goals & Objectives	Priority/Action Items	Priority/Action Items	RP	Target Date
GOAL 6: Influence Economic Growth				
<ul style="list-style-type: none"> • Establish development policies and public improvements/standards that recognize economic trends. • Secure needed resources. • Establish policy that City is pro-growth. 	a	<p style="text-align: center;">Study annexation pros and cons</p> <p>JULY 2018 – We need to revisit this.</p> <p><i>PRIOR COMMENTS</i> 2017*Now that we have a 21st GIS system FINALLY, Councilor Kaufman and the CA can get back on this issue. Do we want to put a priority on a timeline?</p> <p><i>*Councilor Tamie Kaufman completed and presented an initial study of the possibility of annexing a portion of Wedderburn. The Council has tasked the CA and Councilor Kaufman with further study of this topic.</i></p>	CC	01/2011 SUMMER 2012 Summer 2016
	b	<p style="text-align: center;">Pursue development of an urban renewal district.</p> <p>JULY 2018 – We are going into year 3 of TIF revenue and have approved 3 projects and funded 2 so far.</p> <p><i>PRIOR COMMENTS</i> *We are FINALLY getting \$\$ as of November! *The Council adopted an urban renewal district and plan in 2013.</p>	CC	09/2010 COMPLETED
	c	<p style="text-align: center;">Participate in regional economic development activities; develop strategic partners.</p> <p>JULY 2018 – This is an on-going essential function. Due to illness and staff shortage last year I stayed in the office more, but we are venturing back into regional collaborative groups again.</p> <p><i>PRIOR COMMENTS</i> This is an essential function of the CA job duties.</p>	CA	ONGOING

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

City of Gold Beach Strategic Plan

(formerly Business Plan)

JULY 2018 GOAL 6 REVIEW

Goals & Objectives	Priority/Action Items	RP	Target Date
	<p style="text-align: center;">Develop and regularly review/update infrastructure master plans and development standards.</p> <p>d</p> <p>JULY 2018 – The pavement analysis and CIP was completed this spring. We now have pretty current streets, water, and sewer plans. The culvert inventory is completed and will be delivered later this month.</p> <p><i>PRIOR COMMENTS</i> <i>*We are officially up to date on water and sewer but we need to address streets and stormwater now.</i></p> <p><i>*The updated Water Master Plan will be presented to the Council in fall 2015.</i></p>	PWS/CA	07/2011 ONGOING
	<p style="text-align: center;">Develop plan for addressing downtown parking needs. TASK TO PLANNING COMMISSION</p> <p>e</p> <p>JULY 2018 – This is one of those issues that ebbs and flows. It was ebbing for several years, but due to the URD and GBMS it's a topic again. Parking is specifically mentioned in the UR plan. Is this a priority for the Council? And if so, what is your direction to staff?</p> <p><i>PRIOR COMMENTS</i> <i>*This was an issue for just one former PC member. Is this a concern for the Council? Staff rarely has parking questions/issues come up in the front office. When we do, it is street parking in residential areas.</i></p>	CA/ PLANNING COMM	05/2011 ONGOING



MISC ITEMS (including policy discussions & determinations)

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. **10. b.**

Council Meeting Date: July 9, 2018

TITLE: Request to schedule joint workshop with Fair Board

SUMMARY AND BACKGROUND:

Councilor Campbell, liaison to the Fair Board would like to request that the Council schedule a workshop with the Fair Board to discuss the room tax funds for the Fairgrounds. She can provide details. July 30th or August 27th worked for the Fair Board.



MISC ITEMS (including policy discussions & determinations)

GOLD BEACH CITY COUNCIL AGENDA REPORT

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

TITLE: Pocket Park Property

SUMMARY AND BACKGROUND:

Councilor Kaufman asked that a discussion about the Pocket Park property located at the corner of Moore and Ellensburg be placed on the agenda. A copy of the current lease agreement with the County is attached for reference.

RECEIVED

JUN 12 2015

CITY OF GOLD BEACH

FILED IN CURRY COUNTY
Renee' Kolen, County Clerk
Commissioners' Journal

CJ:2015-195
06/05/2015 9:54:20 AM
6 PAGES

AFTER RECORDING RETURN TO:

Curry County, a Political Subdivision
Of the State of Oregon
94235 Moore Street, Suite 122
Gold Beach, OR 97444

SEND TAX STATEMENT TO:

The City of Gold Beach, a Municipal
Corporation
29592 Ellensburg Avenue
Gold Beach, OR 97444

GROUND LEASE

DATE: July 1, 2015

PARTIES: Curry County, a Political Subdivision of the State of Oregon, Lessor and City of Gold Beach, Oregon, a Municipal Corporation, Lessee

- RECITALS:**
- 1) Lessor is the owner of land described on the attached Exhibit "A". This land shall hereinafter be referred to as "the Premises".
 - 2) Lessee wishes to utilize the premises as a parking lot and a "pocket park".

Section 1. Agreement to Lease

Lessor hereby leases to Lessee and Lessee hereby leases from Lessor the premises on the terms and conditions set forth below:

Section 2. Term

The term of this lease shall begin on July 1, 2015 and shall continue until June 30, 2020, unless it is terminated sooner as provided in this lease.

Section 3. Rent

Basic rent shall be the sum of \$1.00 per year. Lessee shall pay this amount on or before July 1 of each year the lease is in effect beginning in 2015.

Section 4. Use of the Premises

Lessee may use the premises only for public parking and as a "pocket park", and for no other purposes.

Section 5. Taxes and Assessments

Lessee shall pay before delinquency any and all real and personal property taxes, general and special assessments, and other charges of each description levied on or assessed against the premises.

Section 6. Costs of Development – Maintenance

- a) Lessee shall be responsible for all costs associated with the maintenance of the premises.
- b) Lessee shall maintain the premises in good condition and repair during the duration of this lease.

Section 7. Improvements; Ownership of the Improvements

Lessee shall not make any improvements to the premises without the express written consent of Lessor. All improvements constructed on the Premises by Lessee shall be owned by Lessee until expiration or sooner termination of this lease. All improvements located on the Premises at the expiration or sooner termination of this lease shall become the property of Lessor, free and clear of all claims of Lessee or anyone claiming under Lessee, and Lessee shall indemnify and defend Lessor against all liability and loss arising from such claims. Nothing in this paragraph 7 shall alter other provisions of this lease.

Section 8. Assignment; Subletting; Financing

- a) Lessee shall not assign or otherwise transfer Lessee's interest in the lease or the estate created by this lease.
- b) Lessee shall not sublet all or any part of the Premises or other improvements on the premises.
- c) The parties understand that the Premises shall be used for public parking and that Lessee is entitled to allow the use of the Premises by the public for parking.
- d) Lessee may not subject the leasehold estate and the improvements, if any, to one or more mortgages or other liens as security for a loan or loans or other obligations of Lessee.

Section 9. Insurance

Lessee shall procure at its own expense and continuously maintain during the term of this lease a comprehensive general liability policy with a minimum coverage of \$2,000,000 per occurrence, and \$4,000,000 in the aggregate, or such large amount as to insure total coverage for potential liability should the limits under the Tort Claims Act be amended. The insurance shall be in a form sufficient to protect Lessor and Lessee against claims from third persons for personal injury, death, or property damage arising from the use, occupancy, or condition of the premises or improvements on the premises. Lessee shall name Lessor as an additional insured. Certificates of Insurance will be proved to Lessor upon request.

Section 10. Indemnification

Lessee agrees to defend, indemnify, and save Lessor, its agents and employees harmless from any and all losses, claims, actions, costs, expenses, judgments, subrogations, or other damage resulting from injury or death to any person or from property damage arising during the terms of this lease from the use, occupancy, or conditions of the premises or improvements on the premises.

Section 11. Remedies on Default

Should Lessee default on its obligations under the Lease, Lessor may give Lessee written notice of the default. Should Lessee fail to cure the stated default within 30 days, Lessor may terminate the Lease.

Section 12. Surrender and Termination

- a) Upon expiration of the Lease term, Lessee shall surrender possession of the Premises to Lessor, including all improvements located on the Premises, in good condition. All property that Lessee is required to surrender shall all become Lessor's property at the date of the expiration of the lease.
- b) Failure by Lessee to vacate the Premises at the time specified in this lease shall not constitute a renewal or extension or give Lessee any rights in or to the Premises or any improvements. Upon such a holdover, Lessee shall defend and indemnify Lessor from all liability and expense resulting from the failure or delay of Lessee to timely surrender the Premises including, without limitation, claims made by any succeeding tenant founded on or resulting from Lessee's failure to so surrender.
- c) Lessee may surrender the Premises to Lessor, and except as provided in paragraphs 10 and 13(c), shall have no further obligation under this lease by giving Lessor 30 days' notice of Lessee's intent to terminate the lease and vacate the Premises.

Section 13 Utilities

Lessee agrees that it will pay all charges and expenses for utilities, if any, used on the Premises during the term of the lease. It further agrees that it will not permit liens to be incurred or placed upon the Premises because of the non-payment of any such utility charges.

Section 14 Compliance with Laws

Lessee agrees to observe and obey all pertinent laws, ordinances, and regulations pertinent to the occupancy of the premises during the term of the lease.

Section 15. Miscellaneous Provisions

- a) Waiver by either party of strict performance of any provision or term of this lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision or any other provision.
- b) All notices under this lease shall be effective on the earlier of actual receipt or two days after deposit as registered or certified mail, return receipt requested, postage prepaid and addressed to Lessor or Lessee at the addresses stated below, or to such other address as either party may specify by notice to the other party:

EXHIBIT "A"

CURT BR 81 PAGE 255

MAY 17, 1993

A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36., TOWNSHIP 36 SOUTH., RANGE 15 WEST, WILLAMETTE MERIDIAN, CITY OF GOLD BEACH, CURRY COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING 90.51 FEET SOUTH AND 938.70 WEST OF THE EAST QUARTER CORNER OF SAID SECTION, SAID POINT LYING ON THE NORTHWEST CORNER OF THE INTERSECTION OF MOORE STREET AND HIGHWAY 101; THENCE LEAVING SAID POINT AND FOLLOWING ALONG THE NORTHERLY RIGHT-OF-WAY OF MOORE STREET NORTH 68°00'00" WEST, 100.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 22°00'00" EAST, 60.00 FEET; THENCE SOUTH 68°00'00" EAST 100.00 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY OF HIGHWAY 101; THENCE LEAVING SAID POINT AND FOLLOWING ALONG SAID RIGHT-OF-WAY SOUTH 22°00'00" WEST 60.00 FEET TO THE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dan K. Niemi
OREGON
JANUARY 25, 1980
DANKYL J. NIEMI
1868

1993 INSTRUMENT 93 02851

STATE OF OREGON
COUNTY OF CURRY

I RENEÉ KOLEN, COUNTY CLERK, CERTIFY
THAT THE WITHIN DOCUMENT WAS
RECEIVED AND DULY RECORDED IN THE
OFFICIAL RECORDS OF CURRY COUNTY AT

11:42 AM 06-01-93

BY: MW DEPUTY
FEE \$.00
PAGES: 6





MISC ITEMS (including policy discussions & determinations)

GOLD BEACH CITY COUNCIL AGENDA REPORT

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

TITLE: LOC Request for Legislative Priorities

SUMMARY AND BACKGROUND:

Annually the League of Oregon Cities sends out a request to the cities for their input on legislative priorities. The list of priorities is on the following page. The complete packet we received from them is after.

Their instructions are:

INSTRUCTIONS

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2018.
2. Simply place an **X or a check mark** in the space to the left of the city's top four legislative proposals (last pages of the packet).
3. The top four do not need to be prioritized.
4. Return by **August 3rd** via mail, fax or e-mail to:

Please check or mark 4 boxes with an X that reflects the top 4 issues that your city recommends be added to the priorities for the League's 2019 legislative agenda.

City of: _____

Legislation

A. 9-1-1 Tax	
B. Annexation Flexibility	
C. Auto Theft	
D. Beer and Cider Tax Increase	
E. Broadband Infrastructure	
F. Carbon Cap-and-Invest Program Adoption	
G. City Comparability for Compensation	
H. Green Energy Technology Requirement Changes	
I. Infrastructure Financing and Resilience	
J. Least Cost Public Contracting	
K. Local Control Over Speed Limits on City Streets	
L. Lodging Tax Definition Broadening	
M. Mental Health Investment	
N. Permanent Supportive Housing Investment	
O. PERS Reform	
P. PERS Unfunded Liability Revenue Stream Dedication	
Q. Place-Based, Water Resource Planning (Program Support)	
R. Property Tax Reform	
S. Qualification Based Selection (QBS)	
T. Right-of-Way and Franchise Fee Authority	
U. Safe Routes to School Match	
V. Small Area Cell Deployment	
W. Speed Cameras	
X. Speed Limit Methodology	
Y. Third Party Building Inspection	
Z. Tobacco Taxes Share Increase	
AA. Waste Water Technical Assistance Program	
BB. Wetland Development Permitting	
CC. Wood Smoke Reduction Program Support	

In addition to your ranking of the priorities shown above, please use this space to provide us with any comments (supportive or critical) you may have on these issues, or thoughts on issues or potential legislative initiatives that have been overlooked during the committee process.):



1201 Court Street NE, Suite 200 • Salem, Oregon 97301
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863
www.orcities.org

June 6, 2018

Dear Chief Administrative Official:

For the past three months, eight policy committees have been working to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2019 session. They have identified legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

While the attached ballot reflects the top policies developed in each of the policy committees, each undertook a broad look at a range of issues impacting cities. Many issues reflect the League's ongoing mission to support cities' work and their home rule authority to develop and use a variety of tools to meet the needs of residents but were not included in the ballot. Additional issues, such as addressing the housing shortage and the opioid crisis, are multifaceted and did not fit concisely into policy priorities. However, they remain as work the League intends to accomplish as it works with large groups of stakeholders in search of solutions.

Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2019 legislative agenda. After your city council has had the opportunity to review the proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on during the 2019 session. **The deadline for response is August 3, 2018.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2019 legislative agenda.

Your city's participation and input will assist the board in creating a focused set of specific legislative targets that reflect the issues of greatest importance to cities. Thank you for your involvement, and thanks to those among you who gave many hours of time and expertise in developing these proposals.

Do not hesitate to contact me or Craig Honeyman, Legislative Director, with questions.

Sincerely,

Mike Cully
Executive Director

Craig Honeyman
Legislative Director

P.S. If you are reviewing the hard copy of this ballot and would like to view the linked material please visit the following web address and click on the links there:

<http://www.orcities.org/Portals/17/Legislative/2019PolicyBallotInformation.pdf>

INSTRUCTIONS

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2018.
2. Simply place an **X or a check mark** in the space to the left of the city's top four legislative proposals (last pages of the packet).
3. The top four do not need to be prioritized.
4. Return by **August 3rd** via mail, fax or e-mail to:

Jenna Jones
League of Oregon Cities
1201 Court St. NE, Suite 200
Salem, OR 97301
Fax – (503) 399-4863
jjones@orcities.org

Thank you for your participation.

City of: _____

Please check or mark 4 boxes with an X that reflects the top 4 issues that your city recommends be added to the priorities for the League's 2019 legislative agenda.

Legislation

A. 9-1-1 Tax	
B. Annexation Flexibility	
C. Auto Theft	
D. Beer and Cider Tax Increase	
E. Broadband Infrastructure	
F. Carbon Cap-and-Invest Program Adoption	
G. City Comparability for Compensation	
H. Green Energy Technology Requirement Changes	
I. Infrastructure Financing and Resilience	
J. Least Cost Public Contracting	
K. Local Control Over Speed Limits on City Streets	
L. Lodging Tax Definition Broadening	
M. Mental Health Investment	
N. Permanent Supportive Housing Investment	
O. PERS Reform	
P. PERS Unfunded Liability Revenue Stream Dedication	
Q. Place-Based, Water Resource Planning (Program Support)	
R. Property Tax Reform	
S. Qualification Based Selection (QBS)	
T. Right-of-Way and Franchise Fee Authority	
U. Safe Routes to School Match	
V. Small Area Cell Deployment	
W. Speed Cameras	
X. Speed Limit Methodology	
Y. Third Party Building Inspection	
Z. Tobacco Taxes Share Increase	
AA. Waste Water Technical Assistance Program	
BB. Wetland Development Permitting	
CC. Wood Smoke Reduction Program Support	

In addition to your ranking of the priorities shown above, please use this space to provide us with any comments (supportive or critical) you may have on these issues, or thoughts on issues or potential legislative initiatives that have been overlooked during the committee process.):

A. 9-1-1 Tax

Legislation:

Support legislation enhancing the effectiveness of the state's emergency communications system by increasing the 9-1-1 tax and/or seeking other sources of revenue and prohibiting legislative "sweeps" from emergency communications accounts managed by the Oregon Office of Emergency Management.

Background:

The League worked with other stakeholder groups in 2013 to extend the sunset date on the statewide 9-1-1 emergency communications tax to January 1, 2022 ([HB 3317](#)). In 2014, the League also worked to pass legislation including prepaid cellular devices and services under the 9-1-1 tax ([HB 4055](#)). As concerns mount with regard to disaster preparedness and recovery and as upgrades to communications technology become available, it is apparent that state and local governments do not have the resources necessary to address challenges or take advantage of opportunities (see an analysis in the League's 2018 State Shared Revenue Report, [here](#), and the Oregon Office of Emergency Management's "Emergency Communications Tax" webpage, [here](#)). Additional funding is needed and the practice of periodically sweeping funds out of the state's emergency management account for other uses must cease. It is worthy of note that the practice of "sweeps" disqualifies the state from receiving federal funds for emergency communications. It is unknown how many federal dollars have been foregone as a result of this policy.

Presented by the Telecom, Broadband & Cable Committee and endorsed by the Finance & Taxation Committee

B. Annexation Flexibility

Legislation:

The League will work to increase the flexibility for cities to annex residential areas and to encourage voluntary annexations, with a primary focus on improving the island annexation process.

Background:

There is a significant disconnect between the state's land use process and the [process of annexation](#), which has created issues for a variety of cities. The annexation process requirements are particularly difficult for areas known as "islands". Even though cities can involuntarily annex islands, most cities have adopted a policy to only engage in voluntary annexation. This has left significant islands un-annexed. In addition, waiting for surrounding properties to voluntarily annex often means the process and order of annexation does not necessarily match the plans for infrastructure development. Unannexed lands remain on the buildable land supply but much of it will contain some level of development that was approved by the county, but is often underdeveloped when compared to the comprehensive plan.

However, there have been bills that have been introduced over the last few sessions that aim to make non-voluntary annexation more difficult (see e.g., [HB 2039](#) and [HB 2040](#)). As these bills have gotten hearings, the League has taken the opportunity to discuss how annexation and land use are very disconnected. This is particularly of interest as interest in housing development remains at the top of the list of legislative priorities. If local governments have greater control over the annexation process and can better incentivize voluntary annexation, they can better meet the development expectations of the land use system and their comprehensive plans. It also assists in the orderly development of infrastructure.

Tools that were recommended to consider included partial island annexation in residential areas, relaxation of the limit of 10 years to bring a property fully onto the city's property tax level, changing the boundary requirements for islands, and looking at how the withdrawal of special district territory can be better regulated.

Presented by the Community Development Committee

C. Auto Theft

Legislation:

Address the deficiencies in the Unauthorized Use of a Motor Vehicle statute that were created after an adverse court ruling.

Background:

A 2014 Oregon Court of Appeals ruling requires that prosecutors prove beyond a reasonable doubt that a person driving a stolen car knew they were in violation of the law prohibiting the unauthorized use of a motor vehicle. Because of this ruling, unless confesses to the crime, obtaining a conviction for stealing a car is near impossible. The National Insurance Crime Bureau's 2017 "Hot Spots" report stated that Oregon experienced a 19 percent increase in auto theft over 2016. News stories on this issue may be found [here](#), [here](#) and [here](#).

Because of the ruling, auto theft has increased exponentially across rural and urban Oregon. A legislative fix was proposed in 2018 and was generally agreed to but was never voted on by either chambers due to the fiscal impact it would have on the state. A copy of the legislation can be found [here](#). This issue was brought to the Committee by a representative of the Oregon Association of Chiefs of Police and they have requested the League's supported in seeking to fix this issue. Of particular concern to the General Government Committee was the fact that vehicles being stolen tend to be older cars and trucks that are more likely to be owned by people of more modest means who would be unable to readily replace their vehicles without considerable impact.

Presented by the General Government Committee

D. Beer and Cider Tax Increase

Legislation:

The League proposes increasing the state taxes on malt beverages and cider to assist with rising public safety costs, improve public health, reduce alcohol consumption by minors, and provide alcohol tax equity with wine and liquor.

Background:

Oregon's tax has not been increased since 1978 and is currently \$2.60 per barrel which equates to about 8 cents on a gallon of beer. The tax is by volume and not on the sales price. (Yes, the bottle deposit is 60 cents and the tax is only about 4 cents on a six-pack!) Oregon is tied with Kentucky for the lowest beer taxes of all [states](#) (see page 98 in link). To get to the middle, Oregon would need to raise the tax to 80 cents per gallon (10-fold increase). Cities are [preempted](#) from imposing alcohol taxes. In exchange, cities receive approximately [34% of the state alcohol revenues](#) (see page 9 in link)(beer and wine taxes, license fees, and liquor profit sharing) as state shared revenues. However, because the tax is so small on beer, the share is also small. The beer tax brings in only about \$7 million per year state-wide; thus, the city share is about \$2.3 million of the total shared revenues. The total share for cities for all alcohol-based state shared revenues is estimated at over \$86 million. The League anticipates that excise tax increases including those on alcohol will be a part of revenue package discussions in 2019, and the League sees this concept as an important leveraging tool.

Presented by the Finance and Tax Committee and endorsed by the General Government Committee

E. Broadband Infrastructure

Legislation:

Seek additional state support and funding for increased and equitable broadband infrastructure deployment, especially in rural areas. Oppose legislative efforts to restrict existing municipal authority to provide broadband services.

Background:

The deployment of broadband and telecommunications networks and services (public and/or private) throughout Oregon is critical to economic development, education, health and safety and the ability of residents to be linked to their governments. Mapping research shows large areas of the state either not served or underserved by competitive broadband technology. A significant barrier to the deployment of broadband infrastructure is funding. Cities need additional funding and support from various sources, including the state and federal government, allocated for increased or new broadband infrastructure, especially for fiber connections to schools, community libraries, and public safety buildings. Also, oppose efforts by private internet service providers to restrict local efforts to make broadband technology available within their jurisdiction.

Presented by the Telecom, Broadband & Cable Committee

F. Carbon Cap-and-Invest Program Adoption

Legislation:

The League's Energy & Environment Policy Committee has recommended support, if specific principles are recognized and codified, of legislation that would implement a statewide cap on carbon emissions over time and that would generate revenues for strategic investments that further Oregon's greenhouse gas reduction goals. The cap on emissions would apply to certain "regulated entities" with carbon emissions over 25,000 metric tons annually. Regulated entities would receive allowances, or would generate offset credits, to emit carbon. The revenue from the purchase of allowances would be invested in specified programs aimed at furthering GHG reductions and mitigating program impacts. It is anticipated that funds generated from a cap on the transportation fuel industry may be subject to use per state Constitutional requirements related to the state highway fund. The statewide cap on carbon would be reduced over time to meet updated greenhouse gas reduction goals for Oregon.

For the League to support a statewide cap on carbon, the following principles would need to be recognized and codified in any legislation:

- The legislation and subsequent rulemaking processes would need to establish a forum to generate meaningful dialogue with rural Oregon communities and those with energy-intensive, trade-exposed industries. Equity considerations should be considered throughout this process by including cities and counties representing a variety of populations, regions of the state, and community demographics (e.g. low-income and underserved populations). Specific action should be taken to have representation from cities with populations of less than 1,500.
- The cap would need to apply to all sectors including utilities, industry and the transportation fuels sector (e.g. fuel producers) if annual carbon emissions exceed 25,000 metric tons.
- The program should be designed to link to the Western Climate Initiative which has a multi-jurisdictional carbon market (linking with programs in California, Ontario and Quebec)
- The revenue from the purchase of allowances would be invested in evidence-based technologies to reduce emissions from regulated sectors with excess revenues being invested in statewide programs to support climate resilience and rural Oregon economies. Requiring the reinvestment of allowance revenue will help regulated sectors become more efficient over time and less carbon intensive.

- In addition, LOC will advocate that additional revenues generated be dedicated to support programs including:
 - Technical assistance grants that local governments could access to help fund the adoption and implementation of local climate action/sustainability plans.
 - Funding for local woodstove smoke reduction programs to help communities in, or at risk of, non-attainment from woodstove smoke.
 - Funding to study and incentivize an expanded, yet sustainable, cross-laminated timber industry in Oregon with the intent of stimulating job creation in rural Oregon communities.
 - Funding for drought mitigation planning and resilience for Oregon water systems.

Background:

The League anticipates that the Legislature is very likely to pass legislation during the 2019 session that would implement a “cap-and-invest” program in Oregon, similar to the program adopted by California. Similar legislation has been considered by the Oregon Legislature during previous legislative sessions, but has failed to be brought for a vote. The political will to pass such a policy/program for Oregon appears to be incredibly strong; the Speaker of the House and President of the Senate are co-chairing the Joint Interim Committee on Carbon Reduction and the Governor’s team is staffing a new Carbon Policy Office to assist in the Committee’s efforts. The League’s Energy & Environment Committee has spent considerable time discussing this policy, including how best to craft a policy recommendation that makes both environmental and economic sense for the state and cities.

Presented by the Energy & Environment Committee

G. City Comparability for Compensation

Legislation:

The League will seek legislation to ensure that cities are compared only with cities of a similar cost of living when negotiating with strike prohibited bargaining units.

Background:

Oregon labor law doesn’t allow police officers, firefighters, emergency communicators and other public safety critical employees to strike. Instead when an impasse is reached when bargaining with labor unions that represent those workers, the state proscribes a set procedure involving an outside arbitrator to resolve those contract disputes. In that process the arbitrator will compare the city to other cities of similar size. As a result, the cities in rural areas are being compared with to cities in metropolitan areas that have different economic circumstances. Klamath Falls with 20,000 people in it and a median home value of \$160,000 could be compared to Tualatin with a similar population and a median home value of \$355,000. This is not a reasonable comparison.

The Human Resources Committee notes that the Legislature created a variable minimum wage in Oregon in recognition of the different costs of living across the state. Each Oregon county is assigned to one of three wage zones with one being the Portland Metropolitan area, that second are less populous regions and the third are rural counties. The Committee recommends that cities only be compared to cities in the same wage zones. A detailed explanation and graphics of the proposal may be found here.

Presented by the Human Resources Committee

H. Green Energy Technology Requirement Changes

Legislation:

Advance legislation to statutorily modify the existing “1.5 percent green energy technology for public buildings” requirement to allow for alternative investment options such as offsite solar or energy efficiency projects.

Background:

Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation. Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and provide for increased solar energy generation. In addition, the League will advocate to allow 1.5 percent funds to be invested in alternative projects that provide a greater economic or social return on investment including energy efficiency.

Presented by the Energy & Environment Committee

I. Infrastructure Financing and Resilience

Legislation:

The League will advocate for an increase in the state’s investment in key infrastructure funding sources, including, but not limited to, the Special Public Works Fund (SPWF), Brownfield Redevelopment Fund, and Regionally Significant Industrial Site loan program. The advocacy will include seeking an investment and set aside through the SPWF for seismic resilience planning and related infrastructure improvements to make Oregon water and wastewater systems more resilient.

Background:

A key issue that most cities are facing is how to fund infrastructure improvements (both to maintain current and to build new). Increasing state resources in programs that provide access to lower rate loans and grants will assist cities in investing in vital infrastructure. Infrastructure development impacts economic development, housing, and livability. The level of funding for these programs has been inadequate compared to the needs over the last few biennia and the funds are depleting and unsustainable without significant program modifications and reinvestments.

The funds are insufficient to cover the long-term needs across the state. While past legislative sessions have focused on finding resources for transportation infrastructure, the needs for water, wastewater, and storm water have not been given the same attention. A LOC survey of cities in 2016 identified a need of \$7.6 billion dollars over the next 20 years to cover water and wastewater infrastructure projects for the 120 cities who responded. This shows a significant reinvestment in the Special Public Works Fund (SPWF) is needed to help meet the needs of local governments. Without infrastructure financing options, cities cannot meet the needs of new housing or new business – high priorities for cities across the state.

In addition, there is a critical need to improve upon the seismic resilience of public drinking water and wastewater systems. The Oregon Resilience Plan (2013) identified Oregon’s water and wastewater systems as especially vulnerable to damage resulting from a Cascadia subduction zone earthquake. The plan recommended all public water and wastewater systems complete a seismic risk assessment and mitigation plan for their system. This plan would help communities identify and plan for a backbone water system that would be capable of supplying critical community water needs after a significant seismic event.

However, there is currently no dedicated funding to assist communities with this planning effort and the funding needed to repair/retrofit water infrastructure is significantly inadequate. Investments have been made in Oregon to seismically retrofit public safety facilities and schools, but without planning for infrastructure resilience, communities may not have access to water for critical needs, including drinking water and water for fire suppression, in the immediate aftermath of a seismic event.

This priority will focus on maximizing both the amount of funding and the flexibility of the funds to meet the needs of more cities across the state to ensure long-term infrastructure investment.

Presented by the Community Development Committee and endorsed by the Finance & Taxation and Water/Wastewater committees

J. Least Cost Public Contracting

Legislation:

Introduce and/or support legislation repealing Section [45\(2\)\(a\)\(G\)](#) and Section [45\(3\)\(a\)\(G\)](#) of HB 2017 (enacted in 2017) relating to compliance with least cost public contracting requirements as a condition for fuel tax increases after 2020.

Background:

As a matter of public policy, the League fundamentally disagrees with this linkage of transportation projects funding with public contracting standards applicable to specific local projects. Under HB 2017 (enacted in 2017) cities must comply with least cost public contracting standards set forth by [ORS 279C.305](#) for subsequent the two-cent increases in the state gas tax to occur in 2020, 2022 and 2024. Literally interpreted, one recalcitrant city *might* be able to stop the next gas tax increase by its failure to comply with this statute.

Presented by the Transportation Committee and endorsed by Finance and Taxation Policy Committee

K. Local Control Over Speed Limits on City Streets

Legislation:

Introduce legislation that allows Oregon cities to opt-in (voluntarily) to adjust their speed limits on residential streets 5 mph lower than the statutory speed limit.

Background:

[HB 2682](#) (enacted in 2017) allows the city of Portland to establish by ordinance a designated speed for a residential street under the jurisdiction of the city that is five miles per hour lower than the statutory speed provided the street is not an arterial highway. This authority should be extended to all cities and be considered permissive (not required). Cities should be able to determine speeds that are adequate and safe for their communities.

Presented by the Transportation Committee

L. Lodging Tax Definition Broadening

Legislation:

The League proposes adjusting and broadening the definitions of tourist, tourism promotion, and tourism-related facility as those terms are defined in the lodging tax statutes to ensure state-wide continued tourism and related [economic](#) (see page 17 of link) and [tax growth](#) (see page 223 of link), assist with city tourist costs, and provide local choice and revenue flexibility.

Background:

In 2003, when the state imposed a state lodging tax, the Legislature preempted cities by imposing restrictions on the use of local lodging tax revenues. (The percentage of restricted revenues varies by city.) Restricted tax revenues must be used for tourism promotion or tourism-related facilities. While the League will support all legislation that provides more flexibility on local tax usage, the League will advocate for lodging tax legislation that broadens those terms to clearly cover city costs of tourist events, tourism-related facility maintenance, tourist amenities, tourist attraction enhancement and public safety costs for special tourist events. Language from Section 3 of the [dash 1 amendment to HB 2064](#) (2017) and [Section 1 of HB 2064 \(2017\)](#) will likely serve as a starting place. See also this [power point presentation](#) and this [LOC testimony](#) (supporting HB 2064) for further information.

Presented by the Finance and Tax Committee

M. Mental Health Investment**Legislation:**

The League will seek to protect and enhance the investments made to Oregon's treatment of the mentally ill.

Background:

In 2015, the Legislature funded rental and housing assistance for persons suffering from mental illness, specialized training for police officers to assist people in mental health crisis, multi-disciplinary crisis intervention teams and expanded access to treatment. While providing direct mental health services is not a standard city service, the state of care for persons in crisis had deteriorated to the point city police officers were regularly the primary public employee to provide interventions. The December, issue of Local Focus was devoted to cities and mental health, those articles may be found [here](#).

Because of the anticipated budget shortfalls in 2019, the General Government Committee would like the League to ensure that services established in 2015 are not cut and to capitalize on any opportunities that may exist or be created to enhance those investments.

Presented by the General Government Committee

N. Permanent Supportive Housing Investment**Legislation:**

The League will support increased investments in the services that are provided to people who are living in permanent supportive housing.

Background:

[Permanent supportive housing](#) serves specific populations that traditionally face difficulty in remaining in housing due to additional, complex needs by providing housing and other services at the same time. A [variety of populations](#), such as seniors, veterans, families, and those with mental health conditions, have different services that accompany their housing support. Permanent supportive housing models that use a Housing First approach have been proven to be highly effective for ending homelessness, particularly for people experiencing chronic homelessness who have higher service needs. Investment in the services is as important as the housing because residents that do not receive these additional supports often end up returning to homelessness based on issues related to their other issues.

However, in many areas the funding for housing is not well matched with the funding for the services. The state is the primary funding source for these services. However, there is some disconnect between the housing support provided by the [Oregon Housing and Community Services Department \(OHCS\)](#) and the [Oregon Health Authority \(OHA\)](#).

To help communities that are working to provide opportunities for permanent supportive housing and those seeking to find long-term solutions to local homelessness issues, better investment in the services is vital to success of these programs. By supporting appropriations to OHCS and OHA for these services, more support services can be provided to those that are in permanent supportive housing and lead to better outcomes.

Presented by the Community Development Committee

O. PERS Reform

Legislation:

The League will seek legislation to modernize the PERS investment pool, ensure proper financial controls are adhered to, and give cities a greater voice in how their monies are invested. The League will also seek legislation that shares the risk and costs of the pension benefit with employees but does so in a manner that impacts employees based on the generosity of the benefit plan they will retire under.

Background:

Oregon's Public Employee Retirement System (PERS) is a three-tiered program that provides a defined benefit pension (a pension that pays a retiree and their beneficiary a set amount for the length of their retirement) and a deferred compensation program that is funded through employee contributions. Each of the three tiers pays a different benefit and an employee's placement in a given tier is based on the date they were hired. Tier I is the most generous benefit and has an option for an annuity based retirement that has been incredibly expensive to maintain. Tier I was replaced by Tier II in 1996. Tier II costs, though reduced, were also unsustainable and were replaced with a third tier, known as the Oregon Public Service Retirement Plan (OPSRP) which is designed to provide a 45 percent salary replacement after a full career. A primer on the PERS system may be found [here](#).

The cost to employers for this system has risen steadily since the market crash of 2008, and will increase again on July 1, 2019 (projected individual employer rates may be found [here](#)) and then again in 2021 and possibly again in 2023. Rates are anticipated to remain at a system wide average of around 29 percent of payroll and remain at that level until 2035 without reforms.

Adverse court rulings to previous attempts at reforms have limited our options to addressing benefits not yet earned. With that in mind the Human Resources Committee recommends reforms in the three following areas:

- Ensure that investments into the PERS system are achieving the maximum possible return in the most efficient manner possible while safeguarding the funds with proper financial controls.
- Requiring that employees absorb some of the costs for the pension system but ensure that OPSRP employees are impacted more favorably than Tier I and Tier II employees who will receive more generous retirement benefits.
- Establishing a fourth tier that provides similar benefits to employees but is funded in a more sustainable manner. Providing incentives to retirees and current employees in the other tiers to switch to the fourth tiers should be explored as well.

Presented by the Human Resources Committee

P. PERS Unfunded Liability Revenue Stream Dedication

Legislation:

The League proposes that a new state revenue stream be dedicated to paying down the unfunded liability over a period of years to sustain the Public Employees Retirement System (PERS).

Background:

The present unfunded liability has grown extraordinarily large and is causing rate increases for most local governments and schools that are not sustainable. The League would support all reasonable revenue stream ideas. Ideas include but are not limited to a new temporary limited sales tax, a new payroll tax, and a new temporary state property tax. The League will advocate that PERS cost-containment measures be pursued along-side revenue raising efforts to pay down the liability; both seem necessary to address the state-created problem.

Presented the Finance and Tax Committee and endorsed by the Human Resources Committee

Q. Place-Based, Water Resource Planning (Program Support)**Legislation:**

The League will advocate for the funding needed to complete existing place-based planning efforts across the state.

Background:

Oregon's water supply management issues have become exceedingly complex. Lack of adequate water supply and storage capacity to meet existing and future needs is an ongoing concern for many cities in Oregon and is a shared concern for other types of water users including agricultural, environmental and industrial. Most of the surface water in Oregon (during peak season months) is fully allocated with no new water available. As a result, the ability to meet existing and future demand for various water uses will require collaboration, improved management and coordinated conservation among a variety of stakeholders, including municipalities. For this reason, the Legislature passed legislation to create a place-based planning pilot program in Oregon. This program, administered through the Oregon Water Resources Department, is providing a framework and funding for local stakeholders to collaborate and develop solutions to address water needs within a watershed, basin or groundwater area. Place-based planning is intended to provide an opportunity for coordinated efforts and the creation/implementation of a shared vision to address water supply challenges. Four place-based planning efforts are currently underway across the state in the Malheur Lake Basin, Lower John Day sub-basin, Upper Grande Ronde sub-basin and mid-coast region. Without continued funding, these efforts will not be able to complete their work. The LOC Water & Wastewater Policy Committee recognized that while this funding is limited to specific geographic areas, they also recognize the importance of successfully completing these pilot efforts and conducting a detailed cost/benefit analysis. It is a critical step in order to demonstrate the benefits of this type of planning. If these local planning efforts prove to be successful, there will likely be future efforts to secure additional funding for other place-based planning projects across the state.

R. Property Tax Reform**Legislation:**

The League of Oregon Cities proposes that the property tax system should be constitutionally and statutorily reformed as part of the 2019 session work on state and local tax reform and improving funding for [schools](#) (see pages 69-72 of link; property taxes make up 1/3 of school funding).

Background:

The property tax system is [broken and in need of repair](#) due to [Measures 5 and 50](#), which are both now over 20 years old. All local governments and schools rely heavily on property tax revenues to pay for services and capital expenses. Therefore, the League will participate in coalitions to help draft and advocate for both comprehensive and incremental property tax reform option packages. The League will remain flexible to support all legislation that improves the system, with a focus on a property tax package with these elements:

- To achieve equity, a system that transitions to a market-based property tax valuation system (RMV) rather than the present complex valuation system from Measure 50 (requires constitutional referral).
- To enhance fairness and adequacy, a system that makes various statutory changes, some of which would adjust the impact of a return to RMV. For example, the League supports a new reasonable homestead exemption (percentage of RMV with a cap) but also supports limiting or repealing various property tax exemptions that do not have a reasonable return on investment.
- To restore choice, a system that allows voters to adopt tax levies and establish tax rates outside of current limits (requires constitutional referral).

[SJR 3](#) (see page 50 of link)(constitutional referral with return to real market value system) and [SB 151](#) (see page 48 of link) (homestead exemption bill) from the 2017 session will likely serve as starting points. City property tax data including real market values and assessed values can be accessed [here](#).

Presented by the Finance and Tax Committee

S. Qualification Based Selection (QBS)

Legislation:

The League will seek to reform the Qualification Based Selection (QBS) requirements to allow for the consideration of price in the initial selection of architects, engineers, photogrammetrists and surveyors.

Background:

The state currently prohibits the consideration of price when making an initial selection when awarding contracts for certain design professionals when conducting public improvements. Instead of issuing a request for proposals as is done with most public improvement projects, contracting agencies issue “requests for qualifications” on a project. Cities may negotiate price only after the initial selection of a contractor is made. Under this system a city or other contracting agency will never know the price of other qualified and responsible bidders on a project.

The League’s General Government Committee concluded that this process is not in the interests of cities or tax payers as it precludes the use of competitive bids. There is no other area in which a consumer, public or private, would procure a service or product without considering the price.

Presented by the General Government Committee

T. Right-of-Way and Franchise Fee Authority

Legislation:

Oppose legislation that, in any way, preempts local authority to manage public rights-of-way and cities’ ability to set the rate of compensation for the use of such rights-of-way.

Background:

In its commitment to the protection of Home Rule and local control, the League consistently opposes restrictions on the rights of cities to manage their own affairs. From time to time, in the context of public rights-of-way management authority discussions, proposals to restrict to this authority arise. Such was the case during the 2017 legislative session with [SB 202](#) and [SB 840](#). These efforts to restrict local authority often include proposals for a statewide right-of-way access policy and compensation system as well as limiting the ability of cities to charge fees of other government entities. This is contrary to local government management authority; the ability to enter into agreements with users of the right-of-way either by agreement/contract or ordinance; and to set the rate of compensation.

Presented by the Telecom, Broadband & Cable Committee

U. Safe Routes to School Match

Legislation:

Introduce legislation lowering the local Safe Routes to Schools matching grant requirement to 20 percent from 40 percent and lowering the matching grant requirement for areas qualifying for exceptions to 10 percent from 20 percent.

Background:

[Section 123 of HB 2017](#) (enacted in 2017) authorizes the Oregon Transportation Commission to provide matching grants for safety improvement projects near schools. To receive the grant cities must provide a 40 percent cash match unless the school is located in a city with a population of less than 5,000; is within a safety corridor; or qualifies as a Title I school in which case the cash match requirement is reduced to 20 percent. While cities support the availability of matching grant funds provided by the state, the current cash match requirements are too high for most cities to participate in the program.

Presented by the Transportation Committee

V. Small Area Cell Deployment (also known as “Small Cell Deployment”)

Legislation:

Oppose legislation that preempts local authority to manage public property while supporting deployment of wireless technology, including small area cell and 5G.

Background:

Legislative efforts involving the deployment of small area cell facilities are increasing around the nation. Currently 20 states ([Arizona](#), [Colorado](#), [Delaware](#), [Florida](#), [Hawaii](#), [Illinois](#), [Indiana](#), [Iowa](#), [Kansas](#), [Minnesota](#), [North Carolina](#), [New Mexico](#), [Ohio](#), [Oklahoma](#), [Rhode Island](#), [Tennessee](#), [Texas](#), [Utah](#), [Virginia](#), and [Washington](#)) have passed bills that limit cities ability to collect appropriate and fair rights-of-way, permitting, and lease fees on municipal property; to control their own design and aesthetics; or otherwise manage wireless technology deployment within their jurisdictions. This type of legislation is not going away. In fact, it is just beginning.

During the 2017 session, the League was approached independently by representatives of two wireless companies with draft concepts that could have resulted in legislation compromising local authority to manage the deployment of small area cell and 5G technology. Issues raised included “shot clock” (time allowed for cities to rule on applications), fee structures and limits, contract terms and duration, land use issues etc. These efforts are expected to continue in 2019 and with greater urgency as the technology approaches deployment status. While cities in Oregon support the advent of new wireless technology including small cell and 5G, authority to ensure their deployment complies with local laws and policies must be maintained.

Presented by the Telecom, Broadband & Cable Committee

W. Speed Cameras

Legislation:

Introduce and/or support legislation authorizing cities to use fixed speed cameras at locations other than intersections.

Background:

Speeding is a public safety issue. The Oregon Transportation Safety Action Plan envisions no deaths or life-changing injuries on Oregon’s transportation system by 2035. Currently, cities have the authority as a result of [HB 2409](#) (enacted in 2017) to issue a speeding citation from the same camera and sensor system used to enforce red light compliance at intersections.

Further, speeding does not only occur at intersections. Additional automated enforcement, outside of intersections, would be a valuable a tool allowing cities to mitigate dangerous behaviors and speeding. In 2015, the Oregon Legislature granted the city of Portland the authority to implement a fixed speed safety camera program ([HB 2621](#)). The fixed speed camera systems have been operating on “urban high crash corridors” that are also part of the city of Portland’s High Crash Network. While this program has not been in place long, the comparison of before and after speeds near the fixed photo radar system is indicating that the automated enforcement is positively influencing speed reduction (see [PBOT report](#)). This legislation would extend the authority to all Oregon cities to implement fixed speed safety camera programs to help reduce the number of deaths and serious injuries that occur as a result of speeding.

Presented by the Transportation Committee

X. Speed Limit Methodology**Legislation:**

Introduce legislation that directs the Oregon Department of Transportation to develop a new speed setting methodology for cities and other urban areas that uses a safe systems approach validated by expert system tools as recommended by [NTSB Safety Study SS-17/01](#).

Background:

The NTSB safety recommendations represent current data-driven best practices to determine speed limits. Currently, Oregon speed limits are set based on the guidance that speed limits in speed zones within cities should be within 10 mph of the 85th percentile speed as determined by [The NTSB Safety Study SS-17/01](#), “Reducing Speeding-Related Crashes Involving Passenger Vehicles” concludes,

- “Speed increases the injury severity of a crash;”
- “...that unintended consequences of the reliance on using the 85th percentile speed for changing speed limits in speed zones include higher operating speeds and new, higher 85th percentile speeds in the speed zones, and an increase in operating speeds outside the speed zones;”
- “...that the safe system approach to setting speed limits in urban areas is an improvement over conventional approaches because it considers the vulnerability of all road users.”

Presented by the Transportation Committee

Y. Third Party Building Inspection**Legislation:**

The League will clarify the ability for local government programs to have private party building officials and building inspectors provide services for local building inspection programs, including recognizing that privately employed specialized inspectors can to perform specialized inspections.

Background:

Beginning in 2017, the League has been working to defend local building inspection programs that contract with third-party companies to provide building official and inspectors to run the local program. However, the Oregon Building Codes Division (BCD) has stated that the Oregon Department of Justice (DOJ) [has informed BCD](#) that programs that are structured this way violate the constitutional prohibition on delegating government authority. The League has repeatedly asserted that we disagree with that legal assessment. There was a bill introduced in 2018, [HB 4086](#), that would have adopted new requirements for

local governments running programs. The League worked with other stakeholders to prevent passage of the bill, but we committed to working on a legally defensible solution that does not prevent these locally run programs from continuing.

After the session, the BCD determined that it would implement new rules for locally run inspection programs to meet the asserted legal opinion on delegation. On April 23, the BCD enacted [emergency, temporary rules](#) that added significant requirements for local building inspection programs. The new rules required local programs to designate a government employee as a city's building official. The rules also required the city to have a government- employed, certified electrical inspector. Both positions could be filled by hiring the person directly or by an agreement between municipalities to share the employee(s). The rules further stated that a shared employee could only service three jurisdictions.

In May, the Director of the Consumer and Business Services, who oversees the BCD, informed the League that the temporary rules were rescinded. The Department's decision to rescind the rules included a statement that they would seek a formal opinion from the DOJ to clarify the issue of delegation. However, the BCD did replace the rescinded rules with [another temporary, emergency rule](#). This new rule was enacted on May 18 and states that a local government must appoint a government-employed building official.

In addition to the concerns about using third-party building officials, there is currently statutory prohibition on specialized inspectors that are employed in the private sector to complete specialized inspections. There are a limited number of these inspectors, and, without removal of this prohibition, larger scale projects will not be able to move forward because they cannot be inspected and permitted. This issue was the catalyst for the overall discussion related to third-party building officials, but is not related to the asserted legal claims.

There is a commitment to work on this issue in the 2019 session, but it remains an issue of high concern as it directly impacts the flexibility of local government choice on how to provide services at the local level. Using third-party providers allows smaller jurisdictions to have local, efficient programs that provide clarity for the local development community. It also allows a base of business for these companies, which also serve to provide over-flow capacity to programs that primarily staff these programs with government staff. Therefore, this issue is vital to the long-term success of locally run building inspection programs.

Presented by the Community Development Committee

Z. Tobacco Taxes Share Increase

Legislation:

The League proposes seeking a share of all state tobacco product tax revenues .to assist with rising public safety costs and provide state shared revenue equity.

Background:

Only cigarette tax revenues are included in the [state-shared revenue](#) distribution to cities and those revenues are decreasing; cities receive about 2% of the cigarette tax revenues or \$3.6 million a year under the formula. [Other tobacco](#) (chew, snuff, cigars, pipe tobacco, etc.) is also taxed by the state and those revenues have been increasing ([now over \\$60 million a year](#)), but those revenues are distributed only to the state. Cities are preempted from taxing cigarettes and other tobacco products. However, cities are often left to enforce tobacco laws and handle sales and use complaints. The League proposes that cities should receive a fair share of all the tobacco tax revenues. The League anticipates that excise tax increases to cigarettes and other tobacco products, and a new vaping tax will be a part of revenue package discussions in 2019, and the League sees this concept as an important leveraging tool.

Presented by the Finance and Tax Committee

AA. Waste Water Technical Assistance Program

Legislation:

The League will advocate for the creation of a circuit rider program, within the Department of Environmental Quality, to provide needed technical assistance for communities on water quality issues, including wastewater treatment and permit compliance options. Staffing for the circuit rider program would be provided through a third-party contract (or contracts). The League will work to identify funding resources to support this program, including a possible set aside of Oregon's federal Clean Water State Revolving funds.

Background:

As Clean Water Act requirements for public wastewater systems continue to evolve, with new and more stringent requirements being placed on a number of Oregon communities; cities have expressed concern over how best to comply with those requirements, especially with the limited technical and financial resources that many face. The League's Water & Wastewater Committee discussed the need for technical assistance for communities experiencing these challenges and looked to an existing program within the Oregon Health Authority's (OHA) Drinking Water Services division as a template for addressing this need. The OHA funds a circuit rider program through a third-party contract. The program is funded through federal Drinking Water State Revolving Loan Funds. The program is intended to help more communities be successful in complying with state and federal requirements. The services provided through the program are free for communities with populations of less than 10,000.

Presented by the Water/Wastewater Committee

BB. Wetland Development Permitting

Legislation:

The League shall work to establish legislative authority for the Department of State Lands to assume the federal program from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act.

Background:

In many communities looking to develop in the wetlands creates regulatory uncertainty, particularly where development is occurring in previously un-identified wetlands, because there are two agencies that must provide permits, the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (USACE). The state's process has set deadlines which provides certainty for developers. However, the USACE process is much less consistent or timely. This uncertainty increases risk related to development that can cause projects to stop before they start. In a time where cities are trying to encourage development to meet the housing shortages and economic development goals to support citizens, any increased barriers can impact success.

There is a process in place at the federal level that would allow for the state to assume the USACE permitting process increasing the efficiency and certainty in the process. The [state has taken steps](#) in the past to ensure alignment of the state program to the requirements for federal approval. However, there were concerns raised at the time that the process related to the Endangered Species Act and cultural resource protections. The DSL has continued to work on these conflicts and believes it is positioned to work with the federal government to assume the federal permitting process if so authorized by the state legislature. For further information, the DLS provided a presentation for the committee, available [here](#).

Presented by the Community Development Committee

CC. Wood Smoke Reduction Program Support

Legislation: Support increased funding to support local wood smoke reduction programs and efforts. The League will advocate the need for an additional \$3-5 million, recognizing that any additional funding to assist communities is helpful.

Background: Woodstove smoke is one of the most significant sources of fine particulate and toxic air pollution in Oregon, often jeopardizing public health and putting communities at risk of violating federal air quality standards. Woodstove smoke is a problem for many Oregon communities that struggle with both the public health impacts and economic threat of being designated as nonattainment under the federal Clean Air Act. To address this challenge, local governments need access to funding for wood smoke reduction programs. Such programs have proven effective at reducing wood smoke in communities and include public education, enforcement, incentives for woodstove change-outs (to ductless heat pumps or certified stoves, weatherization assistance for low-income households and providing residents with dry, seasoned fire wood which burns cleaner. A 2016 taskforce report that was submitted to the Legislature indicated that there are approximately 150,000 uncertified stoves in the state, and that while Oregon has a long and successful history of replacing woodstoves in certain communities, money is sporadic and limited. The report went on to suggest that “an allocation in the range of \$3-5 million per biennium could target high-risk communities and would support a meaningful level of effort to replace old, dirty woodstoves.”

In 2017, the Legislature provided \$250,000 in funding for community wood smoke reduction programs. The need for local communities, including a number of small cities, is much greater.

Presented by the Energy & Environment Committee