CITY COUNCIL AGENDA

January 9, 2017, 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 STARTING VOTE		
Council Position #2 Larry Brennan		
Council Position #3 Becky Campbell		
Council Position #4 Doug Brand		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison VACANT		

3. **Special Orders of Business:**
   a. Presentation to Mayor of plaque of appreciation from Auckland Fire Department
   b. **CURRENT COMMITTEE & COMMISSION VACANCIES**
      BUDGET: Currently 2 positions of 5 vacant
      - Probable appointment of Candace Perryman to one vacant position

      PLANNING: Currently 2 positions of 5 vacant
      URBAN RENEWAL ADVISORY: Currently 3 positions of 4 vacant
   c. Elect 2017 Mayor Pro Tem

4. **Consent Calendar:**
   MINUTES – December 2016 regular meeting

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

6. **Public Hearing**
   a. Ordinance No. 663-an ordinance governing the use of public ROW by utility and communications providers

7. **Citizen Requested Agenda Items**
   NONE SCHEDULED

8. **Public Contracts and Purchasing**
NONE SCHEDULED

9. **Ordinances & Resolutions**
   a. Resolution R1617-07 Budget Committee Appointment

10. **Miscellaneous Items (including policy discussions and determinations)**
   a. Discussion of legal counsel opinion regarding donation of City owned property to a local non-profit
   b. Annual report to Council & Mayor on current commission/committee members
   c. City Goals

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, Vacant

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

14. **Executive Session**
No executive session is scheduled

The next regularly scheduled City Council meeting is **Monday, February 23, 2017, at 6:30PM** in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

15. **Adjourn** **Time: _____**

Gold Beach

SPECIAL ORDERS OF BUSINESS

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **3 a.**
Council Meeting Date: January 17, 2017

TITLE: Presentation to Mayor from Auckland NZ Fire Department

SUMMARY AND BACKGROUND:
The Mayor recently sent a key to the City to the Auckland Fire Department in New Zealand. We were informed they sent a thank you back which our mutual citizen, Brent Lawrence, would like to present to the Mayor.

REQUESTED ACTION:
Informational only.

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **3 b.**
Council Meeting Date: January 17, 2017

TITLE: Budget Committee Candidate

SUMMARY AND BACKGROUND:
We have been down several members of the various City committees for a very long time. We recently started announcing the vacancies at our monthly meetings. We netted one candidate in December! And a great former commissioner at that!

Candace (Candy) Perryman has submitted an application to serve on the Budget Committee. I have verified her residency and she is eligible to serve.

From Ms. Perryman's Application:
Why are you interested in serving? To give back to my community.

What other volunteer activities/groups have you participated in? City Planning Commission, Central Curry School District Board.

Education: BS in Forest Management from University of New Hampshire

Skills/Qualifications you feel are relevant to this volunteer position?
- Accountant for 20 years
- Serve on school budget committee
- Long-time resident familiar with history

Employment & Volunteer History:
- Many years on the GB Planning Commission
- Treasurer for Kid Kastle 1996
- Former T-Ball, Softball, Soccer coach
- School board for 8 years
- School budget committee several years—currently serve
- Church council several years
- Church Audit Committee currently

- Employed as Senior Accountant at AdvanTec Manufacturing USA (dba as Freeman Marine) 16+ years

References: Councilor Tamie Kaufman, Mayor Karl Popoff, Jodi Fritts

Is there anything else you would like the Mayor and Council to consider? Trying to help out where needed. If you have plenty of other volunteers that is fine.

REQUESTED ACTION:

Ms. Perryman has previously served the City on the Planning Commission and I was sad indeed when she resigned a few years back. She was one of our best commission members and a great volunteer. I would really like to have her on the Budget Committee (and Planning Commission too for that matter!)

I didn't schedule a formal interview with her since she has been a great volunteer in the past, but I will let her know her application is on the agenda for tonight. I have taken the liberty of preparing a resolution for her appointment which is in the Ordinances & Resolutions section of the agenda.

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **3 c.**
Council Meeting Date: January 17, 2017

TITLE: Mayor Pro-Tem for 2017

SUMMARY AND BACKGROUND:

Pursuant to the City Charter Chapter IV, Section 19 the Council shall appoint a Mayor Pro-Tem at the first regular meeting in January annually. Councilor Kaufman served as Mayor Pro-Tem for 2016.

REQUESTED MOTION/ACTION:

Council decide on 2017 Mayor Pro-Tem

SAMPLE MOTION:

I make the motion that we appoint Councilor XX as Mayor Pro-Tem for calendar year 2017.

Gold Beach

CONSENT CALENDAR

CITY COUNCIL MINUTES

December 12, 2016, 6:30PM
Regular Meeting
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: Time: 6:35PM

1. The pledge of allegiance

2. Roll Call:

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

3. Special Orders of Business:

a. Mayors Proclamation on Ballot Measure 8-87
(pursuant to City Code Section 1.210(7)(a)
b. ***CURRENT COMMITTEE & COMMISSION VACANCIES***
BUDGET: Currently 2 positions of 5 vacant
PLANNING: Currently 2 positions of 5 vacant
URBAN RENEWAL ADVISORY: Currently 3 positions of 4 vacant

Popoff: We've got a mayor's proclamation of ballot measure 8-87. I know I've got it here someplace. Whereas, Resolution R1617-02, a resolution of the City of Gold Beach to submit to the voters of the city a measure concerning the taxing of recreational marijuana sales within the city was passed by the Council on July 11th, 2016, and Whereas, the sales tax proposal was placed on the November 8, 2016, General Election ballot as Measure 8:87. Whereas, pursuant to city code section 1.210(7) (a) the Mayor shall issue a proclamation on the ballot measure results immediately upon completion of the canvass of voters following the election.

Whereas, the November 8, 2016, election results for Measure 8-87 as certified to the city by the Curry County Elections Division were: 1,166 total votes were case regarding ballot measure 8-87, 853 voters were in favor of the measure. There are the "yes" votes. 313 voters were not in favor of the measure; "no" votes. Based on the official canvass of votes provided by the Curry County Elections Division attached to this proclamation, I Karl Popoff, Mayor of the City of Gold Beach, proclaim the following: The voter of the city of Gold Beach approved ballot measure 8-87; city tax on recreational marijuana

retailers' sale of marijuana items. The approved measure is effective the date of passage and shall begin to be collect by the State of Oregon, on behalf of the city, beginning January 2016. It is dated this 1st day of December, 2016, and will be signed by me.

I also want to make a couple of announcements concerning the vacancies that we do have right now. On the Budget Committee, and once again, these are very, very important. I know that I'm speaking to the choir here, but for the paper primarily. Each one of these is very important. The budget, the planning, urban renewal, advisory committee. As it stands now, we have currently two positions of five vacant for the Budget. Planning, same thing. Two positions of five are vacant. Urban renewal advisory: Currently three positions of four are vacant. If anybody knows of anybody that would like to serve on these, we would surely be interested in talking to them, and very appreciative at that.

4. Consent Calendar:
MINUTES – November 2016 regular meeting

Popoff: Consent Calendar: The Administrator has given us a very detailed minutes of the last meeting. Can I have a motion to approve this consent calendar?

MOTION: Councilor Tamie Kaufman made a motion to approve the consent calendar. Councilor Becky Campbell Brand seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			**ABSENT**
Council Position #2 Larry Brennan	**X**		
Council Position #3 Becky Campbell	**X**		
Council Position #4 Doug Brand	**X**		
Council Position #5 Tamie Kaufman	**X**		
MOTION CARRIES 4 AYES	**4**	**0**	

Popoff: Motion passes unanimously.

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

Popoff: Citizen Comments: We've got a real special one. Lindsey, come on up. Once again, congratulations on this great honor. That is super cool.

Lindsey: Thank you so much. My name is Lindsey Dixon. I reside in Gold Beach. What address do I give?

Fritts: It's okay. You don't have to. We don't put it in there anymore.

Lindsey: I just wanted to thank the city council for giving me the opportunity of growing up to be student liaison for Gold Beach City Council. It's given me opportunities. Now, I'm on the executive council for my sorority. I have been for two years ... Well, this will be the second year of it now. I just wanted to thank you guys for all of the opportunities you've given me over the years. I'm just super excited to represent not only Oregon, but Gold Beach in the upcoming pageant in June in Alabama.

Popoff: Oh, that is beautiful. Thank you very much. Thank you for what you've done. That is pretty special. I wish, just as a side, we could find someone like you to sit back up here again. Bless your heart. This past year, we didn't have anybody, did we, that represented the school.

Kaufman: Austin Sanders is interested, but our application says they have to live in the city limits. I told him to apply, but I don't think he turned it in. Lindsey never lived in the city ...

Popoff: Austin did?

Kaufman: I know you know Austin.

Popoff: Oh, yeah. He's a great kid.

Kaufman: Maybe you can, if you see him, say, "Hey, fill that out."

Popoff: I will. I did not know that.

Kaufman: He lives in [crosstalk 00:07:51]. It's close enough.

Fritts: As long as they are in the school district.

Popoff: Yeah, it doesn't make any difference if their within the city. They just have to be attending the school.

Fritts: Yeah, that would be great.

Popoff: Then maybe we can start having a student liaison again.

Fritts: What was the kid's last name?

Kaufman: Austin Sanders.

Fritts: Sanders. Okay.

Popoff: Yeah, he's a great kid. He's a super kid.

6. Public Hearing

a. Ordinance No. 662-amending Ordinance No. 659 tax collection procedures to allow for DOR collection

Popoff: Let's see. We do have a public hearing. This is Ordinance 662 amending Ordinance 659. This is tax collection procedures to allow for Department of Revenue collection. We'll go into that public hearing at 6:43.

Fritts: This is a housekeeping ordinance that Legal Counsel had prepared for us with the strong suggestion that we adopt it in one meeting. The reason for that was that when we put the ballot measure on, we weren't really sure yet what the state was going to do as far as collection, and we didn't know that until after the election. There were portions of the ordinance that we adopted that didn't fit quite in with how the Department of Revenue plans to collect it. Legal counsel contact their legal counsel and made a couple of suggestion. This doesn't change anything else about the ordinance, and it does leave the collection procedures in place that we have, so if at some future time we decide that we do want to collect it ourselves, we don't have to come back and redo it. This just kind of provides a provision that we can enter into a contract with another agency to collect it for us.

Her suggestion was to adopt it in one meeting tonight after the public hearing portion of it. I did put the procedure in there. It's a little bit different than what we've done in the past, and the reason for that was that legal counsel has actually told me a couple of different times that the way that we've done it in one meeting, we've kind of made it a little bit more onerous than we need to. I streamlined it to what her process was.

Popoff: Thank you, Administrator. Councilor?

Kaufman: After the public hearing, I just have a process thing. I think we need to technically do this after we do the resolutions because there's a statement in here that we already passed the resolution. I think we need to do it backwards if we did it first.

Fritts: Oh, okay.

Kaufman: Which could be illegal [inaudible 00:11:08].

Fritts: Good point.

Kaufman: A very minor thing that ...

Fritts: When we get to the ordinance and resolution section, we'll just ... I think I put it first on that portion of the agenda. We can just make it be after the resolutions that we adopt for the ... I think the reason why I put it beforehand was that we were going to enter into an inter-governmental agreement, but I was wanting to adopt this so that we would

mechanism to enter into it. However, you're right though. The ordinance has a greater weight of law.

Popoff: In short then, there is no real need for the public hearing right now?

Fritts: Well, if there's anyone in the audience that want's to comment on how we intend to have the taxes collection, if we ever get a pot shop.

Popoff: Is there anybody in the audience that would like to comment on this? Nobody. We'll end the public hearing at 6:47.

Fritts: Okay. The ordinance and resolutions that go with it are in the ordinance and resolution section, so we'll deal with that when we get to that section.

7. Citizen Requested Agenda Items

a. Request by Lea Sevey to address council about shelter home property

Popoff: Thank you, Councilor. We have a request by Lea Sevey to address the council about the shelter home property. Lea? Just come up and your name, please, for the record.

Lea: Okay. Lea Sevey.

Popoff: Thank you.

Lea: If I might approach, I have brochures to give to everyone.

Popoff: That's fine. You may address the bench.

Lea: I'll just give them to you and you can pass them down. Is that all right?

Fritts: Yes.

Lea: First of all, I wanted to make sure everyone knew what Oasis Shelter Home is and what we do. We do conduct business in the city of Gold Beach. Does everyone know what we are.

Popoff: I do.

Lea: Most of you do know. Okay, so I'll dispense with the introduction of what we do. We are attempting to expand. We have been a nonprofit since 1992. We've been operating an emergency shelter since 1995. I've been with the agency for 12 years, if you can believe that. In that time, we have seen an increase in the need for our services in addiction. We've also seen a real issue with housing, and you are probably all very well aware of the housing crisis that's going on. Just to punctuate my comment about housing, there is

a 2014 needs assessment about housing that the State Oregon Coalition Against Domestic and Sexual Violence conducted. In this report, they show that our region has the highest rent for a one-bedroom apartment in the state. Higher than Portland, higher than Salem, higher than anywhere else in the state. Our region, not just Curry County, but two other counties.

I know I'm preaching to the choir when I talk about housing. However, that is directly related to what I wanted to address to you about. At Oasis, the house that we operate that is our shelter home, Oasis owns that house. For those of you who have been around here a long time, you will remember that this house was donated by the Presbyterian church that is over on Hillcrest. The house was picked up and moved and put on a piece of property where it's now located. That piece of property is owned by the city. We lease that property on a 75-year lease, and I think Oasis owes you about $4.00. We lease it for a $1.00 a year. I haven't gotten a bill in about four years. We owe you $4.00, but we would like you to entertain donating the property to Oasis so that we own both the house and the property together, and here's why.

We are currently trying to purchase a home that we can turn into a transitional living, and in order to really do that, we need to show that we have a little stronger assets than we already have. Now, we do have some assets. We have the house. We have an investment account, but if we could show that we also have owned the property that the house sits on, that would really add to our ability to be able to get a USDA loan to buy a house. We also have a handful of sponsors who are helping us. We already have gathered all of the down payment money to buy a house with sponsors that we've gotten from our community. My request is that the council entertain donating the property that our house sit on to Oasis.

Popoff: That property is the property on lease. That's the extent of it, though. It's just that property on lease?

Lea: That is correct. Yes. I do have, if you'd like to see it, we did a comparative market analysis in 2010 buy a realtor that sort of shows what the value of the combined in 2010 is, and so we can really see how that would be helpful to us. Would you like to see it?

Popoff: Yes, we might as well. Thank you. Yes, sir?

Brand: The city pays property taxes on that property now?

Fritts: No, we don't pay taxes.

Popoff: We get a dollar a year?

Fritts: It's owned by us, so we don't pay taxes on it. I think, but I don't know for sure, that if it's owned by a nonprofit, I don't know that that would change the tax status of it.

Lea: That's correct. When we rented a building for an office, we got the taxes excluded even on a building that we rented because of our nonprofit status.

Brand: What's your designation? 501?

Lea: 501-C3.

Brand: C3.

Lea: If you could not put the street number ...

Fritts: I was just about to say that, yeah.

Popoff: Could you repeat that?

Fritts: We don't want to say the street name because even though locally we know it is a domestic violence house, we don't want to alert people where the location of it is. That's why I didn't put it in the packet.

Popoff: Forgive me, please.

Lea: That's okay. Any questions?

Popoff: Councilor?

Kaufman: I did read the lease. It's a very one-sided lease in favor of the nonprofit.

Popoff: Yeah, I read the lease, too.

Lea: It's a very kind lease.

Kaufman: It was very ... Usually, when you put improvement on someone else's property, when you leave, the property owner gets to keep the improvements. You could take them with you.

Lea: We did just repave the parking lot, and put up a new fence with grant money.

Kaufman: I don't think there's any value to that property to the city is there?

Fritts: I think that was the reason for the donation because of where it was located and the size of it. We don't have any infrastructure at that location. I remember when the house was placed, but I don't know the history on how we acquired it. I'm assuming it was because of taxes, but I don't know. It's not like something that went way back and we had some building there or structure or whatever.

Popoff: We didn't have anything there at the time. In fact, that was kind of a swampy little area at the time, too.

Lea: The pictures I've seen from before the house was there, that's what it looked like.

Fritts: We don't derive any income off of it other than the dollar.

Lea: You haven't gotten that for four years.

Fritts: The only reason I haven't sent a bill is that sending you a bill would cost more than the dollar.

Popoff: According to the lease, you've just seeded that property back to us. [crosstalk 00:19:44] Council, what do you think? Yes, Councilor Kaufman?

Kaufman: If we were to proceed, and I'm talking about [inaudible 00:19:54] ideas of why we shouldn't do it before we go forward, but would our attorney write it up?

Fritts: Yeah.

Kaufman: If so, do we want a reversionary clause if they cease doing that type of work that we'd get it back or do we just want to free and clear it?

Fritts: I think those are all very questions that we would want to ask legal counsel.

Kaufman: I know when we did where your office used to be, we donated a bunch of money towards the kids' thing and it was supposed to have a reversionary clause and it didn't. The administrator at that time didn't follow through on that part, so we ended up losing all of our investment.

Popoff: All of it.

Kaufman: In this particular case, I think our investment is just the land. I don't know that the city ever paid anything for it.

Fritts: That's what I'm thinking because when I look at the file, at the history on it, I don't see anything in there. That's why I'm thinking that either it was a tax foreclosure that the county said, "We don't have any use for it so let's give it to the city." That's how we kind of got South Beach Park. I'm assuming that it's the same kind of thing.

Popoff: Yeah, from the county.

Fritts: The lease started in '92, so we probably had it how ever many years before that. What the nature of how we acquired it is I don't know. We haven't been deriving any tax income on it for a lot of years.

Campbell: I can't see any reason ... I'm sorry.

Popoff: No, go ahead, Councilor.

Campbell: I can't see any reason why we wouldn't donate the land to them or give them the land. There's no reason not to.

Popoff: I don't see any reason to hold onto that, too. Unless, of course, you want to make sure you give us our four bucks.

Lea: Right, and I'd be happy to write a letter to the editor to the paper, and thank the City Council.

Fritts: Let me contact legal counsel and find out if there has anything to do with disposal of public property. Maybe, that was the reason for the 99-year lease was ... There is a provision in state law that if a jurisdiction finds that something is surplus to their needs, that they have to offer it at public auction. However, I don't know since we already have a lease with the people that are currently occupying the property, and there are reasons why they want to acquire it. Those are questions I don't know. Let me ask that question.

Popoff: I'd be interested to find that out, too. Because it seems to me like if the city wanted to, the council is certainly empowered to go ahead and do that.

Fritts: Oh, absolutely. Yeah.

Popoff: Yes, Councilor Brand?

Brand: I remember writing the 501-C3 documents. There is a clause in there that if they cease to become or cease doing business as a 501-c3, they have to designate in writing where the property is going to go. I would think that if they did that, according to the reversionary clause ...

Fritts: That may be what would cause it to happen. I want to double check that. Before I lose the though, reversionary clause. There was one other thing that you said, Councilor Kaufman, that you had a question about, I thought.

Kaufman: [inaudible 00:23:22], reversionary clause ...

Fritts: Maybe, it was just the negatives.

Kaufman: The other two questions are, if I may, is who will pay the transfer costs and what is your time frame?

Lea: We'd be happy to pay for any transfer costs. That's the least we could do, and we're flexible on the timeline, but of course, the sooner the better so that we can pursue purchasing another property.

Popoff: Thank you. Councilor Brennan, what's your thoughts in all of this?

Brennan: I have no objection to it at all.

Popoff: Okay, thank you, sir.

Fritts: May I ask two things: If it's okay to wait until January to give you an answer, if you would prefer to have some things sooner, if you want to make a motion that, provided it's okay with legal counsel and then have them start preparing it, if it's okay with them. Do you want to hear about it before? If I ask her these questions ...

Popoff: If you ask those questions and if you when you were able to ask those questions, you're able to tell the attorney that the council was in favor of it, wouldn't that expedite things a little bit?

Fritts: That's what I'm thinking. Because it might take her a little while to write the correct document in order to have the title company and all of that done. That would be a decision for you guys to make.

Popoff: Yes, ma'am?

Kaufman: I think from my point of view, we're getting rid of a city asset, so we would want the public to have a chance to comment, so if we didn't at least have one meeting where the public knew that we were having this discussion. As of today, we only knew that she wanted to talk. We had no idea what about, which might be smart. I don't want the public to think that we did something behind closed doors, and we're open about it. Yes, you can start on it in my opinion, but not the point where we're ready to sign paper until we have a public meeting. [crosstalk 00:25:26]

Popoff: You mean for a public hearing?

Kaufman: We can use the lot and tax number instead of the address if that would be easier.

Fritts: Yeah, and we don't actually have to ... I need to think about that.

Popoff: We can handle that at a public hearing, of course. Yes, ma'am?

Fritts: Actually, I want to ask her that question, too.

Campbell: Would you do me a favor and tell me what you mean by "transitional living center"?

Lea: For example, there's this [inaudible 00:26:04] for sale. We actually put earnest money down on it on the same day that someone else did, and it has been on the market for 250 days. We are in the process of branching out and looking at other buildings that we could utilize as a communal living center that wouldn't have the 30-day limit that we have at our emergency shelter. It would be more permanent. The USDA, which is a sort of guaranteed loan that we are embarking upon, would allow for residents to reside there for up to two years. We would have to call it transitional housing. That would help relieve a number of things. We've partnered with Hall Care and Western Oregon Advanced Health, child welfare, and Oregon Coast Community Action, and I'm missing an agency, who would refer folks to us who are in need of a place to live. It would be exclusive for females and their children.

We've had many discussion, these groups and myself, about how it wouldn't work if we had both men and women living under the same roof because this house in particular is a ten bedroom house with three and a half bathrooms. That would be tricky. However, we would, like I said, get referrals from all of those agencies to fill those rooms. We've gotten sponsorships from some of those agencies that would help pay the down payment and then we would provide rooms to their patients or customers not exclusively to give the priority at a greatly reduced rent for doing so. For finding a room for them, so we'd have this sort of tiered process of sponsorship for rooms, and we've already had four groups come forward and say that they would like to sponsor a room. Does that make sense?

Campbell: Yes, ma'am. Thank you.

Fritts: This used to be the group home that's going down towards the port, which I'm glad to see that there's interest in it because it's been vacant for almost a year. It is a unique property. Like you said, ten bedrooms. It's not like an average family is going to buy it, and it's been vacant for a long time. That would be a good use of it.

Lea: Yes, that's what we thought.

Kaufman: However, you didn't get the offer. Somebody else has it?

Lea: We're in second place. We got a signed offer in second place.

Kaufman: [crosstalk 00:28:44] for them to fall through and then it's for you.

Lea: Well, yes. For the [Quest 00:28:48] folks, but that does give me more time to work with the USDA in securing our funding. We are pre-approved.

Popoff: Personally, I'd love to see it work swimmingly for you. I don't know if you know it or not, but in '92, when it first opened, Sue Golay was one of the original founders.

Lea: Her name is on all of the original documents.

Popoff: Good, then you knew, perhaps, that I was on the initial board. I was also the chaplain there initially when it was located on First Street. I stayed with it for about a year or so, but then I had so many different chaplaincy duties that it was kind of hard to continue.

Lea: I didn't know that.

Popoff: I was there on the ground floor, and I would just like to see you guys continue to do the work because it is something that is desperately needed. I wish we had something like that for men, to tell you the truth, but we do not. The closest thing is, as you know ...

Fritts: Yes, I will contact our legal counsel tomorrow.

Popoff: If we don't have any objections ...

Fritts: I'm sure I'll probably have questions from her, so I'll just call or email you.

Lea: Excellent, and one last thing. I would be happy to be on one your committees, but I live in the county. That's actually, with one of them ... [crosstalk 00:31:42] I don't know that we have anybody in planning. Normally, in planning we can have one person that lives outside the city.

Fritts: Yeah, but they have to be in the UGB, and we actually, right now, have two of our three actually are in the UGB that we had to do a special dispensation for one of them because we couldn't get anybody inside of the city. However, Anthony Drive. That's south of town, right?

Popoff: Thank you, though, Lea. We appreciate that.

Lea: Well, thank you very much, Council. I appreciate it.

Popoff: You're quite welcome.

8. Public Contracts and Purchasing

NONE SCHEDULED

9. Ordinances & Resolutions

a. 1st and 2nd Reading of Ordinance No. 662-amending tax collection procedures

b. Resolution R1617-05-setting MJ tax rate

c. Resolution R1617-06-IGA with DOR for MJ tax collection

d. 2nd Reading of Ordinance No. 660-zoning ordinance amendments for tiny houses and ADUs

e. 1st (and probably 2nd) Reading of Ordinance No. 661-zoning ordinance amendments for MJ dispensary provisions in Commercial and Industrial zones

Popoff: Now, we get to ordinances and resolutions.

Fritts: Just for clarification, Mr. Mayor. A, we're going to do it at the end. We'll do B, C, D, E, and then come back to A.

Popoff: Resolution R1617-05, and that's setting the marijuana tax rate.

Fritts: When legal counsel prepared it, we did put it at the 3%. We can certainly change it at this time. Three is the ceiling. If three doesn't work ...

Popoff: Yes, ma'am?

Kaufman: The bottom of your instructions, Administrator. I think it's referring to an old resolution. The one that we actually put on the ballot. We don't have to follow that, do we? This would just be a motion to approve the resolution?

Fritts: Yeah, that's previous agenda item. Yeah, that was from the previous agenda items. Sorry. I didn't give you a sample motion. Sorry.

MOTION: Councilor Tamie Kaufman made the motion to approve R1617-05, a resolution establishing the rate of tax on the sale of marijuana items by marijuana retailers in the city of Gold Beach. Councilor Larry Brennan seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			**ABSENT**
Council Position #2 Larry Brennan	**X**		
Council Position #3 Becky Campbell	**X**		
Council Position #4 Doug Brand	**X**		
Council Position #5 Tamie Kaufman	**X**		
MOTION CARRIES 4 AYES	**4**	**0**	

Popoff: Motion passed unanimously. Now we have Resolution R1617-06-IGA with the Department of Revenue for marijuana tax collection. We've gone into this a little bit. Yes, sir?

MOTION: Councilor Larry Brennan made the motion to approve resolution R1617-06, a resolution approving the intergovernmental agreement between the city of Gold Beach and the Oregon Department of Revenue for collection of a city tax on the sale

of marijuana items by marijuana retailers in the city of Gold Beach. Councilor Tamie Kaufman seconded the motion.

Popoff: Councilor Kaufman seconds. Discussion? Yes, ma'am?

Kaufman: I have a question on section 15. This is probably a horrible to task. We probably should have asked that at the beginning. It says that confidential information may be disclosed only to the city as principal. Then down later it says that request for confidential information shall be made by the city. Is it really supposed to be a "may" and then a "shall" or are they both supposed to be "shall"?

Fritts: This was prepared by the Department of Revenue.

Popoff: It could be almost anything.

Kaufman: We probably can't change it.

Fritts: I would not suggest it because that was one thing that legal counsel had said was that the Department of Revenue had prepared this. We just had to format it for our own stuff.

Kaufman: I know with those kinds of people "may" and "shall" mean two completely different things.

Fritts: I can tell you from a room tax standpoint that even as a taxing agency ourselves, they won't release any information about whether it's a hotel or something. I had one in the past where I was wanting to know if that person was not remitting their tax also to them. They wouldn't even tell me whether the person ... I doubt seriously that we'll be able to get any information from them.

Popoff: Anything further? Question?

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			**ABSENT**
Council Position #2 Larry Brennan	**X**		
Council Position #3 Becky Campbell	**X**		
Council Position #4 Doug Brand	**X**		
Council Position #5 Tamie Kaufman	**X**		
MOTION CARRIES 4 AYES	**4**	**0**	

Popoff: Motion passed unanimously. Now we have the second reading of Ordinance 660. This is only and ordinance amendment for "tiny houses" and ADUs.

Fritts: This is just the second reading. We just need a motion to approve the second reading by title only.

MOTION: Councilor Tamie Kaufman made the motion that the Council approve the 2nd reading of Ordinance 660, an ordinance amending Ordinance 634, the Gold Beach Zoning Ordinance providing provisions for accessory dwelling units and "tiny house" by title only. Councilor Doug Brand seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			**ABSENT**
Council Position #2 Larry Brennan	**X**		
Council Position #3 Becky Campbell	**X**		
Council Position #4 Doug Brand	**X**		
Council Position #5 Tamie Kaufman	**X**		
MOTION CARRIES 4 AYES	**4**	**0**	

Popoff: Motion passes unanimously.

Fritts: I will do the second reading of Ordinance 660, an ordinance amending ordinance 634, the Gold Beach zoning ordinance providing provisions for accessory dwelling units and "tiny houses", second reading. Then this will go into effect 30 days after today.

Popoff: Thank you. E, first and probably second reading of Ordinance 661, zoning ordinance, and then an amendment for marijuana dispensary provisions in commercial and industrial zone.

Fritts: We had a little discussion last time about a couple of things that I didn't have in both places. Then we talked a little bit about the state rules as it related to schools and things like that. I didn't want to do the first reading last month because I wanted to make sure that I had incorporated the changes that you wanted. If this is the changes that you want, we can do, as Councilor Kaufman suggested at the last meeting, we can do both meetings tonight, but it has to be unanimous. The first question is: Did I incorporate the stuff the way that you wanted it? Before Councilor Kaufman asks, the county did sign the IGA with Lane County for IGS services, which is really awesome. We hope to have it fully functional by the second week of January, which will be just fabulous.

I would like to ... The map wouldn't necessarily be adopted with this ordinance, but we were going to put it with it. The map that we had talked about at the last meeting of where you can locate a facility, we will have that for January. Then we can pass that out at the counter.

Popoff: Yes, ma'am?

Kaufman: I believe the map was ... It's so important. I think it was most important when we had all of that other language in there restricting it to private day cares. Then it was getting to the point where I was afraid we wouldn't have any place. However, now that it's pretty much a thousand feet from the school, and we did eliminate the thousand feet from

each other. That would be easier. I think we've got it the way that user friendly but still protects the kids.

Popoff: It's pretty cut and dried right now in so far as I could read it.

Kaufman: If it's okay, I'll make a motion.

Popoff: Yes, ma'am. You may.

MOTION: Councilor Tamie Kaufman made the motion that the Council adopts Ordinance 661 in one meeting tonight. Councilor Doug Brand seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			**ABSENT**
Council Position #2 Larry Brennan	X		
Council Position #3 Becky Campbell	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES 4 AYES	4	0	

Fritts: Since it's unanimous, then we can do both reading by title only tonight. I think Councilor Kaufman is ready to make a motion.

Popoff: Yes, ma'am?

MOTION: Councilor Tamie Kaufman made the motion that the council adopts Ordinance 661 and approve the first and second reading ordinances by title only. Councilor Doug Brand seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			**ABSENT**
Council Position #2 Larry Brennan	X		
Council Position #3 Becky Campbell	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES 4 AYES	4	0	

Fritts: Now I need to do the first and second readings of the Ordinance 661 an ordinance amending ordinance 634, the Gold Beach zoning ordinance, providing provisions for recreational and medical marijuana dispensaries within the commercial 4-C and industrial 5-I zones. First reading: Ordinance 661, an ordinance amending ordinance 634, the Gold Beach zoning ordinance providing provision for recreational and medical marijuana dispensaries within the commercial 4-C and industrial 5-I zones. Second reading. Then again, this will go into effect 30 days from today.

Popoff: Thank you. Now we can go back up to the first and second readings of Ordinance 662, amending tax collection procedures.

Fritts: Same procedure that we just followed just now. Unfortunately, I don't think I gave you the ... I did give it to you, but it's back in the public hearing section.

Kaufman: We wanted to do this in one night, right?

Fritts: Lauren would prefer that because the collection official goes into effect on January 15th, and if we adopt this tonight, then this will go into effect January 12th.

Kaufman: Let's see if I can do this.

MOTION: Councilor Tamie Kaufman made the motion that the Council pass Ordinance 662 amending Ordinance 659 for marijuana tax collections procedures in one meeting tonight. Councilor Becky Campbell seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			**ABSENT**
Council Position #2 Larry Brennan	X		
Council Position #3 Becky Campbell	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES 4 AYES	4	0	

Popoff: Motion passes unanimously.

MOTION: Councilor Tamie Kaufman made the motion that the Council approve Ordinance 662, first and second reading by title only. Councilor Larry Brennan seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			**ABSENT**
Council Position #2 Larry Brennan	X		
Council Position #3 Becky Campbell	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES 4 AYES	4	0	

Popoff: Thank you.

Fritts: First and second readings and it's short. Ordinance 662, an ordinance amending ordinance 659. First reading: Ordinance number 662, and ordinance amending Ordinance 659. Second reading: Again, this will go into effect 30 days from today. We usually get through those fairly quickly.

10. Miscellaneous Items (including policy discussions and determinations)

a. LOC Regional Meetings on Handy v. Lane County public meetings law decision

Popoff: We have some miscellaneous items here, and we've got this LOC regional meeting. Most of you know about that, I think, in January in Coquille. It will be interesting. One of the things that is interesting about this is that, if you remember correctly, I was speaking once about some of the difficulties we might encounter during public meetings. This played fairly heavily into that. It is still not real, real clear. However, the Oregon supreme court overturned a lower ruling, but they didn't exactly define it. In short, I don't think you have to go ... You all read it, and you know how it is. If I phoned you, and then Councilor Campbell phoned Councilor Brand, we have a chain now that could indeed be construed as breaking open meeting laws even though not more than two are gathered together at any one time. This would probably be something that we really should, as many as possible, attend. If I'm not mistaken, Administrator, this portion of it begins at 4:30.

Fritts: Yeah, that's the only drawback to this one. Normally, they're in the daytime, which I don't know if it's necessarily a drawback. It just depends. Because at the beginning and the day, they're going to have the elected official essentials, which if any of you want to attend is a free training. They have it every year in January for newly coming elected officials, but it's also a good refresher just on general election stuff. At the end of that at 4:30, that's when they're going to do this two-hour session just on this public meetings ruling. The interesting thing on the public ... I reread it like three different times because it's one of those things that when you read it the first time, it's like, "Okay, now what was that saying?" What I got out of it is that they overturned it because they said that the court of appeals didn't prove that they had done this. Not that they shouldn't have done it, but that they didn't prove that they had done it.

To me, it's like ... They didn't comment one way or the other whether it was wrong if they did it. They just said, "You didn't prove that they did it, so we're sending it back." To me, that kind of made more questions than were already there. It'll be interesting to hear what LOC has to say about what it all means.

Popoff: No, it will be interesting because this can affect basically how you do business in some respects particularly with open meeting and what have you, too, as far as violation of the law. At any rate ...

Fritts: If you want to attend either or both of those trainings on that day, just let me know and we'll get you registered. It's free.

Popoff: I'll attend the 4:30 one. I don't know.

Campbell: Where is it again?

Fritts: Coquille at the community center, it's like right in the middle of town. You can't miss it.

Popoff: Yes, ma'am?

Kaufman: This is probably one of those ones that is so complicated that it's better to hear directly from LOC attorneys than to hear it secondhand.

Popoff: We'll probably end up getting something like that. I'm sure we will.

Kaufman: Because when they remanded before this decision, it was like ...

Fritts: That's what I said. I had to read it like three different times. It was like, "Okay, they didn't really overturn it. They just said that you didn't prove it." They didn't say they didn't do bad things. They just said, "You didn't prove they did bad things."

Popoff: Actually, you're right. When I read that, too, and I looked at it. I thought to myself that they really aren't overturning anything in essence.

Fritts: To me, it's more of a remand.

Popoff: The rule in essence stands in place, but they couldn't prove that they broke the law. At any rate, it was overturned, but that still hasn't cleared anything up. What day as that again?

Fritts: It's January 26th, and we don't have the new maps yet. New calendars. Like I said, it's free. Just let me know. The just like to register so if they provide goodies, they know how many to provide, but we don't have to pay for it.

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

Popoff: Administrator, you're report please.

Fritts: I deliberately kept the agenda light because we had all of those ordinances. It always seems like whenever I think something is going to take a while, it doesn't. Then other things that I think shouldn't take a lot of time end up taking more time. I gave you copies of the updates, and I will email them. I had scanned them and Councilor Kaufman, I didn't email them to you before the meeting. I apologize. Department updates: I'll just go through them real quickly. Public Works: We had some recent survey work that we did because of some road and utility things that we were having planned for the future. We noticed that there were two encroachments in two of the areas, not that we were surveying, but that we had surveyed. We're working to resolve those. The water master plan is working its way through the Oregon Health Authority. They have to give it their blessing. Even though we adopted it way earlier this year, they still have to approve it. It's more of a formality, but we can't be at the One-Stop meeting until we get approval from them.

We are currently auditing our commercial sewer accounts to ensure that we have the most current EDU information. The last time we did an audit was right before we started the sewer project so it's been over ten years. Some businesses have changed. Some have gotten smaller. Some have gotten larger, so we're going through that process. Will and Ron have been ready to go on the FOG enforcement for quite some time and they are waiting on me, so I'm hoping by saying it out loud in public, I will get it done for them this year. Poor Will has been very patient, but we need to get that done. The police statistics are attached. We do have a new reserve officer. We haven't had a new reserve officer in quite some time.

Mike Brace. He comes to us from the county. He's been around for a very long time. Has a lot of skills that he's going to bring to the department. He has extensive background in law enforcement. He was the county's emergency manager. He's worked dispatch. He's worked corrections. He actually attended the police academy with Officer Shannon, so we're real excited to have him onboard. If you see this very tall, very thin gentleman with our officers, that's our reserve officer, Mike Brace. Feel free to introduce yourselves. Mike joins our other two reservists, Margie Brennan and then Wally Blackburn is the one that does our little speed trailer.

Fritts: On fire: Chief Krieger has put together a really comprehensive report to me last week on what the current status of the fire department is as far as number of volunteers, what kind of training that we need to have. Right now we have 30 ... He called them solid volunteers, 30 solid volunteers. We've had about the same number for a little over a year now. That's the largest the department has been in years. They invited me to their little Christmas potluck shindig the other day, which was very nice. I noticed when we were down at the fair grounds that there was all of these children and all of these young people. I think this is the youngest our department has been in forever. The median age of our firefighters in the last couple of years has really come down which is awesome because firefighting is a young buck proposition. It was really kind of nice to see all the kids running around and young families. It's been awhile since we've had that.

Part of his report included some real specific short and long-term capital plans. I think I will have him present it to the budget committee when we start doing budget hearings because he's brought some really provocative ideas forward that are things that I don't know that we've ever really thought of in that context. It's kind of interesting to see the different perspectives of the different firefighters where they think our strengths are and where they feel we're good on equipment and where we feel like we're lacking. When we get to budget time, I'll have him come talk to you because I think you'd be interested in what he has to say.

Visitor Center: This is kind of the lull between the summer storm and the starting of Glass Floats. We just did get the glass float shipment. We get three ginormous palates of floats for the season. Those just arrived so the ladies are working on that. Then as of today when I was working on my report, I didn't have all of the room tax reports in. I will report those to you later. Administration and Finance: We talked a little bit about the

mapping. The GIS agreement was signed with Lane County. I'm really excited about that. Once we get that online, I think I told you before that we'll be able to access it on our smartphones. Once we have it online and the folks from Lane County do the training, they'll do it remotely with us, for those of you that would be interested, I'll do a little training session with you guys, and it's something that we can all access remotely.

I think that if you use maps at all, I think you'd be very interested in the product that's available and the information that we'll have at our fingertips. I'm pretty excited about it. The water rates went into effect on the 20th, but it really wasn't reflected fully until the November bill that just went out. We had that 90-day lag time so that we could notify people of the changes, get some information out there about water conservation and that type of thing. So far, I haven't heard any screams from the front office. I'm thinking that things are going okay. Kim, the utility clerk, and I will kind of keep an eye on it especially for the next three months to just make sure there isn't any big anomalies out there. We'll keep watching the usage and billing, but so far, it looks okay. That's my report for tonight.

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

Popoff: Thank you. Councilor Brennan?

Brennan: I don't have anything.

Popoff: Councilor Campbell?

Campbell: I just wanted to thank Administrator Fritts for getting that transcription service so that we can get our minutes timely now. That's awesome.

Fritts: That are so ... I have to tell you. After the last meeting, if you notice I'm dual recording here. The company that I found is online. They have a phone app, and so you can record it right into the phone app into their app, and I did that at the last meeting because I wanted to see how it work. As soon as the meeting ended, I shot them the thing. I got back here the next morning, and they were done.

Brennan: Wow.

Fritts: Yeah, when I got in the office, they had already emailed them to me. In like seven hours, I had them back. It was so awesome.

Kaufman: How did they know our names?

Fritts: Well, that was the thing. They asked to put ... If you want to help, you can put the names of the speakers, and so the first couple of sets, I did that, but then I noticed they spelled the Mayor's name correctly, "K" and "Off", and I thought. Okay. They must have looked online. Once the meeting started talking they must have ... Whoever transcribed it, must have went online and looked at our packet because they spelled your name correctly and nobody ever spells your name right. They spelled your name correctly. They put the two "N's in there. Whoever had transcribed it had must have gone online and looked at our packet.

Campbell: Did they spell my name correctly?

Fritts: Sorry, you and Doug's names are kind of easy, but yeah. I was impressed that they got everybody's names right. Yeah, within six hours, I had it back. I sent them a year's worth, which we already have them back. The hard part is me editing them and just putting the agenda in there. They just send it as the raw file. Then I go through. Then there are some uh, ah, that I deleted out of there.

Popoff: That's good. Yes, sir.

Brand: What I'm thinking is using this on the urban renewal meetings.

Fritts: Yeah, so we'll just do that. We'll just shoot them ...

Brand: Is there a fee for that?

Fritts: Yeah, there's a fee, but the way I figure it is that in the past, we've paid people to do our minutes anyway, and then ...

Kaufman: They never get done.

Fritts: Well, they would get done for a couple of months, and then something would come up because these people had businesses. However, this company ... I just went online and looked for it and this place was recommended by all of these big name companies, and they actually do transcribing. They do subtitling for movies, and they do closed captioning. It's a ginormous company, and the nice thing is that they are all American people. It's not like they get sent to BFE. They're here in America.

Popoff: Oh, that's good.

Brand: Okay, so it would be a pass through then, going from the city back to urban renewal so urban renewal could pay for it?

Fritts: Yeah, it would just be an administrative cost that we'll just put in there.

Campbell: The only other thing that I wanted to comment on was I hope to see everybody at the Christmas Dinner at the fair ground.

Brand: Event center.

Campbell: Event center on the beach.

Brand: I didn't see you there Thanksgiving.

Campbell: I was there Thanksgiving.

Brand: I didn't see you.

Campbell: I didn't see you either, Doug.

Brand: Behind the curtain. Door number one.

Fritts: Pay no attention to the man behind the curtain.

Popoff: They do their level best to keep him behind the curtains. Okay, moving right along. Councilor Brand, do you have anything to say?

Brand: I do. Event center at the Christmas Dinner. Support the event center, and Merry Christmas to all, and a happy, safe New Years. To be going on to something else, on the budget. The room tax for period 11, I saw that it looks like we are slightly ahead of the game for the fair grounds for 28/7?

Fritts: The July and August are our two best months. I want to say it's the 25 fund. As of right now, we have collected $28,248 and that does not include Novembers. That's July, August, September. That's four months that we have $28,000. We had budgeted $57, and then just as a gentle reminder, you guys need to figure out what the process is of how you want to dole out that money.

Brand: We're working on that.

Fritts: Okay.

Brand: January's Fair Board meeting.

Popoff: Anything further, Councilor? Councilor Campbell? I mean, Councilor Kaufman?

Kaufman: I'm pretty quiet tonight. I've had bronchitis for a month and a half, so it's not been very fun.

Fritts: You sound better than you did last week, though.

Kaufman: I'm much better. The antibiotics [inaudible 01:01:27].

Popoff: Well, that illness has really shortened this meeting.

13. Citizens Comments

As permitted by the Mayor

14. Executive Session

No executive session is scheduled

*The next regularly scheduled City Council meeting is **Monday, January 9, 2017, at 6:30PM** in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.*

Popoff: We'll move right along. I'm assuming that there are no citizen comments. The next regularly scheduled city council meeting is Monday, January 9th at 6:30. Of course, it will be right here. With that said, I'll entertain a motion to adjourn please.

MOTION: Councilor Doug Brand made the motion to adjourn. Councilor Larry Brennan seconded the motion.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Melinda McVey			**ABSENT**
Council Position #2 Larry Brennan	**X**		
Council Position #3 Becky Campbell	**X**		
Council Position #4 Doug Brand	**X**		
Council Position #5 Tamie Kaufman	**X**		
MOTION CARRIES 4 AYES	**4**	**0**	

Popoff: It is 7:38. We adjourned. Thank you, Council. It's been a good meeting.

15. Adjourn Time: 7:38PM

Gold Beach

PUBLIC HEARING

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No.
6 a.
Council Meeting Date: January 9, 2017

TITLE: Public Hearing on Ordinance No. 663-Use & Occupation of Public Right-of-way by utility and communications providers

SUMMARY AND BACKGROUND:

I apologize for this draft taking such a long time to come to you. In the past year we have had 2 executive sessions on this matter and the Council directed me at the last one to work with legal counsel on a draft ROW Ordinance. There has been other higher priority ordinances that we needed to deal with in the meantime (marijuana, zoning code amendments, and regular code amendments) so this one has been somewhat on the back burner.

I gave you a large binder last February related to this topic. If you need me to provide that information again just let me know. Otherwise we will proceed with review of the draft the attorney provided. The model ROW ordinance that is the base of this draft was provided in the big binder last year.

Pursuant to your direction from the previous executive session, I have worked with Public Works Superintendent, Will Newdall, and our legal counsel on this matter, Christy Monson, off and on for the past year to iron out the provisions specific to our ordinance. I realize it's a meaty ordinance, but we have discussed the topic twice previously. If you have questions about specific provisions within the ordinance that I can't answer at the meeting we can have Ms. Monson available for our February meeting to answer those questions. Keep in mind thought that the ordinance before you is not significantly different from the one we discussed with legal counsel last year.

NEEDED ACTION

This is the first public hearing on this ordinance. The Council should take testimony at the hearing and then direct staff on how to proceed. We can have Ms Monson on the phone for our February meeting if you have signficant questions. If the Council agrees the ordinance sufficient I can prepare the document for 1st reading at the February meeting.

ORDINANCE NO. 663

AN ORDINANCE GOVERNING THE USE AND OCCUPATION OF THE PUBLIC RIGHT OF WAY BY UTILITY AND COMMUNICATIONS PROVIDERS AND ESTABLISHING AN APPLICATION PROCESS, FEES, AND TERMS FOR SUCH USE

Section 1. Short Title. This Ordinance shall be referred to as the "Right of Way Management Ordinance."

Section 2. Jurisdiction and Management of the Public Rights of Way.

A. The City has jurisdiction and exercises regulatory management authority over all City Public Rights of Way pursuant to the City Charter and State law. The City's purpose for exerting its management authority over the Public Rights of Way is to protect and efficiently manage the public's resources and to ensure fair and non-discriminatory access to the Public Right of Way.

B. The City has jurisdiction and exercises regulatory management over each Public Right of Way whether the City has a fee, easement, or other legal interest in the Right of Way. The City has jurisdiction and regulatory management of each Right of Way whether the legal interest in the Right of Way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

C. No Person may occupy or encroach on a Public Right of Way without the permission of the City. The City grants permission to use Rights of Way through Franchise Agreements and Construction permits.

D. The exercise of jurisdiction and regulatory management of a Public Right of Way by the City is not official acceptance of the Right of Way, and does not obligate the City to maintain or repair any part of the Right of Way.

E. The City retains the right and privilege to cut or move any Communications Facilities located within the Public Rights of Way as the City may determine to be necessary, appropriate or useful in response to a public health or safety Emergency.

Section 3. Regulatory Fees and Compensation Not a Tax.

A. The fees and costs addressed in this Ordinance, and any compensation charged and paid for regarding the use of the Public Rights of Way addressed in this Ordinance, are separate from and in addition to any and all other federal, State, local, and City fees, taxes, or charges as may be levied, imposed, or due from a Communications

Provider, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of Communications Services.

B. The City has determined that any fee provided for by this Ordinance is not subject to the property tax limitations of Article XI, Sections11 and 11b of the Oregon Constitution. These fees are not imposed on property or property owners.

C. The fees and costs provided for in this Ordinance are subject to applicable federal and State laws.

DEFINITIONS

Section 4. Definitions. For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined herein shall be given the meaning set forth in the Communications Act of 1934, as amended, the Cable Act, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act. If not defined there, the words shall be given their common and ordinary meaning.

Cable Act - shall mean the Cable Communications Policy Act of 1984, 47 U.S.C. § 521, *et seq.*

Cable Service - is to be interpreted consistent with federal law and means the one-way transmission to subscribers of video programming or other programming service and subscriber interaction, if any, required for the selection or use of such video programming or other programming service.

Cable Service Provider - means any provider of Cable Service.

City - means the City of Gold Beach, an Oregon municipal corporation, and individuals authorized to act on the City's behalf.

City Council - means the elected governing body of the City of Gold Beach, Oregon.

Control - means actual working control in whatever manner exercised.

City Property - means and includes all real property owned by the City and all property held in a proprietary capacity by the City but does not include Public Rights of Way and Utility Easements as defined herein.

Communications Facilities or Facilities - means all plant, equipment and systems, other than customer premises equipment, used by any Communications Provider. For the purposes of this Ordinance, Facilities used by Cable Service Providers to provide Cable Service are Communications Facilities.

Communications Provider or Provider - means any provider of Communications Services and includes, but is not limited to: every Person who directly or indirectly owns, controls, operates or manages Communications Facilities within the City and Cable Service Providers.

Communications Service(s) or Service(s) - any Service provided for the purpose of transmission of information including, but not limited to, voice, video, or data, without regard to the transmission protocol employed, whether or not the transmission medium is owned by the Provider itself and whether or not the transmission medium is wireline. Communications Services includes all forms of telephone services and voice, video, data or information transport and expressly includes Cable Service offered by a Cable Service Provider, but does not include: (1) open video system service, as defined in 47 C.F.R. 76; (2) private Communications System services provided without using the Public Rights of Way; (3) over-the-air radio or television broadcasting to the public-at-large from Facilities licensed by the Federal Communications Commission or any successor thereto; and (4) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act.

Conduit - means any structure, or portion thereof, containing one or more Ducts, Conduits, manholes, bolts, cables, fiber, or other infrastructure used by or for any telegraph, telephone, electrical utility, conductors, or Cable Service.

Construction - means any activity in the Public Rights of Way resulting in physical change thereto, including excavation or placement of structures, but excluding routine maintenance or repair of existing Facilities.

Days - means calendar Days unless otherwise specified.

Duct - means a single enclosed raceway for conductors or cable.

Emergency - has the meaning provided for in ORS 401.025.

Facilities - means Communications Facilities as defined herein.

Federal Communications Commission - means the federal administrative agency, or its lawful successor, authorized to regulate and oversee Communications or Cable Service Providers on a national level.

Franchise or Franchise Agreement - means an agreement between the City and a Communications Provider which grants a privilege to the Communications Provider to use Public Right of Way within the City for a limited, dedicated purpose and in return for specific compensation.

Franchisee – means a Communications Provider who is a party to a valid Franchise Agreement with the City.

OPUC - means the statutorily created State agency in the State of Oregon responsible for licensing and regulation of certain Communications Providers as set forth in Oregon law, or its lawful successor.

Overhead Facilities - means utility poles, Utility Facilities and Communications Facilities above the surface of the ground, including the underground supports and foundations for such Facilities.

Person - means an individual, corporation, company, association, joint stock company or association, firm, partnership, or limited liability company.

Private Communications Network - means a system, including the Construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a Person for their own use and not for resale, directly or indirectly. "Private communications network" includes services provided by the State of Oregon pursuant to ORS 190.240 and 283.140.

Public Rights of Way or Right of Way - include, but are not limited to: City streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and other public ways generally open to travel, including the subsurface under and air space over these ways; but does not include parks, parkland or other City Property not generally open to the public for travel. This definition applies only to the extent of the City's right, title, interest or authority to grant a Franchise to occupy and use such areas for Communications Facilities. "Public Rights of Way or Right of Way" shall also include Utility Easements as defined below.

Right of Way Use Fee- means the fee imposed upon a Communications Provider for its occupation of or use of the City's Public Right of Way without a valid Franchise Agreement which provides a valid Franchise Fee.

State - means the State of Oregon.

Telecommunications Act - means the Communications Policy Act of 1934, as amended by subsequent enactments including the Telecommunications Act of 1996, 47 U.S.C. § 151 *et seq*.

Underground Facilities - means Utility and Communications Facilities located under the surface of the ground, but does not include underground foundations or supports for "Overhead Facilities."

Utility Easement - means any easement granted to or owned by the City and acquired, established, dedicated, or devoted for public utility purposes. "Utility Easement" does not include any easement dedicated solely for City use or Facilities or any easement where the proposed use is inconsistent with the terms and conditions of the easement granted to or owned by the City.

Utility Facilities - means the plant, equipment and property, including but not limited to the poles, pipes, mains, Conduits, Ducts, cable, wires, plant and equipment located under, on, or above the surface of the ground within the Public Right of Way of the City and used or to be used for the purpose of providing utilities, Cable or Communications Service.

REGISTRATION OF COMMUNICATIONS PROVIDERS

Section 5. Purpose. The purpose of registration is:

A. To assure that all Communications Service Providers who have Facilities within the City and/or who provide Communications Services within the City using the Public Right of Way comply with the ordinances, rules and regulations of the City.

B. To provide the City with accurate and current information concerning Communications Providers who offer Communications Service within the City or who own or operate Communications Facilities within the City.

C. To assist the City in the enforcement of this Ordinance and the collection of any City Franchise fees or Right of Way Use Fees or charges.

Section 6. Registration Required.

A. Unless excepted in this Section 6, all Communication Providers who own, operate or use Facilities within the City's Public Right of Way and all Communication Providers who provide Communication Services to any customer within the City, shall register with the City, on a form provided by the City, within forty-five (45) Days of the effective date of this Ordinance. Any prospective Communications Providers who want to install or use Communications Facilities within the City's Public Right of Way or want to provide Communications Services within the City after the effective date of this Ordinance shall register with the City, on a form provided by the City, prior to installing Facilities or providing Services.

B. After registering with the City pursuant to subsection 6.A of this Section, the Communication Provider shall, by December 31st of each year, file with the City a new registration form if it intends to maintain Facilities or provide Services at any time in the following calendar year. Communications Providers who file an initial registration pursuant to subsection 6.A on or after September 30th shall not be required to file an annual registration until December 31st of the following year.

C. In lieu of filing the City's registration form, a Communications Provider may submit to the City a copy of the its application and approved license from either: a) the Oregon Public Utility Commission (PUC); or b) the Federal Communications Commission. To the extent not included in the application and license materials submitted pursuant to this subsection 6.C, registrants also shall provide the following information:

1. The identity and legal status of the registrant, including the name, address, and telephone number of the duly authorized officer, agent, or employee responsible for the accuracy of the registration information.

2. The name, address, and telephone number for the duly authorized officer, agent, or employee to be contacted in case of an Emergency.

3. A description of the registrant's existing or proposed Facilities within the City, a description of the Facilities that the registrant intends to construct, and a description of the Communications Service that the registrant intends to offer or provide to Persons, firms, businesses, or institutions within the City.

4. Information sufficient to determine whether the transmission, origination or receipt of the services provided, or to be provided, by the registrant constitutes an occupation or privilege subject to the City's business license requirements. A copy of the business license or the license number must be provided.

Section 7. Exceptions to Registration. The following Communications Providers and Facilities are excepted from registration:

A. Communications Facilities owned and operated exclusively by the State or a political subdivision of this State, for their own use.

B. A Private Communications Network, provided in a manner that does not occupy any Public Rights of Way.

CONSTRUCTION STANDARDS

Section 9. General. No Person shall commence or continue with the Construction, installation or operation of Facilities within a Public Right of Way except as provided in Sections 12 through 28, and in compliance with all applicable City and State codes, rules, and regulations.

Section 10. Construction Codes. Facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, State and local codes, rules and regulations including the National Electrical Code and the National Electrical Safety Code.

Section 11. Facility Permit Requests. Except in the event of an emergency, no Person shall construct or install any Facilities within a Public Right of Way without first obtaining a Facility permit from the Public Works Superintendent and paying the Facility permit fee as established by Council resolution. In addition to the Facility Permit fee, the applicant may be subject to costs incurred by the City for review of the applicant's permit. No permit shall be issued for the Construction or installation of Communications Facilities within a Public Right of Way unless:

A. The requestor has first filed a registration form with the City as required by Sections 5 through 8 of this Ordinance; and

B. The requestor has applied for and received a Franchise pursuant to Sections 29 through 45 of this Ordinance.

In the event of an emergency and in compliance with City Code, a permittee or its contractor may perform work on its Facilities to address the emergency without first obtaining a permit from the City provided it attempts to notify the City prior to commencing the emergency work and in any event applies for a permit from the City and pays any applicable permit fee as soon as reasonably practicable. As used in this Section 11, "emergency" means a circumstance in which immediate repair to damaged or malfunctioning Facilities is necessary to restore lost service or prevent immediate harm to Persons or property.

Section 12. Facility Permits. Requests for permits to construct Communications Facilities shall be submitted upon forms to be provided by the City and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

A. That the Facilities will be constructed in accordance with all Federal, State, and City applicable codes, rules and regulations.

B. That the Facilities will be constructed in accordance with any applicable Franchise Agreement.

C. The location and route of all Facilities to be installed aboveground or on existing utility poles.

D. The location and route of all Facilities on or in the Public Rights of Way to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route within the City. Existing Facilities shall be differentiated on the plans from new Construction. If requested, a cross section shall be provided showing new or existing Facilities in relation to the street, curb, sidewalk or Right of Way.

E. The Construction methods to be employed for protection of existing structures, fixtures, and Facilities within or adjacent to the Public Rights of Way, and description of any improvements that applicant proposes to temporarily or permanently remove or relocate.

Section 13. Verification. All Construction permit requests shall be accompanied by the verification of a registered professional engineer, or other qualified and duly authorized representative affirming that the drawings, plans and specifications submitted comply with applicable technical codes, rules and regulations.

Section 14. Construction Schedule. All Facility permit applications shall be accompanied by a written Construction schedule, which shall include an estimated date for completion of Construction. The Construction schedule is subject to approval by the Public Works Director.

Section 15. Facility Permit Fee. Unless otherwise provided or addressed in an unexpired Franchise Agreement, prior to issuance of a Facility permit, the requestor shall pay a permit fee in an amount to established by Council resolution. Such fee shall be designed to defray the costs of City administration of the requirements of this Ordinance.

Section 16. Issuance of Permit. If satisfied that the plans and documents submitted comply with all requirements of this Ordinance and with any applicable Franchise Agreement, the Public Works Director shall issue a permit authorizing Construction of the Facilities, subject to such further conditions affecting the time, place and manner of performing the work.

Section 17. Notice of Construction. Except in the case of an Emergency, the permittee shall notify the Public Works Director not less than two (2) working Days in advance of any excavation or Construction in the Public Rights of Way.

Section 18. Compliance with Permit. All Construction practices and activities shall be in accordance with the permit and the approved final plans and specifications for the Facilities. The Public Works Director and representatives shall be provided access to the

work site and such further information as they may require to ensure compliance with such requirements.

Section 19. Noncomplying Work. Subject to the notice requirements in Section 27, all work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this Ordinance, shall be removed at the sole expense of the permittee. The City is authorized to stop work in order to assure compliance with the provision of this Ordinance.

Section 20. Completion of Construction. The permittee shall promptly complete all Construction activities so as to minimize disruption of the Public Rights of Way and other public and private property. All Construction work within Public Rights of Way, including restoration, must be completed within one hundred twenty (120) Days of the date of issuance of the Construction permit unless an extension or an alternate schedule has been approved by the appropriate City official.

Section 21. As-Built Drawings. If requested by the City, the permittee shall furnish the City with up to two (2) complete sets of plans drawn to scale and accurately depicting the location of all Facilities constructed pursuant to the permit. These plans shall be submitted to the City Engineer or designee within sixty (60) Days after completion of Construction, in a format acceptable to the City.

Section 22. Restoration of Public Rights of Way and City Property.

A. When a permittee, or any Person acting on its behalf, does any work in or affecting any Public Rights of Way or City Property, it shall at its own expense promptly restore such ways or property to as good an order and condition as existed prior to the work, unless otherwise directed by the City.

B. If weather or other conditions do not permit the complete restoration required by this Section, the permittee shall temporarily restore the affected Rights of Way or property. Such temporary restoration shall be at the permittee's sole expense and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.

C. If the permittee fails to restore Rights of Way or property to good order and condition, the City shall give the permittee written notice and provide the permittee a reasonable period of time not exceeding thirty (30) Days to restore the Rights of Way or property. If, after notice, the permittee fails to restore the Rights of Way or property to as good an order and condition as existed before the work was

undertaken, the City shall cause such restoration to be made at the expense of the permittee.

D. A permittee or other Person acting on its behalf shall use suitable barricades, flags, flagging attendants, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any Person, vehicle or property by reason of such work in or affecting such Rights of Way or property.

Section 23. Performance and Completion Bond. Unless otherwise provided in a Franchise Agreement, a performance bond or other form of surety acceptable to the City equal to at least 100% of the estimated total cost of Constructing permittee's Facilities within the Public Rights of Way of the City shall be provided to the City before Construction is commenced.

A. The surety shall remain in force until sixty (60) Days after substantial completion of the work, as determined in writing by the City, including restoration of Public Rights of Way and other property affected by the Construction.

B. The surety shall guarantee, to the satisfaction of the City:

1. Timely completion of Construction;

2. Construction in compliance with applicable plans, permits, technical codes and standards;

3. Proper location of the Facilities as specified by the City;

4. Restoration of the Public Rights of Way and other property affected by the Construction; and

5. Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.

LOCATION OF FACILITIES

Section 24. Location of Facilities. All Facilities located within the Public Right of Way shall be constructed, installed and located in accordance with the terms of the Construction permit and approved final plans and specifications for the Facilities, and all applicable City codes, rules and regulations. Unless otherwise specified in a Franchise Agreement, whenever any existing electric utilities or Communications Facilities are within a Public Right of Way and are required to be located underground by City Code, a Communications

Provider occupying or proposing to occupy the same Public Right of Way must also locate its Facilities underground at its own expense.

Section 25. Interference with the Public Rights of Way. No Communications Provider may locate or maintain its Facilities so as to interfere with the City's use of the Public Rights of Way or to unreasonably interfere with use by the general public or by other Persons authorized to use or occupy the Public Rights of Way. All use of Public Rights of Way shall be consistent with City codes, ordinances and regulations.

Section 26. Relocation or Removal of Facilities.

A. A Communications Provider shall, at no cost to the City, temporarily or permanently remove, relocate, change or alter the position of any Facilities within the Public Rights of Way, including relocation of aerial Facilities underground, when requested to do so in writing by the City.

B. Nothing in this Section 26 shall be deemed to preclude a Communications Provider from requesting reimbursement or compensation from a third party, pursuant to applicable laws, regulations, tariffs or agreements, provided that the Communications Provider shall timely comply with the requirements of this Section 26 regardless of whether or not it has requested or received such reimbursement or compensation.

C. The City shall provide at least 30 days written notice of the time by which the Communications Provider must remove, relocate, change, alter or underground its Facilities. The City may grant extensions upon the Communications Provider's request. If a Communications Provider fails to remove, relocate, alter or underground any Facility as requested by the City and by the date established by the City, the Communications Provider shall pay all costs incurred by the City due to such failure, including but not limited to costs related to project delays. Upon such failure, the City may cause the Facility to be removed, relocated, altered or undergrounded at the Communications Provider's sole expense and shall use qualified personnel or contractors consistent with applicable State and federal safety laws and regulations. Upon receipt of a detailed invoice from the City, the Communications Provider shall reimburse the City for the costs the City incurred within thirty (30) Days.

Section 27. Removal of Unauthorized Facilities. Within thirty (30) Days following written notice from the City or at a later date agreed upon by the parties, any Communications Provider or other Person who owns, controls or maintains any unauthorized system, Facility, or related appurtenances within the Public Rights of Way shall, at its own expense, remove such system, Facilities and/or appurtenances from the City Public Rights of Way. A

system, Facility, or appurtenance is subject to removal under this Section in the following circumstances:

A. One (1) year after the expiration or termination of the Communications Provider's Franchise Agreement, unless the City has provided written authorization for abandonment in place.

B. Upon abandonment of a Facility within the Public Rights of Way. A Facility will be considered abandoned when it is deactivated, out of service, or not used for its intended and authorized purpose for a period of ninety (90) Days or longer. A Facility will not be considered abandoned if it is temporarily out of service during performance of repairs or if the Facility is being replaced. The City shall contact the Provider before concluding that a Facility is abandoned. A Facility may be abandoned in place and not removed if the City authorizes such abandonment and non-removal in writing and there is no apparent risk to the public safety, health, or welfare.

C. If the Facility was Constructed or installed without the appropriate prior authority at the time of Construction or installation.

D. If the Facility was Constructed or installed at a location not authorized by the Communications Provider's Franchise or other legally sufficient permit.

Section 28. Coordination of Construction Activities. A Communications Provider is required to make a good faith effort to cooperate with the City.

A. By January 1 of each year, a Communications Provider shall provide the City with a schedule of their known proposed Construction activities in or near the Public Rights of Way or affecting the Right of Way.

B. If requested by the City, a Communications Provider shall meet with the City to schedule and coordinate Construction in the Public Rights of Way.

C. All Construction locations, activities and schedules shall be coordinated, as ordered by the City Engineer or designee, to minimize public inconvenience, disruption or damages.

COMMUNICATIONS FRANCHISE AGREEMENTS REQUIRED

Section 29. Registration, Franchise Application and Franchise Agreement Required.

A. Prior to occupying City Public Rights of Way, all Communications Providers shall register with the City pursuant to Section 6, shall file a Franchise Application with the City pursuant to Section 30 below, and shall enter into a Franchise Agreement with the City.

B. Any Person whose Communications Facilities occupy the Public Right of Way, with or without a valid Franchise Agreement from the City, must comply with all provisions of this Ordinance, specifically including payment of right of way fees pursuant to Section 36.

Section 30. Franchise Application.

A. Any Person who desires a Franchise Agreement with the City must first file a Franchise application with the City Manager. The purpose of a Franchise Application is to provide the City with necessary information regarding the Communications Provider's Services and Public Right of Way needs. The Franchise Application shall include, at minimum, the following information:

1. The identity of the applicant.

2. A description of the services to be offered or provided by the applicant over its Facilities, including an indication of whether the applicant will provide solely Cable Service.

3. Engineering plans, specifications, and a network map in a form customarily used by the applicant of the Facilities located or to be located within the Public Rights of Way in the City, including the location and route requested for applicant's proposed Facilities.

4. The area or areas of the City the applicant desires to serve and a preliminary Construction schedule for build-out to the entire Franchise area.

5. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the Facilities and to offer or provide the Communications Service proposed.

6. An accurate map showing the location of any existing Facilities in the City that applicant intends to use or lease.

B. Any Communications Provider occupying the Public Rights of Way without a Franchise Agreement as of the effective date of this Ordinance shall file a Franchise Application pursuant to this Section within forty-five (45) Days of the effective date of this Ordinance.

Section 32. Determination by the City. The City shall issue a written preliminary determination granting or denying the Franchise application in whole or in part. If the Franchise Application is denied, the written determination shall include the reasons for denial. The City shall evaluate the Franchise Application based upon: the continuing capacity of the Public Rights of Way to accommodate the prospective Franchisee's proposed Facilities; the prospective Franchisee's legal, technical and financial ability to comply with the provisions of this Ordinance; and the prospective Franchisee's compliance with applicable Federal, State and local laws, rules, contractual obligations and regulations.

Section 33. Scope of Franchise Agreement; Effect of Ordinance on Franchise Agreement.

A. No Franchise granted pursuant to this Ordinance shall convey any right, title or interest in the Public Rights of Way, but shall be a non-exclusive grant to use and occupy the Public Rights of Way for the limited purposes, terms, and conditions provided in the Franchise Agreement.

B. The rights granted by any Franchise Agreement are limited to the right to use the Public Rights of Way for the provision of Communications Services as defined herein. Nothing in the Franchise shall be construed to prevent the City from grading, paving, repairing and/or altering any Public Rights of Way, constructing, laying down, repairing, relocating or removing City infrastructure or establishing any other public work, utility or improvement of any kind, including repairs, replacement or removal of any City Infrastructure. If a Franchisee's Facilities interfere with the Construction, repair, replacement, alteration or removal of any Public Rights of Way, public work, City utility, City improvement or City infrastructure, except those used to provide competing Communications Services, such Facilities shall be removed or relocated as provided in Section 26 and 27 of this Ordinance, in a manner acceptable to the City and consistent with industry standard engineering and safety codes.

C. A Franchise Agreement granted hereunder shall at all times comply with the requirements of this Ordinance unless this Ordinance expressly authorizes different terms. In this Ordinance, such authorization is indicated by the introductory phrase, "Unless otherwise specified in a Franchise Agreement..." In the event of a conflict between this Ordinance and a Franchise Agreement which contains unauthorized, conflicting terms, this Ordinance shall prevail.

Section 34. Term of Grant. Unless otherwise specified in a Franchise Agreement, a Franchise granted hereunder shall be in effect for an initial term of five (5) years and may be renewed subject to Sections 38 and 39 of this Ordinance.

Section 35. Franchise Territory. Unless otherwise specified in a Franchise Agreement, a Communications Franchise granted hereunder shall be limited to a specific geographic area

of the City to be served by the Franchisee and the Public Rights of Way necessary to serve such areas and may include the entire City.

Section 36. Franchise Fee and Right of Way Use Fee.

A. A Franchise Agreement granted hereunder shall require the Franchisee to pay a Franchise Fee in an amount determined by resolution of the City Council.

B. Every Communications Provider occupying or using the Public Rights of Way without a Franchise Agreement, whether or not the Provider owns the Facilities used to provide its Services, shall pay a Right of Way use fee in the amount of the Franchise Fee determined by resolution of the City Council.

C. If the Communications Provider's sole use of the Public Right of Way is to place wireless Facilities above the ground on existing poles or similar structures in the Public Right of Way and the operator does not install or use lines, wires or cables, a Communications Provider is not required to pay a Right of Way use fee or a Franchise fee under this Section, as long as it complies with all other applicable requirements of this Ordinance and all other applicable City codes, regulations and rules. Nothing in this Subsection C limits the City's authority to charge reasonable rental or pole attachment rates for the private use of City property.

C. Unless otherwise specified in a Franchise Agreement, the Franchise fees required by this Section shall be paid within thirty (30) Days after the end of each calendar year. Each payment shall be accompanied by an accounting of gross revenues and a calculation of the amount payable. The Franchisee shall pay interest at the rate of nine percent (9%) per year for any payment made after the due date.

D. The Franchise Fee or Right of Way use fee required in this Section remains subject to all applicable limitations imposed by federal or State statutes.

Section 37. New Facilities or Services.

A. A new Franchise shall be required of any Franchisee who desires to extend or locate its Facilities within Public Rights of Way of the City if such Facilities are not included in a non-expired, valid Franchise Agreement with the City.

B. A new Franchise shall be required of any Franchisee who desires to provide an additional Communication Service which was not previously included in a non-expired, valid Franchise Agreement with the City.

Section 38. Franchise Term Renewals. Unless otherwise specified in a Franchise Agreement, a Franchise, if renewed, shall be renewed in the following manner.

A. Franchisees who desire to renew a non-expired, valid Franchise under this Ordinance shall, not less than one hundred eighty (180) Days before expiration of the current Franchise Agreement, file a request for renewal with the City, which shall include the following information:

A. The information required pursuant to Section 30 of this Ordinance.

B. Any additional information required pursuant to the existing Franchise Agreement between the City and the Franchisee.

C. Any desired amendments to the existing Franchise Agreement, including the desired renewal term, provided that such amendments do not violate or conflict with this Ordinance.

Section 39. Renewal Determinations. Within ninety (90) Days after receiving a complete renewal request under Section 38, the City shall issue a written determination granting or denying the renewal request in whole or in part. Such renewal shall be for a renewal term or terms to be mutually decided on by the parties. If the renewal request is denied, the written determination shall provide the reasons for non-renewal. The City shall evaluate the renewal based upon the capacity of the Rights of Way to accommodate the Franchisee's Facilities; the Franchisee's legal, technical and financial ability to comply with the provisions of this Ordinance; and Franchisee's compliance with any applicable federal, State and local laws, contractual obligations, rules, or regulations.

Section 40. Obligation to Cure As a Condition of Renewal. The City shall not renew a Franchise Agreement unless the Franchise has cured any violations or defaults in the Franchisee's performance of the Franchise Agreement, or of the requirements of this Ordinance or has provided the City with a City-approved plan detailing the corrective action to be taken.

Section 41. Assignments or Transfers of Franchise. A Franchise granted under this Ordinance may not be directly or indirectly transferred, assigned or disposed of by sale, lease, merger, consolidation or by other act of the Franchisee, by operation of law or otherwise, without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed. City consent conditions may include, but shall not be limited to:

A. The Franchisee and the proposed assignee or transferee of the Franchise shall agree in writing to assume and abide by all of the provisions of the Franchise Agreement.

B. No transfer shall be approved unless the City determines the assignee or transferee has the legal, technical and financial ability to comply with the provisions of this Ordinance and applicable Federal, State and local laws, rules, regulations.

C. Unless otherwise specified in an unexpired, valid Franchise Agreement, the Franchisee shall reimburse the City for all direct and indirect fees, costs, and expenses reasonably incurred by the City in considering a request to transfer or assign a Franchise.

D. Any transfer or assignment of a Franchise, system or integral part of a system without prior City approval or without a valid Franchise Agreement shall be void and is cause for revocation of the Franchise.

Section 42. Termination of Franchise Agreement. A Franchise Agreement to use or occupy Public Rights of Way may be terminated by the City for the following reasons:

A. Construction or operation in the City or in the Public Rights of Way without a Construction permit.

B. Construction or operation at an unauthorized location or in violation of City approvals or permits.

C. Failure to comply with Section 41 herein with respect to sale, transfer or assignment of a system or Franchise.

D. Misrepresentation by or on behalf of a Franchisee to the City in any Registration request or Franchise Application or Franchise renewal request.

E. Unauthorized abandonment of Facilities in the Public Rights of Way.

F. Failure to relocate or remove Facilities as required in this Ordinance.

G. Failure to pay taxes, compensation, fees or costs when and as due the City under this Ordinance or under an applicable Franchise Agreement.

H. Insolvency or bankruptcy of the Franchisee.

I. Violation of material provisions of this Ordinance.

J. Violation of the material terms of a Franchise Agreement.

Section 43. Notice and Duty to Cure. In the event that the City believes that grounds exist for termination of a Franchise Agreement, the City shall give the Franchisee written notice

of the alleged violation and shall provide a short and concise statement of the nature and general facts of the violation. City shall provide the Franchisee a reasonable period of time, not exceeding thirty (30) Days, to furnish evidence that:

A. Corrective action has been or is being expeditiously pursued to remedy the violation;

B. Rebuts the alleged violation; and/or

C. Explains why it would be in the public interest to impose a penalty or sanction less than termination.

Section 44. Public Hearing. In the event that a Franchisee fails to provide evidence reasonably satisfactory to the City as provided in Section 43, the City Manager shall refer the alleged violation to the City Council. The City Council shall provide the Franchisee with notice and a reasonable opportunity to be heard concerning the matter.

Section 45. Standards for Termination or Lesser Sanctions. If persuaded that the Franchisee has violated a material provision of this Ordinance or of a Franchise Agreement, the City Council may terminate the Franchise or may establish some lesser sanction and cure, including but not limited to the assessment of penalties pursuant to Section 60. In doing so, the City Council shall consider the nature, circumstances, extent, and gravity of the violation as reflected by one or more of the following factors, whether:

A. The violation was egregious.

B. Substantial harm resulted.

C. The violation was intentional or repeated.

D. There is a history of prior violations of the same or other requirements.

E. There is a history of overall compliance.

F. The violation was voluntarily disclosed, admitted or cured.

Section 46. Other City Costs. All Franchisees or Communications Providers shall, within thirty (30) Days after City's written demand therefore, reimburse the City for all reasonable direct and indirect costs and expenses incurred by the City in connection with any modification, amendment, renewal or transfer of the Franchise or any Franchise Agreement consistent with applicable State and federal statutes.

Section 47. Damage to Communication Provider's Facilities. Unless directly caused by the City's negligent, intentional or malicious acts, and at all times limited by Oregon statutory and constitutional tort claim limits without exception, the City shall not be liable for any damage or injury to or loss of any Facility, property, or Person as a result of or in connection with any City public works, public improvements, Construction, excavation, grading, filling, or work of any kind in the Public Rights of Way by or on behalf of the City, or for any consequential losses resulting directly or indirectly therefrom.

Section 48. Duty to Provide Information.

A. Except in Emergencies, within sixty (60) Days of the City's written request, a Communications Provider shall provide the City with the following:

1. Information sufficient to demonstrate that Communications Provider has complied with all requirements of this Ordinance and any applicable Franchise Agreement, including but not limited to the Franchise fee or Right of Way use fee payments required by Section 36.

2. Unless otherwise agreed upon in a Franchise Agreement, all books, records, maps, and other documents, maintained by the Communications Provider with respect to its Facilities within the Public Rights of Way.

C. If the City's audit or review of the Communications Provider's books, records and other documents or information demonstrates that the Communications Provider has underpaid the applicable Franchise fee or the Right of Way use fee by three percent (3%) or more in any one year, the Communications Provider shall reimburse the City for the cost of the audit or review, in addition to correcting the underpayment and paying any interest or penalties owed. Any underpayment, including any interest or audit cost reimbursement, shall be paid within thirty (30) Days of the City's notice to Communications Provider of such underpayment, or as otherwise specified in a Franchise Agreement or other written agreement between the parties.

Section 49. City Use of Provider's Services or Facilities. If the City contracts for the use of a Communications Provider's Facilities, services, installation, or maintenance, the Communications Provider shall offer the City its' most favorable current rate charged to similar Oregon users for similar services. With the City's written permission, the Communications Provider may deduct the applicable charges from Franchise fee or Right of Way Use Fee payments. The terms and conditions of the City's use of such services or facilities shall be specified in a written Franchise Agreement or other agreement between the City and the Communications Provider.

Section 50. Compensation for City Property. If any right is granted by lease, Franchise Agreement, or other manner, to use and occupy City Property for the installation of Facilities or other infrastructure, the compensation to be paid for such right and use shall be fixed by the City through a separate agreement with the Communications Provider.

Section 51. Cable Franchise. Cable Service Providers shall be subject to this Ordinance and, as provided in Section 29 shall also enter into a Cable Franchise Agreement with the City, subject to all applicable provisions of State and federal law, including the Cable Act.

Section 52. Leased Capacity. A Communications Provider may, without prior City approval, offer or provide capacity or bandwidth to its customers by lease, use agreements or otherwise, provided that the Communications Provider shall notify the City of the following: that such lease or use agreement has been granted and the type or nature of the use or lease granted.

Section 53. Insurance. Unless otherwise provided in a Franchise Agreement, each Communications Provider shall, as a condition of the grant, secure and maintain liability insurance policies in amounts and types satisfactory to the City which insures both the Communications Provider and the City and its elected and appointed officers, officials, agents and employees as additional insured. The liability insurance policies required by this Section shall be maintained by the Communications Provider throughout the term of the Franchise Agreement, and any such other period of time during which the Communications Provider is operating or has Facilities within the Public Rights of Way. Each Communications Provider shall maintain continuous uninterrupted coverage and shall provide such policies upon City's request. As an alternative to the insurance requirements contained herein, a Communications Provider may provide evidence of self-insurance, subject to acceptance by the City.

Section 54. General Indemnification. Each Franchise Agreement shall include, to the extent permitted by law, Franchisee's express promise to defend, indemnify and hold the City and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorneys' fees and costs of suit or defense, arising out of, relating to, resulting from or alleged to arise out of, relate to or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the Franchisee or its affiliates, officers, employees, agents, contractors or subcontractors in the Construction, operation, maintenance, repair or removal of its Facilities or related to the Communication Provider's provision of Services over the Facilities, whether or not such acts or omissions are authorized, allowed or prohibited by this Ordinance or by a Franchise Agreement.

Section 55. Performance Surety. Before a Franchise granted pursuant to this Ordinance is effective, and as necessary thereafter, the Communications Provider shall provide a performance bond, in form and substance acceptable to the City, as security for the full and complete performance of a Franchise granted under this Ordinance, including any costs, expenses, damages or loss the City pays or incurs because of any failure attributable to the Franchisee to comply with the City Code, ordinances, rules, regulations or permits. This obligation is in addition to the performance surety required by Section 23 for Construction of Facilities.

GENERAL PROVISIONS

Section 56. Governing Law. Any Franchise Agreement granted under this Ordinance is subject to the provisions of the constitutions and laws of the United States and the State of Oregon and the ordinances and Charter of the City.

Section 57. Written Agreement. No Franchise Agreement shall be granted hereunder except by a writing duly executed by the Franchisee and the City.

Section 58. Nonexclusive Grant. No Franchise Agreement granted under this Ordinance shall confer any exclusive right, privilege, license or Franchise to occupy or use the Public Rights of Way for delivery of Communications Service or any other purposes.

Section 59. Severability and Preemption. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, or superseded by State or federal legislation, rules, regulations or decision, the remainder of the Ordinance shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of the Ordinance, and each remaining section, subsection, sentence, clause, phrase, provision, condition, covenant and portion of this Ordinance shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or State laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Ordinance, then the provision shall be read to be preempted only to the extent required by law. In the event such federal or State law, rule, or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the City.

Section 60. Penalties. Any Person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this Ordinance or a valid Franchise

Agreement shall be subject to the abatement and penalties procedures of the City Nuisance Code. A separate and distinct offense shall be deemed committed each day on which a violation occurs.

Section 61. Other Remedies. Nothing in this Ordinance shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Ordinance.

Section 62. Captions. The captions to sections throughout this Ordinance are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this Ordinance.

Section 63. Compliance with Laws. Any Communications Provider under this Ordinance shall comply with all federal and State laws and regulations, including regulations of any administrative agency thereof, as well as all ordinances, resolutions, rules and regulations of the City heretofore or hereafter adopted or established during the entire term of any Franchise granted under this Ordinance, which are relevant and relate to the Construction, maintenance and operation of Communications Facilities.

Section 64. Application to Existing Ordinances and Franchise Agreements. To the extent that this Ordinance is not in conflict with and can be implemented consistent with existing ordinances and existing Franchise Agreements, this Ordinance shall apply to all existing ordinances and existing Franchise Agreements governing the use of the Public Right of Way for Communications Services. In the event of a conflict between this Ordinance and the terms of a valid Franchise Agreement adopted after the Effective Date of this Ordinance, the terms of this Ordinance shall prevail.

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

SECTION 1. Ordinance No. 663 , an ordinance governing the use and occupation of the City of Gold Beach Public Rights-of-Way by utility and communication providers and establishing an application process, fees, and terms for such use is hereby adopted and any other public right-of-way use ordinance or resolution in conflict is hereby repealed.

SECTION 2. SEVERABILITY. Any provision of this Ordinance which proves to be invalid, void, or illegal shall in no way affect, impair, or invalidate any other provision of this Ordinance, and the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 3. CODIFICATION. The City Recorder is hereby authorized and directed to codify Section 1 of this ordinance in an appropriate Title of the Gold Beach Municipal Code and to change the word "Ordinance" to "Chapter" as appropriate when codified.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect on the 30th day after its adoption (2nd Reading) by the Gold Beach City Council.

Passed and Adopted by the City Council of the City of Gold Beach, Oregon, State of Oregon, on this _____ day of _____, 2017

APPROVED:

_____

Karl Popoff, Mayor

ATTEST:

_____

Jodi Fritts, City Administrator

1st READING	DATE
2nd READING	DATE

Gold Beach

ORDINANCES & RESOLUTIONS

RESOLUTION R1617-07

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

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

WHEREAS: Two vacancies currently exist on the Budget Committee;

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

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

Candace Perryman to Position #4, term to expire December 31, 2018,

And reaffirms the previous appointments of:

Position #1	Sandra Vieira	expires December 31, 2018
Position #2	Bob Derby	expires December 31, 2017
Position #3:	Dave Sanders	expires December 31, 2017
Position #5	VACANT	expires December 31, 2018

The Council members of the Budget Committee:

Position #1: Melinda McVey
Position #2: Larry Brennan
Position #3: Becky Campbell
Position #4: Doug Brand
Position #5: Tamie Kaufman

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 9th DAY OF JANUARY, 2017.

APPROVED BY:

_____
Karl Popoff, Mayor

ATTEST:

_____
Jodi Fritts, City Administrator/Recorder

MISC. ITEMS

INCLUDING POLICY DISCUSSIONS & DETERMINATIONS

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **10 a.**
Council Meeting Date: January 17, 2017

TITLE: Donating City Leased Property to Non-Profit Organization

SUMMARY AND BACKGROUND:
Last month a request was made by Lea Sevey the Director of a local non-profit organization, to have the City donate the property they currently lease from the City. The property was leased to the organization in 1992 for 99 years subject to a specific purpose and use—for which it is has, and still is, being utilized. Part of the reason the City leased the property originally is that it had no useful purpose to us as City owned property. We have no utilities or appurtenances on the subject property and I am unsure why we even own the property since there is no history in the file. I suspect it was seized by the County at one time for tax foreclosure and they in turn donated it to the City.

After discussing the matter with Ms. Sevey at the December meeting the Council asked me to consult with legal counsel and ask specifically:

Q- Can we donate the property or do we have to offer it for sale on the open market?
A – According to legal counsel, ORS 271.330(2) allows cities to donate property to a "qualifying nonprofit corporation" for the purpose of providing any of the following:
(A) Low income housing;
(B) Social services; or
(C) Child care services
The non-profit in question definitely provides (B) Social services, and probably provides the other two, so they do qualify as an entity we can outright donate the property to.

Q – Can we put a reversal clause in the donation?
A – Legal counsel advised that yes, we can, and yes, we definitely would.

Q – Are there any negatives?

A – Neither I nor legal counsel can see any obvious negatives. We don't, and haven't utilized the property. And for all practical purposes we can't anyway because of the current lease which doesn't expire until about 2091. We also don't currently derive tax revenue so we aren't out that money (we are out it already). We have no utilities here and no future plans for utilities because of its location and elevation.

REQUESTED ACTION:
Make a decision whether to donate the property or not. If the decision is to donate, direct staff to prepare the transfer documents. I will prepare a resolution for the February meeting to formalize the donation.

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **10 b.**
Council Hearing Date: January 9, 2017

TITLE: 2017 Current Committee/Commission Rosters

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

Attached is the list of current committee/commission members. Because the packet is posted online I remove the addresses and phone numbers for privacy.

No elected positions expire this year.

DOCUMENTS ATTACHED:
Public List of the Committee/Commission membership

REQUESTED MOTION/ACTION:
None needed, information only

2017 COUNCIL AND COMMITTEE MEMBERS AND TERMS OF OFFICE

THIS LIST FOR DISTRIBUTION TO THE PUBLIC

CITY COUNCIL AND MAYOR (4 year terms per Charter)

POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
MAYOR	**Karl Popoff**	2nd Term: Elected November 8, 2016 1st Term: Elected November 6, 2012 *(Note Mayor Popoff previously served from 2000-2008)*	December 15, 2020
Position #1	**Melinda McVey**	2nd Term: Elected November 4, 2014 1st Term: Appointed June 24, 2013	December 15, 2018
Position #2	**Larry Brennan**	3rd Term: Elected November 8, 2016 2nd Term: Elected November 6, 2012 1st Term: Elected November 4, 2008	December 15, 2020
Position #3	**Becky Campbell**	1st Term: Elected November 4, 2014	December 15, 2018
Position #4	**Douglas Brand**	3rd Term: Elected November 8, 2016 2nd Term: Elected November 6, 2012 1st Term: Appointed February 17, 2010	December 15, 2020
Position #5	**Tamie Kaufman**	3rd Term: Elected November 4, 2014 2nd Term: Elected November 2, 2010 1st Term: Appointed February 17, 2010 *(previously served in the 1990s)*	December 15, 2018

BUDGET COMMITTEE (3 year terms per ORS 294.336)

POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
Position #1	**Sandra Vieira**	Appointed April 13, 2015	December 31, 2018
Position #2	**Bob Derby**	April 14, 2014	December 31, 2017
Position #3	**Dave Sanders**	April 14, 2014	December 31, 2017

1/6/2017 9:08 PM last update

Position #4	**VACANT**		December 31, 2018
Position #5	**VACANT**		December 31, 2018

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

POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
Position #1	**Summer Matteson**	Appointed May 11, 2015	December 31, 2017
Position #2	**VACANT**		December 31, 2019
Position #3	**Thomas Schultz (Current Chairman)**	Appointed April 14, 2014	December 31, 2017
Position #4	**VACANT**		December 31, 2019
Position #5	**Robert Chibante NOTE: UGB member**	Appointed March 10, 2014	December 31, 2017

URBAN RENEWAL CITIZEN ADVISORY COMMITTEE (Ordinance 645)

POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
Position #1	**VACANT**		December 31, 2017
Position #2	**VACANT**		December 31, 2019
Position #3	**Beth Barker-Hildago**	Appointed March 11, 2013	December 31, 2017
Position #4	**VACANT**		December 31, 2019

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **10 c.**
Council Meeting Date: January 17, 2017

TITLE: City Goals (Strategic Plan) Review

SUMMARY AND BACKGROUND:
We have a total of 8 Goals. We take 2 Goals per quarter to review so that each goal is reviewed annually. Because of various reasons the quarterly reviews did not happen for 2016.

I went through all 8 Goals and have made notes on most of them. We decided a few years back to leave prior notes on each action items so that we can have a quick look on what has taken place on a particular item historically. The most recent note is at the beginning. An asterisk * signals the beginning of a note.

I am also sending this as a separate PDF so you can see the colored highlights.

REQUESTED ACTION:
Review goals and suggested changes and propose additional if the Council wishes.

City of Gold Beach Strategic Plan

(formerly Business Plan)

January 2017

Goals & Objectives		Priority/Action Items	RP	Target Date
GOAL 1: Achieve Fiscal Sustainability				
• **Sufficient revenue to sustain City services at appropriate levels.** • **Provide competitive employee compensation.** • **Balanced revenue system that recognizes demands on City services by residents, businesses and visitors.** • **Stable, effective and accountable management.** • **Include sustainability considerations in purchasing decisions.** • **Encourage new private investment in the City.** • **Expedite implementation of approved development plans.**	**a**	**Maintain yearly contingency of at least 5% and an unappropriated ending fund balance of a minimum of 15% in the General Fund operating budget.** *** As of end of fiscal year 2016 the balance of the fund was: $32,500** **A General Fund Reserve Fund was established by the Council in 2011 to accrue the desired contingency.*	CA/CC	ONGOING
	b	**Establish fiscal and budget policies for the City.** **Financial internal control policies were adopted by the Council in June 2014.* **Formal budget policies have not been proposed yet.*	CA/CC	~~09/2010~~ ~~03/2013~~
	c	**Maximize long-term debt repayments.** *All outstanding loans, besides wastewater debt, have been paid off either outright or as interfund loans to maximize savings interest returns.*	CA	~~06/2011~~ ONGOING
	d	**Improve and simplify financial reporting and monitoring.** ***We are currently in the process of moving to a cloud based hosted solution for our Caselle software to eliminate local equipment and IT needs. We expect to be fully online by the end of February.** ***In the fall of 2015 we went with an online bill pay service (sister company of Caselle) for utility and other City payments. This has increased staff productivity and been a good service to our customers who can now access their accounts at any time, not just to pay but also review their history.** **In 2011 municipal financial management software was purchased and implemented to integrate utility billing, payroll, AP/AR,*	CA	~~09/2010~~ COMPLETED

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

Goals & Objectives		Priority/Action Items	RP	Target Date
		business license, and municipal court functions into one computing platform.		
	e	**Develop ~~five-~~THREE year revenue/expenditure forecast.** *This is still an action item.* ***Will work on having this prepared by the 2017-2018 budget process**	CA	~~12/2010~~ ~~03/2013~~ 03/2016
	f	**BI-Annually review System Development Charges and update as needed.** ***Now that we have completed the Water Master Plan, Water Rate Study, and Water Rate Update we should consider attacking this item.** **2015 was to have been first review year. We are in the process of completing an updated Water Master Plan and water rate study. The SDC charges will be reviewed when the water rate study is completed in spring 2016.*	CA/PWS	April ~~annually~~ ODD YEARS
	g	**Review and update all fees annually.** ***We updated fees and muni court fines February 2016** **Utility fees are reviewed and updated annually. Other fees have been reviewed annually since 2012. Municipal court fines will be reviewed in fall 2015*	CA	April annually
	h	**Aggressively pursue grant funding.** *Staff continually looks for grant funding for priority projects identified by the Council.*	CA	ONGOING
	i	**Undertake comprehensive compensation and classification review and update City salary schedule.** ***We just received notification from Teamsters that contract negotiations have been opened for the represented members of the GBPD.**	CA	~~11/2010~~ Reviewed with Teamsters contract—next review 2017

Goals & Objectives		Priority/Action Items	RP	Target Date
		Our City Salary schedule is scheduled to be updated at the same time as the Teamsters to stay in sync. An updated salary schedule will be presented at budget time. ** The Council made the policy decision to update the schedule at the same time the Teamsters contract is up for review. The most current review was completed in 2014. The next review is schedule for 2017* **The first compensation and classification review and salary schedule update since 1997 was completed in 2011.*		
	j	**Seek alternative energy solutions for City operations.** *This is an ongoing process.*	CA/PWS	ONGOING
GOAL 2: Enhance Quality of Life in Gold Beach				
• **Enhance opportunities for social interaction among citizens of the community.** • **Encourage the development of recreational activities and community events that benefit all ages.** • **Promote and assist in developing educational opportunities.**	**a**	**Pursue formation of a parks and recreation district.** ***We have not discussed this in a long time.** **The Council made the determination to table this matter until the economy fully recovers from the recession since other funding issues such as County law enforcement and schools take higher priority.*	CC	~~07/2010-05/2011~~ REVISIT
	b	**Pursue development of a community garden.** ***Another community garden is attempting to be established at Buffington Park. We have been supporting those efforts.** **Initially a community garden was established on property adjacent to the Presbyterian Church on Hillcrest. The Council provided free water service to the garden. Interest waned and the garden gradually went away due to lack of interest. Another community garden was established at Buffington Park in 2015.*	CA/CC	~~07/2010-05/2011~~ ONGOING

Goals & Objectives		Priority/Action Items	RP	Target Date
	c	**Develop community vision and mission statement.** ***We have not revisited this in a while, but the current statement still feels very relevant.** **A community vision and mission statement was adopted in 2011. The statement is posted at city hall, on the Council dais, on the City letterhead and website. The statement will be revisited in 2015.*	CC	~~08/2010~~ REVISIT 2015
	d	**Pursue opportunities to enhance education outreach and workforce/VOCATIONAL training programs for Gold Beach residents.** ***This is a topic at a lot of meetings I attend. Curry Public Library has made some exciting plans and progress towards helping improve STEAM (Science, Technology, Engineering, Art and Math) for local kids. If we can support those efforts that would be a great community collaboration.** **This is an ongoing effort and tough nut to crack.*	CA	ONGOING
	e	**Provide community events and activity schedule** *An integrated community events and activity calendar is kept up to date by the Visitor Center staff and posted on the City and Visitor Center websites. Events are listed on the two city facebook pages as they come up.*	CA	~~07/2010~~ ONGOING
	f	**Update and maintain park facilities** ***We had Leathers & Associates come back this past fall for a 20 year (1996!) check-in on Kid Kastle. They said the playground has been "well cared for over the years" but their overall assessment is the structure is in MEDIUM condition. 20 years**	PWS	ONGOING

Goals & Objectives		Priority/Action Items	RP	Target Date
		is the expected life span of these structures and we are now moving into year 21. We have safety and ADA issues that will be addressed at budget time. **This in an ongoing effort. A Parks Master Plan would be a good tool if we could find funding to develop one.*		
GOAL 3: Improve Internal Systems				
• **Positive workplace environment and employee morale.** • **Assure internal consistency and efficiency.** • **Excellent customer service.**	**a**	**Conduct quarterly workshops AS PART OF REGULAR COUNCIL MEETINGS to review progress on goals.** ***The CA has not stuck to this schedule but for 2017 and going forward we will.** *SCHEDULE* *JANUARY: Review Goals 1 & 2* *APRIL: Review Goals 3 & 4* *JULY: Review Goals 5 & 6* *SEPTEMBER: Review Goals 7 & 8*	CA/CC	~~10/2010~~ ONGOING
	b	**Review and update administrative policies and procedures.** ***We are due to review these this spring along with the Teamsters contract and bi-annual salary study.** ** Now up to date, the policies and procedures will be reviewed at the same time as the Teamsters and Salary Study. Next review is scheduled for 2017.* **Complete review was initially accomplished in 2012.*	CA/CC	~~09/2010~~ EVERY 3RD YEAR 2017
	c	**Review and update personnel policies and procedures.** ***We are due to review these this spring along with the Teamsters contract and bi-annual salary study. Staff has a file of proposed updates/cleanups that we have been collecting.** **Now up to date, the policies and procedures will be reviewed at the same time as the Teamsters and Salary Study.*	CA/CC	~~08/2010~~ EVERY 3RD YEAR 2017

Goals & Objectives		Priority/Action Items	RP	Target Date
		Next review is scheduled for 2017. **Complete review was initially accomplished in 2011.*		
	d	**Complete public works standards and specifications for new plant.** *This was completed with the new plant in 2014.*	PWS	~~09/2010~~ ONGOING
	e	**Regularly review and update organizational chart.** *This is an ongoing effort but always updated during the annual budget process.*	CA	ONGOING
	f	**Review and update Municipal Code.** ***We have made several changes to the City Code in the past 2 years and most recently to the zoning ordinance. Staff goal for 2017 is to codify the zoning ordinance changes into the larger City Code so that it's One-Stop Shopping for all our City Codes.** **This is an ongoing effort. Major review and revisions were completed in 2012.*	CC	ONGOING
	g	**Integrate infrastructure data into GIS.** ***WE HAVE AN AWESOME NEW GIS THAT WENT ONLINE ABOUT 2 WEEKS AGO!** **This has been hampered because the GIS data resides at the County. The future of the enterprise GIS is uncertain.*	PWS/FC/PC	~~06/2011~~ ONGOING
	h	**Computerize, catalog and backup City records** ***Staff goal for 2017 is to dedicate front office staff time to scanning our older city files, such as planning files and easements/deeds so that they are not only more accessible to staff, but also to the public.** **This is an ongoing process. Currently all Council minutes from 2005 to present have*	CA	~~06/2011~~ ONGOING

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

Goals & Objectives		Priority/Action Items	RP	Target Date
		been scanned and cataloged. Since 2011 all Council packets are in digital format. Other City records, such as ordinances, resolutions, and proclamations, are in the process of being scanned and cataloged		
	i	**Improve internal control policies and procedures.** ***As much as possible in a 3.5 person office we have segregated the various financial duties so that not one person is doing all steps. The CA has slowly been shedding bookkeeping duties to other front office staff. Goal is to have it where all but the GL stuff is performed by other staff.** **Financial internal control policies were adopted in 2014. The Administration and Finance Office staff are all now crossed trained for each financial function and financial duties are segregated as much as possible for a small office.*	CA	~~10/2010~~ ONGOING
	j	**Provide for efficient, timely and thorough audits** ***We are behind on the 2015-2016 audit--but it is scheduled. This is partly because of changes in audit law requirements, new auditors, and partly because of CA portion of the bookkeeping duties. The field work is scheduled for February.** **The City has an annual audit performed by an outside auditing firm.*	CA	~~09/2010~~ ONGOING
GOAL 4: A Safe Community				
• **Complete approved capital projects in a timely and cost efficient manner.** • **Provide infrastructure to support economic**	a	**Provide minimum ~~24/7~~ 20/7 police coverage** *It was determined that it is financially impossible for a city our size to have 24/7 police coverage. When the PD is fully staffed the officers work 2, 10 hour shifts which provides 20/7 coverage.*	PC	~~07/2013~~ ONGOING

Goals & Objectives		Priority/Action Items	RP	Target Date
growth.	**b**	**Provide for a community shelter as part of a multi-use community center** *This is an ongoing discussion, most recently with the library district as a possible partner.*	CA	~~07/2015~~ ONGOING
	c	**Acquire and install emergency power generators.** *Emergency backup generators have been installed at both the water and wastewater treatment plants.*	PWS/CA	~~05/2011~~ 2014 completed
	d	**Develop/update emergency plans & procedures** *The most recent update to the emergency plan was completed in 2014 but this is an ongoing process.*	CA	~~07/2010~~ ONGOING
	e	**Update and adopt hazard mitigation plan.** *The most recent update was completed in 2012 but this is an ongoing process.*	CA/ CC	~~09/2010~~ ONGOING
	f	**Pursue streets/highway safety project funding.** *The City applies for grant funding as often as possible through ODOT.*	CA/PWS	~~07/2010~~ ONGOING
	g	**Pursue funding for bicycle/pedestrian improvements.** ***Now that we are FINALLY receiving UR dollars we can start pursuing funding for the beach loop walk designated in the UR Plan.** **The 3rd Street Sidewalk completed in 2014 was partially funded by ODOT. The next large bike/ped project is the path proposed through the Port and behind the Airport identified in the Urban Renewal Plan.*	CA/PWS	~~07/2010~~ 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)

January 2017

Goals & Objectives		Priority/Action Items	RP	Target Date
GOAL 5: Complete Capital Projects and Identify Future Capital Needs				
• **Complete approved capital projects in a timely and cost efficient manner.** • **Provide infrastructure to support economic growth.**	**a**	**Complete new sewer plant** *Completed in 2014!*	PWS/CA	~~03/2013~~ Completed
	b	**Evaluate and identify water projects.** ***In 2016 we adopted the Water Master Plan, completed and adopted the first ever Water Rate Study, and we have identified long-term capital projects for Water. We hope to schedule a One-Stop Meeting with the lenders this spring to start the long process of completing those capital projects.** **An updated Water Master Plan is completed in draft form at this time and will be presented to the Council before the end of 2015.*	PWS	~~06/2011~~ 2015
	c	**Complete funding and construction of 3rd street sidewalks** *Completed in 2014!*	CA/PWS	~~11/2011~~ Completed
	d	**Evaluate possibility of relocating city facilities** ***We haven't talked about this in a long time but we should probably discuss the possibility of a structure on the east side of the park again. Fire Chief Krieger has some interesting ideas about possible facilities at this location.** **The CA will pursue grant funding through DLCD as it relates to Natural Hazards mitigation to help develop a future plan for relocation of facilities.*	CA/CC	~~07/2011~~ ONGOING
	e	**Complete pavement management analysis.** ***Now that wastewater is updated, and water is all but funded we should talk about this. PWS Newdall has had preliminary discussion with our engineers on time and cost.**	PWS	07/2011 CHECK

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

Goals & Objectives		Priority/Action Items	RP	Target Date
		**This action item has received lower priority due to wastewater and water master planning.*		
	f	**Improve project readiness to take advantage of federal/state funding opportunities** ***We are ready for a One-Stop on the Water Projects.** **The Water Master Plan is one of the ways we can improve project readiness. Sewer, with the completion of the new plant and replacement of key pump stations, is currently in good shape.*	CA/PWS	ONGOING
GOAL 6: Influence Economic Growth				
• **Establish development policies and public improvements/standards that recognize economic trends.** • **Secure needed resources.** • **Establish policy that City is pro-growth.**	**a**	**Study annexation pros and cons** ***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?** **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.*	CC	~~01/2011~~ ~~SUMMER 2012~~ Summer 2016
	b	**Pursue development of an urban renewal district.** ***We are FINALLY getting $$ as of November!** **The Council adopted an urban renewal district and plan in 2013.*	CC	~~09/2010~~ COMPLETED
	c	**Participate in regional economic development activities; develop strategic partners.** *This is an essential function of the CA job duties.*	CA	ONGOING

Goals & Objectives		Priority/Action Items	RP	Target Date
	d	**Develop and regularly review/update infrastructure master plans and development standards.** ***We are officially up to date on water and sewer but we need to address streets and stormwater now.** **The updated Water Master Plan will be presented to the Council in fall 2015.*	PWS/CA	~~07/2011~~ ONGOING
	e	**Develop plan for addressing downtown parking needs.** ***TASK TO PLANNING COMMISSION*** ***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.**	CA/ PLANNING COMM	~~05/2011~~ ONGOING
GOAL 7: Effective Intergovernmental Relations				
	a	**Participate in intergovernmental agencies and initiatives that further the City's goals.** ***The City in the past 2 years specifically has actively sought ways to partner and enter into IGAs with neighboring jurisdictions to further our goals and assist our mutual citizens. We are currently negotiating 2 (well, negotiating 1 and sparring on the other) and 1 mutual aid agreement with Curry County. We also have good relationships with the cities of Port Orford and Brookings, and have called upon as well as assisted them on shared issues.** **City executive staff and elected officials actively participate with other departments and agencies to further their goals and those of the City.*	CA/CC	ONGOING

Goals & Objectives		Priority/Action Items	RP	Target Date
	b	**Develop strategic partners, public and private.** ***All City executive staff works diligently to develop partnerships to assist the City and the partners we seek. We all feel that helping others only helps us.** **City executive staff and the elected official actively pursue strategic partners*	CA/CC	ONGOING
	c	**Improve relations with the Fair Board, County and Port District and participate in joint activities with Port Orford and Brookings** ***The Council (in a bold move!) voted to increase the room tax in July by 1% and 100% of those funds will go to maintenance at the fairgrounds. We still need to have the Fair Board develop a building maintenance triage plan and a capital improvement plan. The Council needs to formally adopt a policy/policies on how the projects will be prioritized.** ***See above also.** **City executive staff and elected officials have actively worked on improving relations with these key strategic partners and will continue to do so.*	CA/CC	ONGOING
GOAL 8: Update City Planning				
• **Become more proactive in planning activities**	**a**	**Update the current city sign code and incorporate it into the zoning ordinance** ***Staff has done nothing with this the past year. Again, this was one PC member's pet project. We have not had any requests to change our current code…ever. But if this is a Council priority staff will get back to it.** **From 2011-2013 the Planning Commission worked on a total re-write of the current sign code. The Council reviewed the proposed code and held a workshop in spring 2015 with little citizen involvement.*	CA/CC	~~05/2011~~ ~~12/2012~~ 09/2016

Goals & Objectives		Priority/Action Items	RP	Target Date
		The consensus was to start over with a simpler code from a similarly sized city. The CA will research and present 3 options to the Council for their review.		
	b	**Develop general zoning standards for "hot button" topics such as:** • **Homeless shelters** • **Wind turbines** • **No pornography near schools** • **Credit for on-street parking and parking in general** • ~~**Viewscape/viewshed protection standards**~~ • ~~**Height limits – generally**~~ • **Maximum/minimum setbacks in commercial and high density residential zones** • **Affordable housing** ***Affordable housing has been a regional topic for the past 2 years specifically. City staff will continue to work with regional efforts. We did approve provisions for tiny houses and accessory dwellings units which will go into effect next week so hopefully that will help. The provisions for ADUs can help not just housing but also the economy by offering an income source for owners.** **Consensus was affordable housing was the most urgent issue especially since the hospital construction is now underway.*	ASD/CC	~~03/2012~~ 2016
	c	**Investigate ~~the ODOT Safe Routes to School program for~~ possible grant opportunities for the library sidewalk and other pedestrian/bike path projects.** *The library sidewalk was finished in 2014! Next focus will be bike/path identified in the Urban Renewal plan.*	CA	~~11/2010~~ ONGOING

Goals & Objectives		Priority/Action Items	RP	Target Date
	d	**Update the land division code** ***We need to see if maybe we can find an intern or a RARE/Americorps person to assist with this. We just don't have the staff to devote to it.** **This needs a complete revision not just an update.*	CA/CC	~~06/2012~~ ~~06/2013~~ 2017
	e	**Formulate site review/site design standards for building permit and land use applications. This would include ~~landscaping requirements~~ OPEN SPACE OPTIONS.**	CA/CC	~~07/2011~~ ~~06/2013~~ 2016
	f	**Triage the current Comprehensive Plan and begin the process of updating the chapters (current comp plan circa 1984).** ***See Above.** **Pursue funding through DLCD or other sources to completely re-write the plan with a focus on resiliency throughout each chapter and goal.*	CA/CC	~~01/2011~~ FINAL PRODUCT ADOPTION 2017