



CITY COUNCIL AGENDA

March 9, 2015

6:30PM

Regular Meeting

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

Call to order: Time: _____

1. The pledge of allegiance

2. Roll Call:

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

3. Special Orders of Business:

a. None Scheduled

4. Consent Calendar:

None scheduled

5. Citizens Comments

As presented to the Mayor at the beginning of the meeting

6. Public Hearing

- a. Initial OLCC Liquor License request: Rogue River Appleworks
- b. Street Vacation: a portion of 5th Street adjacent to Curry General Hospital and Bethany Lutheran Church

7. Citizen Requested Agenda Items

- a. Amy Timeus: Request for the Council to consider an ordinance banning bags within city limits and request for a \$0.05 fee per bag to benefits the Central Curry School District

8. Public Contracts and Purchasing

None Scheduled

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

9. **Ordinances & Resolutions**
 - a. Resolution R1415-10 Fire Truck Local Option Levy

10. **Miscellaneous Items (including policy discussions and determinations)**
 - a. Request to expand the Gold Beach Enterprise Zone by CCD
 - b. Request to discuss voter eligibility within the City
 - c. Bequest from Yadon Estate for Parks Department
 - d. Abatement of Dangerous Building 94223 1st Street

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) Brice Gregory
 - 4) Doug Brand
 - 5) Tamie Kaufman
 - c. Student Liaison, Vacant

13. **Citizens Comments**

As presented to the Mayor at the beginning of the meeting

14. **Executive Session**

None scheduled

The next scheduled meeting of the Gold Beach City Council is Monday, April 13, 2015, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

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

The location of the hearing/meeting is accessible to the disabled. Advance notice is requested if special accommodations are needed. Call 541-247-7029 so that appropriate assistance can be provided. The City of Gold Beach is an affirmative action EEOE and complies with section 504 of the rehab act of 1973. Complaints of discrimination should be sent to: USDA, Attention Director, Office of Civil Rights, Washington, D.C. 20250-9419

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PUBLIC HEARINGS

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. **6 a.**
Council Hearing Date: March 9, 2015

TITLE: Rogue River Apple Works Initial Liquor License request

SUMMARY AND BACKGROUND:

The Oregon Liquor Control Commission (OLCC) requires each jurisdiction to approve requests for licenses to serve alcohol prior to issuance of a liquor license by OLCC. Initial license requests require Council approval.

Rogue River Apple Works, owned by Mary Bonstien is requesting initial approval for Limited On-Premises Sales of alcohol for sale of their Blackberry Merlot Jam. Because the jam is made with Merlot wine, the OLCC is requiring Bonstien to obtain a liquor license. The business is located at 29750 Ellensburg Avenue. At the time of this report staff makes the recommendation that the Council recommend that the OLCC grant approval of the license request.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- A copy of the OLCC permit request and information about the jam

REQUESTED MOTION/ACTION:

Recommendation to OLCC to GRANT/DENY the license request

Suggested Motion:

I make the motion that the Council recommends to OLCC that the liquor license for Rogue River Apple Works be GRANTED/DENIED.

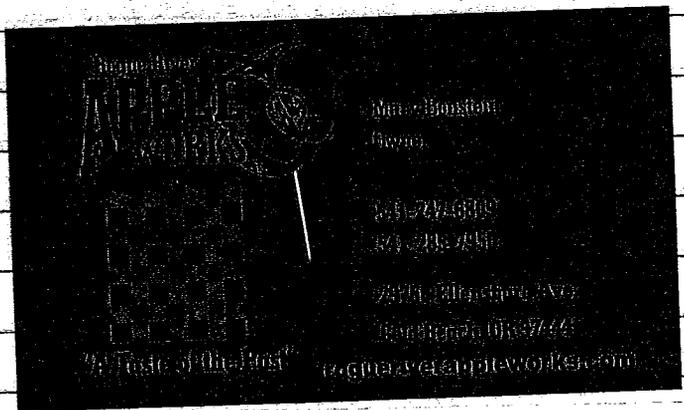
COPY OF REPORT AND ATTACHMENTS SENT TO:

Council and PD

Rogue River Apple works

BlackBerry Merlot Jam

This Jam Contains A Very Low percentage
of Alcohol it was added For taste
only





Our Experience Is Your Protection

6290 Christie Drive, Commerce, CA 90040-3704, Telephone (562) 928-0553 FAX (562) 927-6625

LABORATORY CERTIFICATE

Submitted By: ROGUE RIVER APPLEWORKS
P.O. BOX 1365
GOLD BEACH, OR 97444
Attn: MARY BONSTEIN

Printed: 02/17/2015
Lab No.: 020615-C134369
Report No.: 020615-C134369A
Order No.:
Received: 2/6/2015
Page: 1 of 1

| REPORT# | PRODUCT/TEST | METHOD | RESULT | UNITS | START DATE |
|-------------------|----------------------------------|-----------------|-------------|-------|------------|
| 020615-C134369-01 | BLACKBERRY WERLOF JAW | | | | |
| | Summary Test ALCOHOL SCREEN/ACAC | | | | |
| | 1-BUTANOL | AOAC 962.13 M02 | NDLT C 0002 | % | 2/13/2015 |
| | 2-BUTANOL | AOAC 962.13 M02 | NDLT C 0002 | % | 2/13/2015 |
| | 1-PROPANOL | AOAC 962.13 M02 | NDLT C 0002 | % | 2/13/2015 |
| | 2-PROPANOL | AOAC 962.13 M02 | NDLT C 0002 | % | 2/13/2015 |
| | ETHANOL | AOAC 962.13 M02 | 3.3665 | % | 2/13/2015 |
| | 1-ETHANOL | AOAC 962.13 M02 | NDLT C 0002 | % | 2/13/2015 |

MICHELSON LABORATORIES, INC.

Kelsey Gin, Instrumentation Supvr. | 2/17/2015 10:22:29 AM

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 6 b.
Council Hearing Date: March 9, 2015

TITLE: Proposed Vacation of the easterly portion of 5th Street

SUMMARY AND BACKGROUND:

The Curry Health District approached city staff last summer about the possible vacation of the easterly portion of 5th Street that the hospital currently utilizes for access and parking. Because of the constraints of the property for siting the new hospital facility they requested the additional 40'—which they already utilize.

I discussed the request with Public Works Superintendent Newdall and he was agreeable to the proposal since the south side of the platted roadway is compromised due to excavation many years ago for a driveway on the adjacent Bethany Lutheran property. Additionally, the area of the proposed vacation is already utilized by the hospital for the purpose they intend to use it for the new hospital. After discussion we felt the property would be better utilized by the adjacent owners rather than as roadway that really isn't there.

It was my understanding at the time that the church was agreeable to the vacation since they are the only other adjacent owner. After publishing the notice of the proposed hearing for December, and sending a letter to the church, I was contacted by them and asked to postpone the hearing until they reached an agreement with the hospital about this and another property issue. I was contacted by both the hospital and the church last month that they had reached an agreement about the issues and they were both agreeable to the vacation now.

The proposed area of the vacation is serving the two entities exclusively. There is no connectivity to the east due to topographic conditions. The vacation will not limit any access the public has to either parcel and the proposal is that it will improve parking for both facilities. One sewer manhole is on the western portion of the vacation. The manhole has one sewer service from the southwestern modular building on the hospital property. If the vacation is approved, the hospital will abandon the sewer line in preparation for the new hospital construction and Public Works staff will require the line to be decommissioned per engineering specifications. The City does not own the sewer line. The sewer line to serve the new hospital will be accessed from 4th Street where the current facility accesses. Administrative and Public Works staff recommends approval of the vacation.

A public hearing is required prior to the official vacation. If there are no objections to the vacation an ordinance has been prepared for a first reading at the April meeting.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- Maps of the proposed vacation
- Copy of the published notice

REQUESTED MOTION/ACTION:

Decide on whether to proceed with the vacation

Suggested Motion:

If approval:

I make the motion that the Council approve the recommended vacation and direct staff to prepare a vacation ordinance for the April meeting.

If denied, no further action needed.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council and Public Works

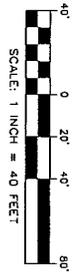
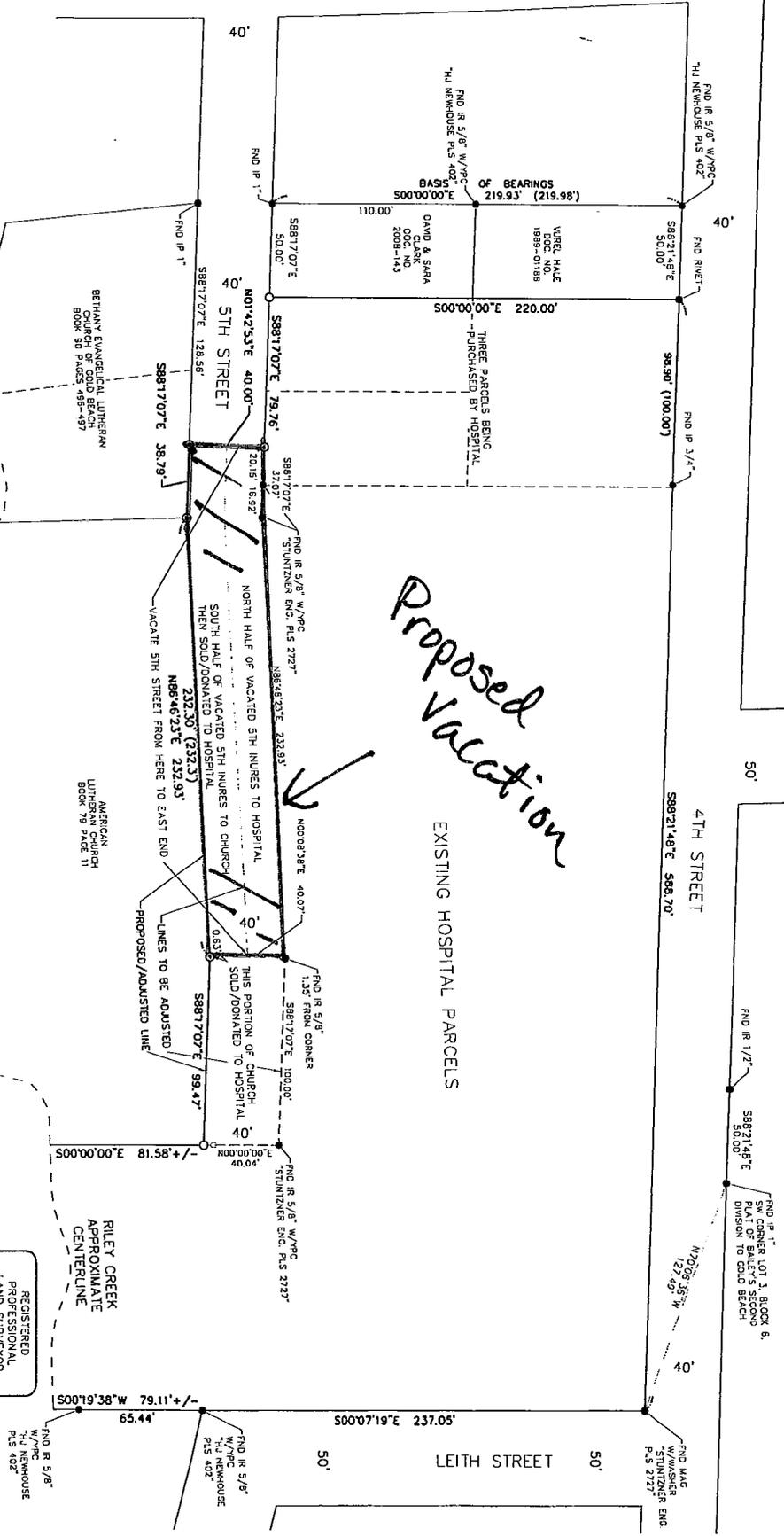


EXHIBIT
FOR A PROPERTY LINE ADJUSTMENT
 IN THE SE 1/4 OF THE SE 1/4 OF SECTION 36,
 T. 36 S., R. 15 W., W.M.,
 CITY OF GOLD BEACH, CURRY COUNTY, OREGON
 DATE: FEBRUARY 19, 2015

U. S. HWY. 101



BASIS OF BEARINGS

HELD NORTH 09°00'00\"

NARRATIVE

THE PURPOSE OF THIS EXHIBIT IS TO OBJECT THE EXTENTS OF THOSE PARCELS SHOWN TO BE SUBJECT TO A PROPERTY LINE ADJUSTMENT WITH THE CHURCH PARCELS AND THE VACATED PORTION OF 5TH STREET.

THE BOUNDARY AND RIGHT-OF-WAY LINES AS PER CURRY COUNTY SURVEY 38-708, THE EAST 220 FEET OF 5TH STREET, THE AREA ADJACENT INJURES TO HOSPITAL, AND CHURCH PARCELS, AN ADDITIONAL 40 FEET EXTENDED EAST OF VACATED STREET IS TO BE ACQUIRED BY HOSPITAL FROM THE CHURCH ALONG WITH SOUTH HALF OF VACATED 5TH STREET.

LEGEND

- FOUND MONUMENT AS NOTED
- 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WESTLAKE CONSULTANTS" TO BE SET UPON CITY VACATION AND PLA APPROVAL.
- FOUND
- IR IRON ROD
- IP IRON PIPE
- W/YPC WITH YELLOW PLASTIC CAP
- DOC. NO. DOCUMENT NUMBER, CURRY COUNTY DEED RECORDS

SURVEYED BY:
 WESTLAKE CONSULTANTS, INC.
 15115 S.W. SEQUOIA PARKWAY, SUITE 150
 TIGARD, OREGON 97224
 (503) 684-0852

SHEET 1 OF 1

REGISTERED PROFESSIONAL LAND SURVEYOR
 JULY 25, 1990
 CARTER ANDERSON
 2434

REVISIONS: 12-31-2015
 SURVEYED FOR:
 CURRY HEALTH DISTRICT

**NOTICE
ALLEY VACATION PUBLIC HEARING**

The City of Gold Beach has determined a portion of 5th Street adjacent to Curry General Hospital and Bethany Lutheran Church (Assessor Map 3615-36DD) is surplus to the needs of the City and shall vacate that portion of 5th Street pursuant to the procedures prescribed in ORS Chapter 271.

A hearing on the proposed vacation is scheduled before the Gold Beach City Council on Monday, December 8, 2014, at 6:30 pm during the regular monthly council meeting. Notice of this vacation is given pursuant to ORS 271.110. Any objection to this proposed vacation may be made in writing and filed with the recording officer of the City prior to the hearing or may be presented the Council at the time of the hearing.

Questions regarding this vacation should be directed to City Administrator, Jodi Fritts-Matthey at City Hall, 29592 Ellensburg Avenue, Gold Beach. Email: jfritts@goldbeachoregon.gov

Publish: November 26th and December 3rd



CITIZEN REQUESTED AGENDA ITEMS

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 7 a.
Council Hearing Date: March 9, 2015

TITLE: Request to ban grocery bags within the City

SUMMARY AND BACKGROUND:

A Citizen Requested Agenda Item was submitted by Amy Timeus requesting the Council ban all bags in grocery stores in Gold Beach. Her specific request is:

“What I propose is to do away with all bags at Rays and McKay's. Many other towns have gone to no bags and the consume is responsible for bringing their own bags which not only save the stores from having to purchase bags but also save the environment. I want to propose that we go bagless here and if a customer needs or wants bags from the store there is a .05 cent per bag charge. I would like that .05 cent charge per bag to then be given to the schools to fund any programs or projects they may be short funding. Since the stores already purchase the bags I don't see why they would have an issue giving the money to the school should this all come into play. The stores would ultimately be paying less for the bags as more people would bring their own. Obviously it would take a while to see how much revenue this would generate for the schools but I feel it would be a win win situation and I want to do all I can to make sure this happens.”

I have attached some information regarding bag bans in other places, specifically:

- The National Conference of State Legislatures article on state plastic and paper bag legislation
- City of Ashland plastic bag info and ordinance
- FAQ regarding City of Portland plastic bag ban

REQUESTED MOTION/ACTION:

Discuss the citizen request

NATIONAL CONFERENCE OF STATE LEGISLATURES

[HTTP://WWW.NCSL.ORG/RESEARCH/ENVIRONMENT-AND-NATURAL-RESOURCES/PLASTIC-BAG-LEGISLATION.ASPX](http://www.ncsl.org/research/environment-and-natural-resources/plastic-bag-legislation.aspx)

STATE PLASTIC AND PAPER BAG LEGISLATION

1/22/2015

Fees, Taxes and Bans | Recycling and Reuse

States are continuing to consider strategies to reduce the number of plastic carry-out bags from grocery stores and other retail outlets. Some states are targeting paper bags as well. Regulating bags can mitigate harmful impacts to oceans, rivers, lakes and the wildlife that inhabit them. Reducing bag use can also relieve pressure on landfills and waste management.

Bans and Fees

In August 2014, California became the first state legislature to enact legislation imposing a statewide ban on single-use plastic bags at large retail stores. Governor Jerry Brown signed the bill into law on September 30. The ban will take effect on July 1, 2015.



In addition, there will be a 10 cent minimum charge for recycled paper bags, reusable plastic bags, and compostable bags at certain locations. A detailed summary of the law can be found below. In addition to California, a de facto statewide ban exists in Hawaii as all of the most populous counties in the state prohibit non-biodegradable plastic bags at checkout, as well as paper bags containing less than 40 percent recycled material. Bans in Kauai, Maui and Hawaii counties took effect between 2011 and 2013. Retailers in Honolulu County have until July 1, 2015, to make the change. In 2009, the District of Columbia enacted a law to ban the distribution of disposable, non-recyclable plastic carry-out bags and set a fee of 5 cents for distribution of all other

disposable bags.

In 2009, North Carolina banned plastic bags for the Outer Banks region, a chain of barrier islands off its coast. However, in 2011, the state passed legislation to temporarily suspend that ban due to a tornado that hit Dunn, North Carolina, which is the major distribution center for paper bags in the area. The ban has yet to be restored.

2014 Legislation Summary

As mentioned above, California lawmakers passed the first statewide plastic bag ban in the United States in 2014. Senate Bill 270 was signed by the governor on September 30, 2014. Legislation is pending in New Jersey and Puerto Rico that would also ban single-use bags. New Jersey legislators are also considering a \$0.05 fee on disposable carryout bags offered at the point of sale.

Recycling Programs and Requirements

States have continued to propose and enact legislation relating to labeling, recycling, and reusing plastic bags. In 2010, California passed legislation that requires manufacturers of compostable plastic bags to ensure that the bag is readily and easily identifiable from other bags. That same year, Delaware enacted an At-Store Recycling Program. The legislation encourages the use of reusable bags, requires stores to establish an at-store recycling program that provides an opportunity for customers of the store to return clean plastic bags, requires that plastic carry-out bags display a recycling message and provides fines and penalties for noncompliance. Illinois passed similar legislation, the Plastic Bag and Film Recycling Act, in 2012, but it was vetoed by the Governor.



Enacted Plastic Bag State Legislation Summaries

California

Statewide Ban on Single-Use Carryout Bags (2014 CA S 270)

Prohibits certain large stores, as of July 1, 2015, from providing a single-use plastic carryout bag to a customer, with specified exceptions. Prohibits a store from selling or distributing a recycled paper bag, reusable plastic bag or compostable bag at the point of sale unless the store makes that bag available for purchase for at least \$0.10 and certain conditions are met. The ban does not apply to handle-less plastic bags used to protect meat and produce from damaging or contaminating other purchased items. After July 1, 2016, these prohibitions and requirements will take effect for smaller stores such as convenience food stores. Revenue will be retained by the store to offset costs associated with providing recycled or reusable bags and complying with other provisions of the law.

Persons or entities that violate the law may be subject to civil penalties imposed by the city, county or state of California.

Requires reusable grocery bags sold to customers at the point of sale to be made by a certified producer and to meet certain criteria with regard to the bag's durability, material, labeling and heavy metal content. In addition to these requirements, a reusable bag made from plastic film, as opposed to other natural or synthetic fibers, must meet certain benchmarks for recycled material content by 2016 and 2020. Beginning July 1, 2015, bags made from plastic film may not be sold or distributed unless certified by a third party entity. Applications for certification must include specified information that verifies, among other things, the incorporation of clean postconsumer recycled material.

Declares that it occupies the whole field of regulation of reusable grocery bags, single-use carryout bags, and recycled paper bags and prohibits a local public agency from enforcing or implementing an ordinance, resolution, regulation, or rule adopted on or after September 1, 2014, relating to those bags, against a store unless expressly authorized. Allows a local public agency that has adopted such an ordinance prior to September 1, 2014, to continue to enforce and implement that ordinance or other type of regulation, but preempts any amendments other than to increase the bag charge at covered stores.

A sum of \$2,000,000 is appropriated from the Recycling Market Development Revolving Loan Subaccount to the state Department of Resources Recycling and Recovery to provide loans for the creation and retention of jobs and economic activity in California for the manufacture and recycling of plastic reusable grocery bags that use recycled content. (09/30/2014 - Enacted)

Compostable or Marine Degradable Plastic Bags (2010 CA S 228)

Requires a manufacturer of a compostable plastic bag to ensure that the bag is readily and easily identifiable from other bags. Prohibits a compostable plastic bag sold in the state from displaying a chasing arrow resin identification code or recycling type of symbol in any form. Requires a manufacturer to comply with these requirements only to the extent that labeling requirements do not conflict with federal requirements. (09/28/2010 - Enacted)

Recycling: Plastic Products (2012 CA S 567)

Prohibits the sale of a plastic product labeled as compostable, home compostable, or marine degradable unless it meets standard specifications or a specified standard, or the plastic product is labeled with a qualified claim and the plastic product meets that standard. Prohibits the sale of a plastic product that is labeled as biodegradable, degradable, decomposable, or as otherwise specified. Provides for a civil penalty for a violation. Provides for the continuation of plastic bag labeling provisions. (10/08/2011 - Enacted)

At-Store Recycling Program (2006 CA A 2449)

Retail stores must adopt an at-store recycling program. Plastic bags used at retailers must have clearly printed "Please Return to a Participating Store for Recycling" on the bag. Retailers must also make reusable bags available for purchase by the customer, in lieu of plastic bags. (Repealed January 1, 2020)

Delaware

At Store Recycling Program (2009 DE H 15; Amended by 2014 DE H 198)

Encourages the use of reusable bags by consumers and retailers, requires a store to establish an at-store recycling program that provides an opportunity for a customer of the store to return clean plastic bags, requires all plastic carryout bags to display a recycling message, requires stores to maintain records of collection and recycling of plastic bags, prohibits imposition of a plastic bag fee upon a compliant store, provides for fines and penalties. (08/17/2009 - Enacted)

Recycling Program (2012 DE SCR 24)

Requests a report and suggestions for improvement on the at-store recycling program of plastic carryout bags for the purpose of improving the program and bettering the environment. (06/29/2011 - Enacted)

District of Columbia

Anacostia River Clean Up and Protection Act (2010 DC B 150)

Protects the aquatic and environmental assets of the District of Columbia, to ban the use of disposable non-recyclable plastic carryout bags, to establish a fee on all other disposable carryout bags provided by grocery stores, drug stores, liquor stores, restaurants, and food vendors, to give the Mayor the authority to implement rules and procedures to collect the fee, to establish a non-lapsing recurring Anacostia River Cleanup and Protection Fund. (09/23/2009 - Enacted)

Maine

Checkout Bags (2010 ME S 131)

Convenes a work group, through a partnership with state agencies and other appropriate entities, to work together towards a viable solution to the checkout bag issue to achieve environmental benefits, maintain financial viability for manufacturers and retailers and avoid cost impacts for consumers, provides for a report to the legislature. (05/19/2009 - Enacted)

Recycling Plastic Bags (1991 ME LD 1166)

Retailers may only provide customers with plastic bags if there is a receptacle to collect used plastic bags with twenty feet of the entrance and all the plastic bags collected are then recycled.

New York

Plastic Bag Reduction, Reuse and Recycling Act (2008 NY A 11725)

Retailers of stores are to establish in-store recycling programs that provide an opportunity for the customer to return clean plastic carryout bags to be recycled. The plastic carryout bags provided by the store must have printed on them "Please return to a Participating Store for Recycling."

North Carolina

Plastic Bag Use (2010 NC S 1018)

Reduces plastic and non-recycled paper bag use on North Carolina's outer banks (a sea turtle nesting area). A retailer subject to G.S. 130A-309.102 shall display a sign in a location viewable by customers containing the following notice: "[county name] County discourages the use of single-use plastic and paper bags to protect our environment from excess litter and greenhouse gases. We

would appreciate our customers using reusable bags, but if you are not able to, a 100% recycled paper bag will be furnished for your use." Please see additional NC bills for identical language regarding the use of plastic bags and fines. (06/24/2009 - Enacted)

Plastic Bag Management (2011 NC S 146)

Suspends the ban on plastic bags in certain coastal areas due to a disruption in the supply of paper bags because of the severe tornados. The major distribution center for paper bags used by retailers in the areas subject to the ban was located in Dunn, NC, but was severely damaged and rendered unusable by the tornados of April 16, 2011. The General Assembly finds that the suspension of the requirement until the supply chain for paper bags is restored is in the public interest. This act becomes effective April 16, 2011. (04/20/2011 - Enacted)

**Suspends the above bill.

Rhode Island

Promotion of Paper Bag Usage (2008 RI S 2565)

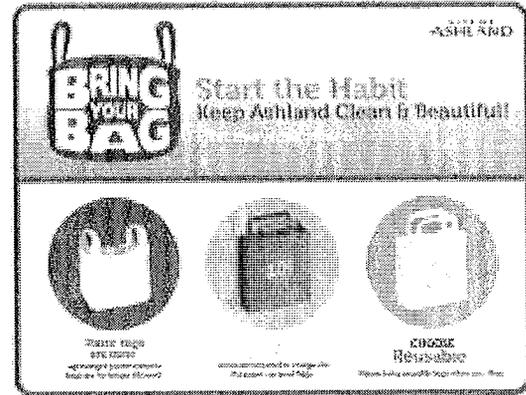
To decrease use of plastic bags, this legislation promotes the use of paper bags by retailers. Retail establishments must offer the use of a paper bag to the consumer. Every retail establishment that provides customers with plastic bags must provide conveniently located receptacles where customers can return their clean and dry plastic bags to be recycled. Failure to comply with these laws is punishable with fines up to \$500.

A

[City of Ashland, Oregon / Administration / Conservation Division / Plastic Bag Ban Information](#)

Plastic Bag Ban Information

As most residents and local businesses are aware, the City of Ashland recently approved an ordinance relating to the use and distribution of bags for retail customers of local businesses. The ordinance goes into effect on November 6, 2014.



The objective of the ordinance and corresponding education and outreach is to substantially reduce the volume of end user consumption of single use plastic carry out bags and transition to the use of reusable bags as the standard practice. With many grocers in Ashland already eliminating plastic bags, the transition has actually been underway for some time.

To prepare for the implementation of the ordinance, materials have been developed to assist both businesses and consumers in making the transition away from plastic bags and towards reusable bags whenever and wherever possible.

The major elements of the new ordinance include:

- Plastic bags (under 4 mil thickness) for customer use at the point of sale (checkout) will no longer be allowed.
- To further encourage the transition to reusable bags, businesses are required to charge a ten cent (\$0.10) fee for each paper bag used by the customer at checkout.
- To mitigate the impacts on the use of paper bags, paper bags offered at checkout must contain at least 40% post consumer recycled content. (The \$0.10 fee also helps businesses with potential higher costs for these bags)
- Definitions and exemptions were also part of the ordinance and help both businesses and customers better understand what is and isn't allowed starting November 6th.

The City's Conservation Commission played a significant role in the development and successful approval of the ordinance by the City Council and remains committed to evaluate the success of the ordinance and look for other opportunities to reduce waste

within Ashland.

Below are a collection of additional informational materials regarding the new regulations to assist in the hopefully smooth transition from plastic bags to reusable bags.

[Adopted Ordinance Language](#)

[Frequently Asked Questions Answer Sheet](#)

[Informational poster \(8.5x11\)](#)

[Informational poster \(11x17\)](#)

[Background Materials to City Council](#)

If you have any questions regarding the ordinance, its implementation or other related issue, please contact Adam Hanks in the City Administrator's Office at 541-552-2046 or adam@ashland.or.us

[**PRINT**](#)

[**CLOSE**](#)

ORDINANCE NO. 3094

AN ORDINANCE ADOPTING A PROHIBITION ON THE DISTRIBUTION OF SINGLE USE PLASTIC BAGS

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are **~~lined through~~** and additions are **underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City desires to encourage the reduction of many single use items that negatively impact the local environment and likewise encourage the use of reusable products when safe and practical to reduce the volume of the community's waste stream.

WHEREAS, single use plastic bags increase litter, degrade local wildlife habitat and are seldom recycled.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.21 is hereby added to read as follows:

SECTION 9.21.010 – Definitions

A. **ASTM standard.** The American Society for Testing and Materials (ASTM)'s International D-6400

B. **Carryout bag.** Any bag that is provided by a retail establishment at the point of sale to a customer for use to transport or carry away purchases, such as merchandise, goods or food, from the retail establishment. "Carryout bag" does not include:

(a) Bags used by consumers inside retail establishments to:

1. Package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
2. Contain or wrap frozen foods, meat, fish, whether packaged or not;
3. Contain or wrap flowers, potted plants, or other items where dampness may be a problem;
4. Contain unwrapped prepared foods or bakery goods; or
5. Pharmacy prescription bags;

(b) Laundry-dry cleaning bags or bags sold in packages containing multiple bags intended for

use as garbage waste, pet waste, or yard waste bags;
(c) Product bags.

C. City sponsored event. Any event organized or sponsored by the city or any department of the city.

D. Customer. Any person obtaining goods from a retail establishment or from a vendor.

E. Food provider. Any person in the city that provides prepared food for public consumption on or off its premises and includes, without limitation, any retail establishment, shop, sales outlet, restaurant, grocery store, delicatessen, or catering truck or vehicle.

F. Grocery store. Any retail establishment that sells groceries, fresh, packaged, canned, dry, prepared or frozen food or beverage products and similar items and includes supermarkets, convenience stores, and gasoline stations.

H. Pharmacy. A retail use where the profession of pharmacy by a pharmacist licensed by the state of Oregon's Board of Pharmacy is practiced and where prescription medications are offered for sale.

I. Product bag. Any bag provided to a customer for use within a retail establishment to assist in the collection or transport of products to the point of sale within the retail establishment or to protect a specific single purchased item for transport. A product bag is not a carryout bag.

J. Recyclable paper bag. A paper bag that meets all of the following requirements:

- (a) Is 100% recyclable and contains a minimum of 40% recycled content;
- (b) Is capable of composting consistent with the timeline and specifications of the ASTM Standard as defined in this section.

K. Retail establishment. Any store or vendor located within or doing business within the geographical limits of the city that sells or offers for sale goods at retail.

L. Reusable bag. A bag made of cloth or other material with handles that is specifically designed and manufactured for long term multiple reuse and meets all of the following requirements:

- (a) If made of natural or synthetic fabric, is washable or otherwise able to be sanitized; or
- (b) If plastic, has a minimum plastic thickness of 4.0 mils.

M. Single-use plastic carryout bag. Any plastic carryout bag made available by a retail establishment to a customer at the point of sale. It does not include reusable bags, recyclable paper bags, or product bags.

N. Vendor. Any retail establishment, shop, restaurant, sales outlet or other commercial establishment located within or doing business within the geographical limits of the city, which provides perishable or nonperishable goods for sale to the public.

O. Undue hardship. Circumstances or situations unique to the particular retail establishment such that there are no reasonable alternatives to single-use plastic carryout bags or a recyclable paper bag pass-through cannot be collected.

SECTION 9.21.020 Plastic Bag Use –Regulations

Except as exempted in 9.21.040 of this code:

- (a) No retail establishment shall provide or make available to a customer a single use plastic carryout bag;
- (b) Retail establishments that choose to provide customers a paper bag at the point of sale must provide a recyclable paper bag meeting or exceeding the minimum standards defined in 9.21.010 J.
- (c) No person shall distribute a single-use plastic carryout bag at any city facility, city managed concession, city sponsored event, or city special events permit activity.

SECTION 9.21.030 Plastic Bag Use -Cost Pass-Through.

A. When a retail establishment makes a recyclable paper bag available to a customer at the point of sale pursuant to section 9.21.040(b) of this code, the retail establishment shall:

- (1) Charge the customer a reasonable pass-through cost of not less than 25 10 cents per recyclable paper bag provided to the customer; and
- (2) Indicate on the customer's transaction receipts the total amount of the recyclable paper bag pass-through charge.

B. The City will evaluate the impact of the charge for paper bags established in section 9.21.030A(1) of this code in January, 2016.

SECTION 9.21.040 Plastic Bag Use -Exemptions.

Notwithstanding sections 9.21.020 and 9.21.030 of this code:

- (a) Single-use plastic carryout bags may be distributed to customers by food providers for the purpose of safeguarding public health and safety during the transportation of hot prepared take-out foods and prepared liquids intended for consumption away from the food provider's premises.
- (b) Retail establishments may distribute product bags and make reusable bags available to customers whether through sale or otherwise.
- (c) A retail establishment shall provide a reusable bag or a recyclable paper bag at no cost at the point of sale upon the request of a customer who uses a voucher issued under the Women, Infants and Children Program established in the Oregon Health Authority under ORS 409.600.
- (d) Vendors at retail fairs such as a farmers' market or holiday fair are not subject to indicating on the customer's transaction receipt the total amount of the recyclable paper bag pass through charge required in section 9.21.030(b) of this code.
- (e) The city administrator or the designee may exempt a retail establishment from the requirement set forth in sections 9.21.020 and 9.21.030 of this code for a period of not more than one year upon the retail establishment showing, in writing, that this code would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The decision to grant or deny an exemption shall be in writing, and the city administrator's or designee's decision shall be final.

SECTION 3. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 4. Effective Date. This ordinance shall take effect on the 6 day of November 2014 (six months from ordinance approval date)

SECTION 4. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-3) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

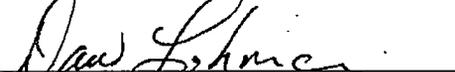
The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 6 day of May, 2014, and duly PASSED and ADOPTED this 6 day of November, 2014.

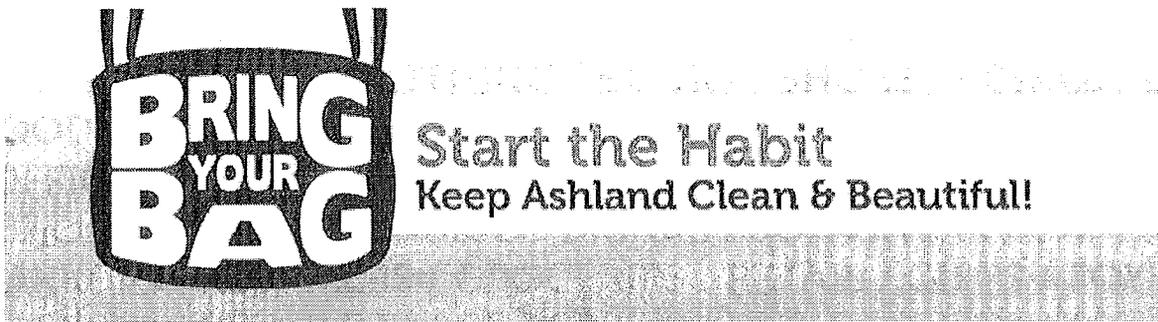

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 6 day of May, 2014.


John Stromberg, Mayor

Reviewed as to form:


David H. Lohman, City Attorney



City of Ashland Bring Your Bag FAQ's

In an effort to promote reusable shopping bags and reduce litter, the City of Ashland joins other Oregon cities — including Eugene, Corvallis, and Portland, and others throughout the country— in encouraging the use of reusable bags by banning single-use plastic carryout bags within Ashland beginning November 6, 2014.

Single-use plastic carryout bags offer some level of short-term convenience, but they have long-term community costs in terms of litter, recycling challenges and impact on wildlife and the environment. Eliminating much of this particular waste stream as well as promoting reusable bags instead of single use products will decrease waste and litter and benefit the community.

When are retailers required to stop providing single-use plastic carryout bags?

Ashland retailers will be required to stop providing single-use plastic carryout bags to customers on November 6, 2014 when the new ordinance goes into effect.

What types of businesses does this apply to?

All retail businesses, including grocery stores, department and clothing stores, convenience stores and local markets located within the City of Ashland will be required to provide only recycled paper bags or reusable bags as carryout bags for customers.

What about farmers' markets, street fairs, festivals, and events?

Yes. The ordinance requires compliance from any store, shop, sales outlet, or vendor located within the City of Ashland that sells goods at retail. These types of establishments fall under that definition and are required to comply.

Where can I get more information on the ordinance?

The City will be working with businesses as they transition away from using single-use plastic carryout bags. Information is available on the City's website, www.ashland.or.us/bagban, or by calling 541-552-2046.

What plastic bags are prohibited?

All single-use plastic carryout bags provided at the point of sale (checkout) that are less than 4 mils thick are prohibited. Bags constructed of durable plastic (4 mils or thicker) are considered reusable and are allowed.

What is a 'mil'?

A 'mil' is a plastics industry term for a thousandth of an inch. It does not stand for 'millimeter.'

What about compostable plastic bags? Are they allowed?

No, single use plastic bags made of compostable materials are not allowed, unless they are thicker than 4 mils

Are there any plastic bags that are still ok to offer to customers?

Yes, there are several exemptions to the ban, such as:

- Bags used inside the store to package bulk items, fruits, veggies, nuts, small hardware items, candy, etc
- Bags used to contain and protect frozen foods, meat, fish, etc
- Bags used to contain and protect flowers, potted plants or other similar products containing moisture or potential for liquid spillage
- Bags to contain unwrapped prepared foods like bakery goods
- Pharmacy prescription bags
- Bags used to protect fragile items, such as glassware and other breakables that are then placed in a paper or reusable bag at checkout.

What are the new rules on paper bags?

The goal of the ordinance is to encourage the use of reusable bags, but if the customer needs bags, paper bags made of a minimum of 40% post consumer recycled content are the new standard. Additionally, businesses must charge the customer a ten cent (\$0.10) fee for each paper bag used at the checkout station. (fee not required for small paper bags used within the business for individual product protection)

Are there any exceptions to the required \$0.10 paper bag fee?

Yes, the fee for paper bags is waived for customers who meet the eligibility requirements for the Women, Infants and Children (WIC) program. Additionally, the City will be working with its Ashland Low Income Energy Assistance Program to provide reusable bags to those qualifying residents.

What do the businesses do with the paper bag fees they collect?

The fee is kept by the business to offset any costs associated with the transition, including any additional costs from the recycled content bags. The primary goal of the paper bag fee is to provide a small incentive/reminder for customers to bring and use reusable bags instead of paper bags.

Are there any reports to submit to the City?

No, but the paper bag fee is required to be shown on the customer receipt as a separate charge and the City has the ability to conduct an audit to determine if the fee is being collected properly. While not required, the City is interested in checking back in with businesses six months to a year after the new rules have been in effect to see how paper bag usage was affected.

What if a business refuses to comply with the ordinance?

As with any local ordinance, citations can be issued and fines imposed. The goal is not to issue citations but to ensure compliance so City staff will try to work with businesses to comply with the new regulations. If that fails, citations could be issued.

How can businesses communicate the new rules to customers?

There are several different small posters available to download from the City's website that can be placed in windows or at checkout stations to help your staff communicate the new rules to customers. These can be found at www.ashland.or.us/bagban. Promoting reusable bags is also another way to help your customers and the community in the transition. Special bring your bag day sales events, reduced or free reusable bag giveaway days or contests and other similar events can help.

Frequently-asked Questions about Portland's Plastic Bag Ban

Plastic grocery and shopping bags may offer short-term convenience, but they have long-term costs. Not only do single-use bags require resources such as petroleum and natural gas to manufacture, their disposal presents a number of problems as well.

Why is the City of Portland expanding the ban on plastic bags?

Plastic bags are extremely lightweight and can act like balloons blowing out of garbage trucks and landfills. These flyaway bags litter our parks and trees, enter storm drains and can eventually end up in rivers and oceans where they break into small, toxic pieces. Plastics have found their way into all five of the world's major ocean current systems and are one of the most common types of litter found in Portland's rivers and on Oregon's beaches. Sea animals often mistake plastic particles for food, causing harm to the animals and potentially affecting the seafood we eat.

Paper bags will still be available at the checkout. But paper bags still require natural resources to make. An even better option is to invest those natural resources into something that can be used over and over again—like a reusable bag!

Why aren't plastic bags recyclable in Portland's blue roll carts?

Plastic bags create major problems at recycling facilities. They jam and shut down machinery, accounting for almost a third of labor costs. Plastic bags that get mixed with other recyclables also contaminate the end materials, lowering their quality and value. The impacts of plastic bags in our curbside recycling system means higher collection rates for Portlanders.

Where can I recycle plastic bags?

The Oregon DEQ estimates that Oregonians used approximately 100,000 tons of plastic film in 2009, and only a very small percentage of single-use plastic bags are actually recycled. Reusable bags are a simple way to reduce your need for single-use plastics—and they are easy to use.

But even if we use reusable bags for our groceries and errands, produce, newspaper, and other plastic bags are still a part of our everyday lives. When you do have plastic bags, we recommend contacting Metro to find a drop off location near you. Portlanders are great recyclers, but we need to take the next step by switching to reusable bags as part of our daily routines.

Don't have a reusable bag?

Most local grocers have a wide variety of reusable bags for sale. Some ideas for getting along without plastic bags:

- **Dealing with pet waste:** There will still be many plastic bags in circulation. You can continue to use bread bags, produce, bulk or cereal bags.
- **Lining a garbage can:** Line your garbage can with newspaper and rinse it out periodically. Or buy some lightweight plastic bags and reuse them, dumping the contents into your outdoor garbage can before relining your can with them. Reuse the bag from your cat or dog food.



ORDINANCES & RESOLUTIONS

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 9. a.
Council Hearing Date: March 9, 2015

TITLE: Fire Truck Levy Resolution and Election Info

SUMMARY AND BACKGROUND:

Fire Truck Levy

MARCH REPORT:

The Council directed staff at the February meeting to prepare the documents to put the Fire Truck Levy on the May 19th Special Election ballot. I have prepared the resolution for adoption tonight, and prepared a draft state election form SEL 802, and have sent the required notice to both newspapers. Below this brief update is the prior history on the matter. Attached to this report is the resolution and the voter information.

REQUESTED MOTION/ACTION:

Approve or deny Resolution R1415-10.

Sample Motion:

I make the motion that the Council adopt Resolution R1415-10: a resolution of the City of Gold Beach, Curry County, Oregon, to submit to the voters of the city a measure concerning a seven (7) year capital projects local option tax for a fire truck and to call an election.

NOVEMBER REPORT: We unfortunately lost the fire truck levy again this year. In comparing voter statistics we had 75.62% voter turnout this year—a 5.5% increase over last year. Last year 408 citizens voted YES, this year 453 voted YES. Last year 454 NO, this year 485 YES. We lost by 46 votes last year this year we lost by 32. So we did actually do better statistically speaking.

I think it's critical that we don't wait until the next November election. The soonest regular election we can get on the ballot is the May 2015 primary. I strongly suggest we do that.

We (you electeds!) will need to really get out and stump with the voters this time. In both elections we lost by a slim margin. Chief Floyd and I are prohibited as public employees from advocating for the measure. We can talk the basic facts but we can't inject any personal feelings or conjecture. You electeds are not constrained in that manner. I am attaching some info Chief Floyd was hoping could be circulated. You can use this as talking points. Perhaps the Mayor and/or some council members could go on the radio to discuss it?

Since the county does not produce a local voter booklet we printed the “just the facts” sheet that was reviewed by legal counsel and that went out in the October water bills. It didn’t help. Most people I spoke with didn’t even notice it so that was ineffective—unless we print it on neon paper next time. I think we should send it out twice this next time: the month before and the month the ballots get mailed. I don’t think ads in the newspaper would be effective. I’m open to creative suggestions.

REQUESTED MOTION/ACTION:

Discuss and come up with a game plan for the May primary election.

SEPTEMBER REPORT: I filed state election form SEL 802 with the County Clerk on Friday, August 15th for inclusion on the November 4th ballot so we are good to go.

AUGUST REPORT: Just a quick update on the status of the levy. We passed the resolution last month authorizing the election. I had the required Notice of Receipt of Ballot Title published in both the Reporter and Pilot. A copy is attached. The next step is to forward the completed form SEL 802 Notice of Measure Election to the county elections office which I will do this week. I will keep you posted.

JULY REPORT: We spent a lot of time last year discussing the resumption of the local option tax levy for the future purchase of a new fire truck in approximately 7 years. I am attaching the council report and information from last year instead of rehashing it all in new report.

We put the measure on the ballot of the November 2013 election. The measure did not pass. The statistics provided by the County Clerk showed we had a 70.12% voter turnout and 862 valid votes cast. The vote was 408 in favor of the levy and 454 against, so we lost by 46 votes. Clearly this is an important issue for our citizens. I believe the measure would have passed had it not been for the hospital levy—BUT it was vitally important that that measure pass as well and I knew we would have time for another bite at the apple where the hospital district did not. I am glad their measure passed because it deeply affects our community and the loss of the hospital would be catastrophic for many different reasons.

We are now back to that second bite at the apple. In order to proceed with putting this measure on November 2014 ballot we need to follow the same process we did last year (in attached report). I revised the resolution for the levy for us to consider tonight. Due to the state election timelines for filing we need to make a final decision on whether to proceed in November tonight.

Council and Chief Floyd

RESOLUTION R1415-10

A RESOLUTION OF THE CITY OF GOLD BEACH, CURRY COUNTY OREGON, TO SUBMIT TO THE VOTERS OF THE CITY A MEASURE CONCERNING A SEVEN (7) YEAR CAPITAL PROJECTS LOCAL OPTION TAX FOR A FIRE TRUCK AND TO CALL AN ELECTION

RECITALS:

- A. The City's 2013-2014 property tax base of \$518,586 (\$2.336 per \$1000 of assessed value), was established by Constitutional limitation, and the Council has not received approval of a new tax base proposal since at least June of 1999.
- B. The City has historically financed acquisition of new fire trucks through serial levies in approximately seven (7) year increments. The first levy was approved by the voters in 1989. The most recent fire truck levy was approved by the voters in November 2004.
- C. In order to continue to finance the capital purchase of adequate fire protection equipment, specifically a fire truck, the Council has determined that a Capital Projects Local Option Tax be established for the acquisition of the fire truck.
- D. By Resolution R1314-01, approved by the Council on August 12th, 2013, the measure was placed before the voters of the City of Gold Beach for the November 2013 General Election. The measure failed to pass by a slim margin.
- E. By Resolution R1415-03, approved by the Council on July 21, 2014, the measure was again placed before the voters of the City of Gold Beach for the November 2014 General Election. The measure failed to pass by 32 votes.

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

Section One. The Measure hereinafter set forth shall be submitted to the legal voters of the City of Gold Beach, Oregon, at an election to be held on May 19, 2015, for their adoption or rejection:

CAPTION:

SEVEN YEAR CAPITAL PROJECTS LOCAL OPTION FIRE TRUCK LEVY.

QUESTION:

Shall Gold Beach impose \$60,000 per year for seven years for capital projects beginning in fiscal year 2015-2016? This measure may cause property taxes to increase more than three percent.

SUMMARY:

This measure would impose property taxes of \$60,000 per year for seven years to purchase a replacement fire truck for the City of Gold Beach. Fire trucks average a

useful life of twenty-five years. New trucks currently cost between \$400,000 and \$700,000. Purchase of a new truck from this levy is expected by June 30, 2022. The Gold Beach-Wedderburn Rural Fire Protection District, to which the City provides contract fire protection services, will contribute \$100,000 toward the purchase price. The total amount to be raised by this local option tax is \$420,000. It is estimated that the proposed tax will result in a rate of \$0.27 per \$1,000 of assessed value. The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of the estimate.

Section Two. The City Council orders this City election to be held in the City of Gold Beach, Oregon, concurrently with the special election, on the 19th day of May, 2015, in accordance with the provisions of Chapter 254 of the Oregon Revised Statutes. The ballots shall be counted and tabulated and the results certified as provided by law.

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

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

Section Five. The City Administrator shall give notice of this measure as required by law and take such other actions and otherwise proceed with the election as provided by law.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 9th DAY OF MARCH, 2015.

Karl Popoff, Mayor

ATTEST:

Jodi Fritts, City Administrator

Proposed Seven Year Capital Projects Local Option Levy for Purchase of New Fire Equipment

Since 1989, the City of Gold Beach has proposed capital projects local option levies every seven years. The money raised from those levies has been used to fund programmed replacement of the oldest fire equipment used for fire suppression within the City and the Gold Beach-Wedderburn Rural Fire Protection District. The most recent levy was approved by the voters in 2004 and sundowned in 2011.

The City currently maintains an ISO insurance residential class rating of 5 due to the City's fire equipment, municipal water distribution system, and trained fire fighters. The City's current ISO rating could decline if the City's does not maintain a certain caliber of fire equipment. If the City's ISO rating declines, fire insurance rates could increase. New fire engines currently cost between \$400,000 and \$700,000. The oldest City fire engine still in service was purchased in 1987.

How much would the levy cost?

The passage of the 2004 levy authorized a flat levy amount of \$40,000 per year. In 2011, that levy amount translated to approximately \$0.18 per \$1,000 of assessed value. The proposed levy would authorize collection of a flat \$60,000 per year for seven years, or approximately \$0.27 per \$1,000 of assessed value. If approved, the funds collected would accrue for the seven years of the levy in a reserve fund.

Under the terms of its contract for fire service with City, the Gold Beach-Wedderburn Rural Fire Protection District would also contribute \$100,000 toward the purchase of new fire equipment at the end of seven years. If the proposed levy is approved, purchase of a new engine is expected by June 30, 2023.

If you have specific questions about the proposed levy you may contact City Hall, or additional information may be obtained on the City website:

www.goldbeachoregon.gov



MISC. ITEMS

**Including policy discussions
and determinations**

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. **10 a.**
Council Hearing Date: March 9, 2015

TITLE: Request to expand Gold Beach Enterprise Zone map to include former Port Orford EZ

SUMMARY AND BACKGROUND

CCD Business Development Corporation, zone manager for the Gold Beach Enterprise Zone, has made a request to enlarge the borders of the GB zone to include the former Port Orford EZ. The state terminated the PO EZ early since it had been unutilized for a period greater than 6 years. CCD is seeking a less onerous way to have the zone reinstated. They have spoken with the state and it is possible to expand the border of the Gold Beach EZ to include Port Orford. The reason the request has come to the City is we are one of three sponsors of the GB EZ: the City, Curry County, and the Port of Gold Beach. In order to make the proposed change both the County and City must agree to the map amendment since our agencies were the original sponsors in 2004.

There is no cost to the City of Gold Beach and no staff time needed for the proposed amendment. CCD as the zone manager will make all the necessary changes and handle all the paperwork with the state. They are simply requesting the City's approval to proceed with the map amendment.

I have attached information about the CCD request, what an Enterprise Zone is, and the most recent resolutions from the City, County and Port.

REQUESTED MOTION/ACTION:

Discuss the request and approve or deny.

Options for the Port Orford Enterprise Zone

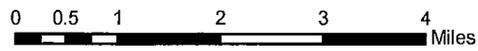
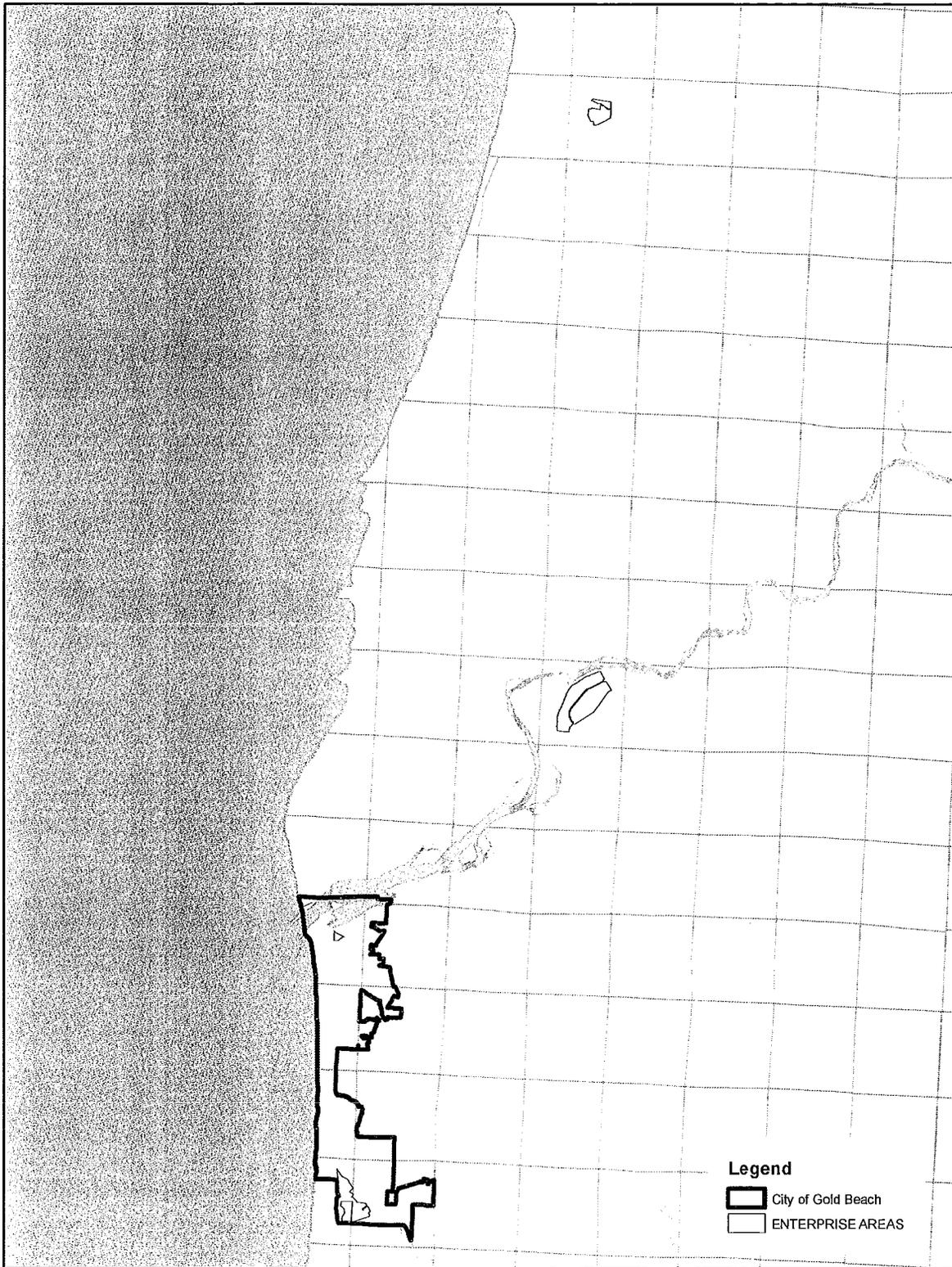
The **Enterprise Zone in Port Orford recently terminated** prematurely because by State Statute, it had gone unutilized for over six years. If the sponsors of the former zone (City/Port/County) wish to reinstate the zone in its previous or another boundary format, we have **four primary options to explore**.

1. If nothing is done, there will not be an enterprise zone in the Port Orford Area
2. Seek to re-instate the Zone in its previous format, with the same boundaries: This would involve submitting an application to the State by April 10, 2015. In order to accomplish this the following steps would need to occur:
 - a. Initially, I receive indication from each sponsor entity that they would like to proceed with looking into reinstating.
 - b. Once I receive that 'go-ahead', I can send out the required letters to the various entities that levy taxes within the zone boundaries
 - c. 21 days following the letters going out, we hold a public meeting for the taxing districts to discuss the proposed zone
 - d. No sooner than 7 days following this meeting, the Sponsoring entities (City/County/Port) may pass resolutions approving the application for the Zone designation.
 - e. The application is submitted to the State of Oregon by April 10.
 - f. **Because of the required notice periods and the need for each sponsoring entity to pass resolutions, we may miss the deadline this year, and have to submit next year if the state extends an invitation to submit applications.**
3. Seek Re-Designation of the Port Orford Enterprise Zone with amended boundaries: There is no requirement from the state that we would need to submit the application for the same exact boundaries that were previously delineated. HOWEVER, with the tight timeframe that we are working under, I am concerned that by the time new boundaries were identified, it would be extremely difficult to meet the timeframes for submission of the application by April 10th. The steps to complete this task would be virtually identical to those listed above, but would involve each entity determining what the new boundary would be, and being in agreement about those boundaries. A boundary change amendment can be submitted to the state at any time, and would not be subject to a competitive process!
4. A fourth option (and the preferred option in my opinion) would be to consider **requesting a boundary change amendment to include the EZ areas in Port Orford into the Gold Beach Enterprise Zone**. This could be accomplished through a boundary change amendment, and there is no 'deadline' for this to occur. We would still need to go through the notification processes to the taxing districts and the public meetings, resolutions, etc. Benefits of this option include:
 - a. A boundary change amendment does not have a 'deadline', which would provide us with more time
 - b. A boundary change amendment does not go through the competitive application process
 - c. The zone is more likely to be utilized if it includes a larger geographic area

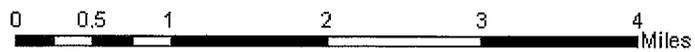
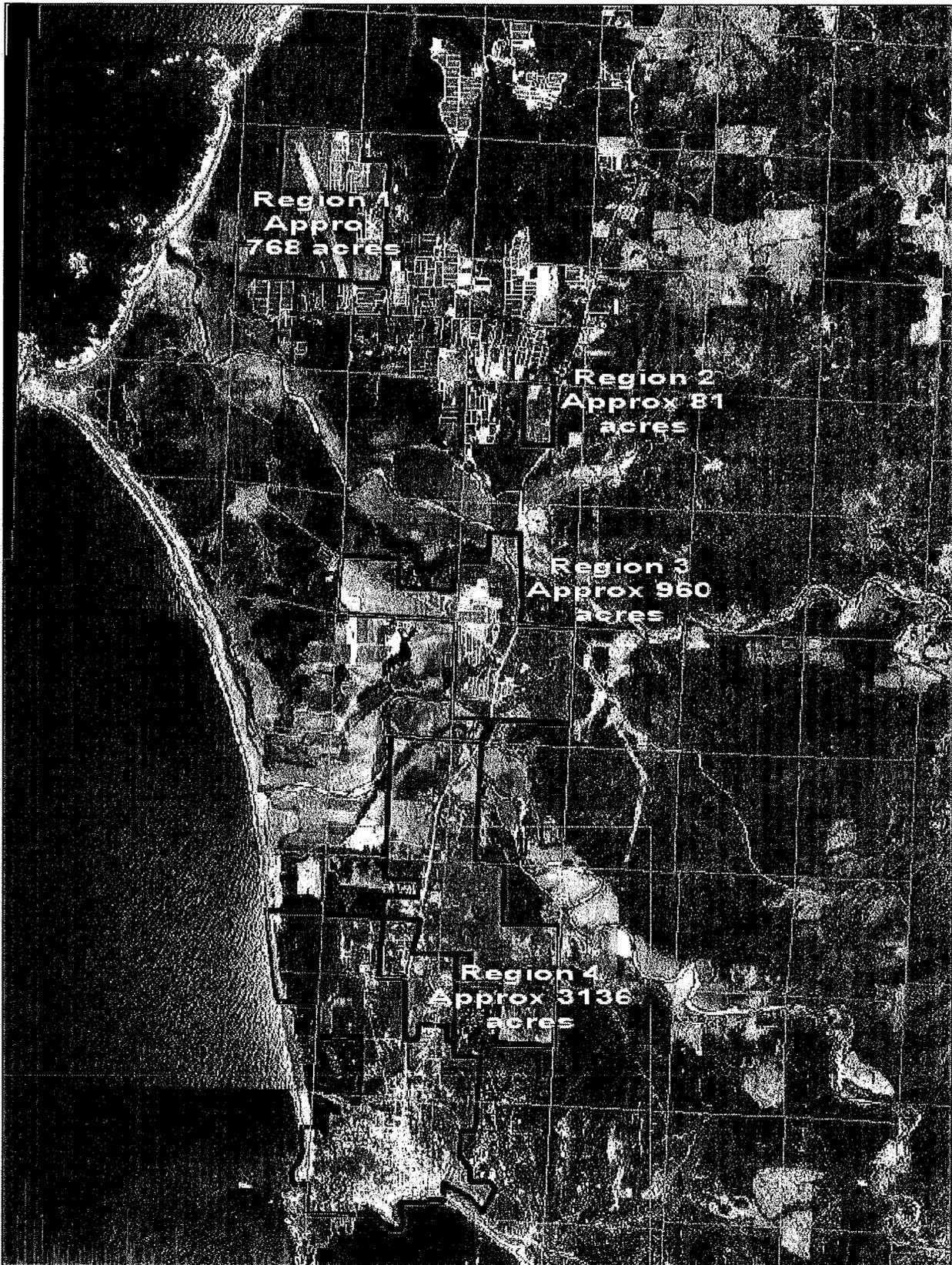
Some considerations for this option include:

1. The City of Gold Beach would need to also be on board with this plan. I will be meeting with Jodi Fritts on Monday to brief her on the potential consolidation of the two zones and attend the next City Council meeting on March 9th. The existing sponsors of the Gold Beach Enterprise Zone are the City of Gold Beach and Curry County. Each of these entities would need to pass resolutions to extend the boundaries of the zone, as well as the City of Port Orford and the Port of Port Orford.
2. The program requires that the Enterprise Zone cannot be greater than 25 miles in distance as the crow flies. The geographic area of this potential zone would be greater than that, requiring us to receive a waiver from the State of Oregon. I have spoken with the State of Oregon Infrastructure Finance Authority, and they have assured me that receiving a waiver should not be an issue.

Gold Beach Enterprise Zone Boundary Change Proposal



Port Orford Enterprise Zone Boundary Change Proposal



Map D

What is an ENTERPRISE ZONE and how can it positively impact Curry County?

According to the State of Oregon...

Oregon's enterprise zones offer a unique resource to Oregon communities, and an excellent opportunity for businesses growing or relocating in Oregon. Primarily, enterprise zones exempt businesses from local property taxes on **new** investments (plant and equipment), for a specified period of time. This is generally non-retail.

E.Z's are located in economically lagging areas, and offer tax relief for NEW private capital. **Most businesses that utilize the tax abatement already exist in the zone, but many are new.**

Sponsored by municipal or tribal governments, an enterprise zone typically serves as a focal point for local development efforts. There are currently 66 enterprise zones in Oregon: 53 rural and 13 urban.

Zone Sponsors for Prior Port Orford Enterprise Zone: City of Port Orford, Port of Port Orford, Curry County

Zone Manager for Prior Port Orford Enterprise Zone: CCD

The Programs - Port Orford EZ

Standard EZ Program: In exchange for locating or expanding into an enterprise zone, eligible (generally non-retail) businesses receive total exemption from the property taxes normally assessed on NEW plant and equipment, for a specified amount of time, which varies between the different zone programs. THEY MUST increase full-time, permanent employment of the firm by the greater of 1 new job OR 10%.

ELIGIBLES BUSINESSES INCLUDE: Manufacturers, processors, shippers and a variety of operations that serve other organizations, as well as call centers and headquarter-type facilities. HOTEL/RESORT businesses are also eligible.

INELIGIBLE BUSINESSES INCLUDE: Retail, construction, financial and other defined activities.

The following are the standard incentives available to eligible (generally non-retail) businesses locating in any enterprise zone, subject to authorization, timely filings and criteria:

- Construction-in-Process Enterprise Zone Exemption—For up to two years before qualified property is placed in service, it can be exempt from local taxes. (For most authorized business this provides broader benefit than the regular exemption for commercial facilities under construction.)
- Three to five consecutive years of full relief from property taxes on qualified property, after it is in service.

It is possible to extend the exemption to **4 or 5 consecutive years**. But in order to qualify, average annual compensation for new employees must be at least 150% of the county's average annual wage.

Currently:

- Coos County \$50,000
- Curry County \$47,739
- **Douglas County \$53,099**

Electronic Commerce Zones: Several zones in Oregon have received special status to encourage electronic commerce – which is a business that engages predominantly in transactions via the internet or internet-based computer platform. These transactions can include taking orders, closing sales, making purchases, providing customer service, or undertaking other activities that serve the business’s overall purpose, even if **retail** in nature. (Strict rules)

Long-term Rural Enterprise Zone Facilities Program: This program can extend property tax abatement for 7-15 years. Any type of business activity is eligible, but these incentives depend on local approval and minimum levels for investment size, job creation and employee compensation.

Tribal Enterprise Zone: Each of the 9 federally recognized Indian Tribes in Oregon can have a single “Reservation Enterprise Zone” designated to encompass up to 12 square miles of its tribal lands throughout the state. IN ADDITION, a tribe can enter into special intergovernmental agreements with cities, ports, or county governments to directly create and co-sponsor any number of contiguous “Reservation Partnership Zones” anywhere in Oregon.

Things to remember....

CCD must receive an EZ Application BEFORE any construction begins, BEFORE any equipment can be ordered – basically before any shovel of dirt can be turned.

There are *many* rules that companies must meet when filing for the tax abatement that the zones offer. Much information is on the websites, including OR Administrative Rules and Oregon Revised Statutes.

QUALIFIED PROPERTY: Anything that is currently on the tax rolls already is not eligible (such as the land, existing buildings, and miscellaneous personal property). Significant newly installed equipment can qualify. New buildings/structures, modifications or additions also qualify. The firm must also create and maintain new jobs. This is particularly important with existing firms utilize the ezone.

IS OREGON THE ONLY STATE THAT OFFERS THIS TYPE OF TAX ABATEMENT?....

No – Diverse enterprise zone programs are in a majority of states, with various types of incentives. States use these programs when they are competing to attract new business in to the state. Actually, these types of incentive are worldwide.

There are penalties if a company can't adhere to the E.Z. rules, including paying back the abated taxes.

The Enterprise ZONES are in affect for 10 years, and at the time of "sunset", a new application for "re-designation" must be filed on behalf of the zone sponsors, to the State of Oregon, if zone sponsors wish to continue with the enterprise zone.

WHAT IS A ZONE SPONSOR:

E.Z's are sponsored by cities, counties, ports and tribes that join together, forming enterprise zones to foster employment opportunities, development and local competitiveness. Being aware of your enterprise zones and promoting what they can offer is very important.

WHAT IS A ZONE MANAGER:

CCD Business Development Corporation is the Local Zone Manager for all of the Douglas, Coos and Curry enterprise zones – 7 total.

Zone Managers are appointed by the Zone Sponsors of the enterprise zones.

We assist with issues of the zone boundary, basic business eligibility, connecting with the Contact Agency, employment requirements and special sponsor approvals, as well as efforts to promote the enterprise zones.

WHAT DO E.Z.'s DO FOR DEVELOPMENT?

I think of the enterprise zone as another overlay on a map – such as city limits, urban growth boundaries, special districts, etc. – that can be marketed for new and existing businesses, to locate or expand. The tax abatement – of which there are many other states with similar programs – can entice that relocation or expansion in the area. New jobs can create more income for the area, spent in stores, schools, etc. The abated personal property will fall on to the tax rolls after the abatement ends.

RESOLUTION R1112-31

A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR RE-DESIGNATION OF THE GOLD BEACH ENTERPRISE ZONE

WHEREAS, the City of Gold Beach is sponsoring an application for designation of an enterprise zone with Curry County and consent by the Port of Gold Beach.

WHEREAS, state law provides for the zone authorization to terminate on June 30, 2012, and

WHEREAS, the Zone Sponsors are interested in re-designation of the enterprise zone to encourage new business investment, job creation, higher incomes for local residents, greater diversity of economic activity and

WHEREAS, the proposed enterprise zone has a total of 1 square mile, and it meets other statutory limitations on size and configuration; it is depicted on a drawn-to-scale map and described in the legal description included in the application, and

WHEREAS, the proposed enterprise zone contains significant land that is reserved for industrial use, as indicated by land use zoning map with the application, consistent with Comprehensive Plans acknowledged by the Land Conservation and Development Commission, such industrial sites are accessible, serviced or serviceable, and otherwise ready for use and further development, and

WHEREAS, the designation of an enterprise zone does not grant or imply permission to develop land within the Zone without complying with prevailing zoning, regulatory and permitting processes and restrictions for applicable jurisdictions; nor does it indicate any intent to modify those processes or restrictions, except as otherwise in accordance with Comprehensive Plans.

WHEREAS, the City of Gold Beach appreciates the impacts that a designated enterprise zone would have and the property tax exemptions that eligible business firms might receive therein, as governed by Oregon Revised Statutes (ORS) Chapter 285C and other provisions of Oregon Law.

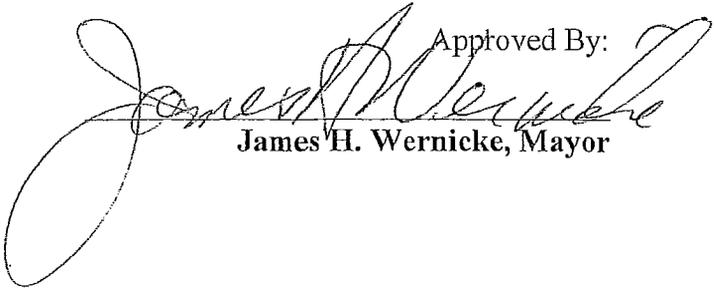
WHEREAS, all of the other municipal corporations, school districts, special service districts and so forth, other than the sponsoring governments, that receive operating revenue through the levying of *ad valorem* taxes on real and personal property in any area of the proposed enterprise zone were sent notice and invited to a public meeting regarding this proposal, in order for these sponsoring governments to effectively consult with these other local taxing districts. Follow-up arrangements as agreed to with these consultations will be completed with affected districts within six months of the proposed enterprise zone's designation.

NOW, THEREFORE, BE IT RESOLVED that:

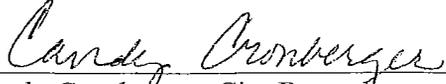
- Section 1. The City of Gold Beach proposes and applies for an Oregon enterprise zone to be named: "The Gold Beach Enterprise Zone", and requests that the director of the state Economic and Community Development Department order the re-designation of this enterprise zone.
- Section 2. CCD Business Development Corporation, and previously designated Zone Manager, is authorized to submit the enterprise zone application for the City of Gold Beach, and to make any substantive or technical changes to the application materials, as necessary, after adoption of this resolution.
- Section 3. The City of Gold Beach will give priority to the use in the proposed enterprise zone, if re-designated, of any economic development or job training funds received from the federal government, consistent with ORS 285C.065(3)(d).
- Section 4. The City of Gold Beach commits, upon re-designation, to jointly appoint CCD Business Development Corporation as the Gold Beach Enterprise Zone Manager.
- Section 5. The City of Gold Beach will jointly comply with the requirements and provisions of ORS 285C.105 and otherwise fulfill its duties under ORS 285C.050 to 285C.250.
- Section 6. That the Zone Sponsors commit, within six months of designation, to implement and to confirm for the department its fulfillment of such duties, as specified in OAR 123-668-1100, including but not limited to preparation of a list or map of local lands and buildings owned by the state or by municipal corporations within the enterprise zone that are not being used or designated for a public purpose and that have appropriate land use zoning, and to efforts for making such real property available for lease or purchase by authorized business firms under ORS 285C.110.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON AND EFFECTIVE THIS 14TH DAY OF MAY, 2012.

Approved By:


James H. Wernicke, Mayor

ATTEST:


Candy Cronberger, City Recorder

COPY

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

CJ: 2012-241
05/24/2012 03:51 PM
3 PAGES

BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of a Resolution)
Authorizing the Submission of an) RESOLUTION
Application for Re-designation)
of the Gold Beach Enterprise Zone)

WHEREAS, Curry County is sponsoring an application for re-designation of an enterprise zone with City of Gold Beach and consent by the Port of Gold Beach; and

WHEREAS, state law provides for the zone authorization to terminate on June 30, 2012; and

WHEREAS, the Zone Sponsors are interested in re-designation of the enterprise zone to encourage new business investment, job creation, higher incomes for local residents, greater diversity of economic activity; and

WHEREAS, the proposed enterprise zone has a total of 1 square mile, and it meets other statutory limitations on size and configuration; it is depicted on a drawn-to-scale map and described in the legal description included in the application; and

WHEREAS, the proposed enterprise zone contains significant land that is reserved for industrial use, as indicated by land use zoning map with the application, consistent with Comprehensive Plans acknowledged by the Land Conservation and Development Commission, such industrial sites are accessible, serviced or serviceable, and otherwise ready for use and further development; and

WHEREAS, the designation of an enterprise zone does not grant or imply permission to develop land within the zone without complying with prevailing zoning, regulatory and permitting processes and restrictions for applicable jurisdictions; nor does it indicate any intent to modify those processes or restrictions, except as otherwise in accordance with Comprehensive Plans; and

WHEREAS, Curry County appreciates the impacts that a designated enterprise zone would have and the property tax exemptions that eligible

business firms might receive therein, as governed by Oregon Revised Statutes (ORS) Chapter 285C and other provisions of Oregon Law; and

WHEREAS, all of the other municipal corporations, school districts, special service districts and so forth, other than the sponsoring governments, that receive operating revenue through the levying of *ad valorem* taxes on real and personal property in any area of the proposed enterprise zone were sent notice and invited to a public meeting regarding this proposal, in order for these sponsoring governments to effectively consult with these other local taxing districts. Follow-up arrangements as agreed to with these consultations will be completed with affected districts within six months of the proposed enterprise zone's designation;

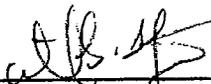
NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS RESOLVES that:

1. Curry County proposes and applies for an Oregon enterprise zone to be named: "The Gold Beach Enterprise Zone", and requests that the director of the state Economic and Community Development Department order the re-designation of this enterprise zone.
2. CCD Business Development Corporation, and previously designated Zone Manager, is authorized to submit the enterprise zone application for Curry County, and to make any substantive or technical changes to the application materials, as necessary, after adoption of this resolution.
3. Curry County will give priority to the use in the proposed enterprise zone, if re-designated, of any economic development or job training funds received from the federal government, consistent with ORS 285C.065(3)(d).
4. Curry County commits, upon re-designation, to jointly appoint CCD Business Development Corporation as the Gold Beach Enterprise Zone Manger.
5. Curry County will jointly comply with the requirements and provisions of ORS 285C.105 and otherwise fulfill its duties under ORS 285C.050 to 285C.250.
6. That the Zone Sponsors commit, within six months of re-designation, to implement and to confirm for the department its fulfillment of such duties, as specified in OAR 123-668-1100, including but not limited to preparation of a list or map of local lands and buildings owned by the state or by municipal corporations within the enterprise zone that are not being used or designated for a public purpose and that have appropriate land use

zoning, and to efforts for making such real property available for lease or purchase by authorized business firms under ORS 285C.110.

DATED this 23rd day of May, 2012.

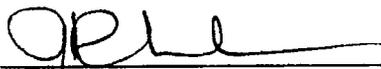
BOARD OF CURRY COUNTY COMMISSIONERS



David Itzen, Chair

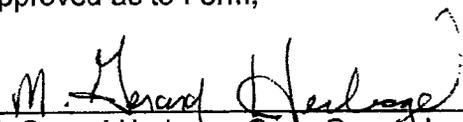


Bill Waddle, Vice Chair



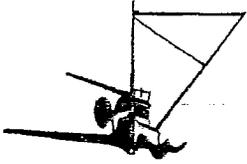
George Rhodes, Commissioner

Approved as to Form;



M. Gerard Herbage, Curry County Legal Counsel

PORT OF GOLD BEACH



PO Box 1126 * 29891 Harbor Way * Gold Beach, OR 97444 * (541) 247-6269 * Fax (541) 247-6268 * portoffice@portofgoldbeach.com

THE PORT OF GOLD BEACH CONSENT RESOLUTION NO. 12-02

A CONSENT RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR RE-DESIGNATION OF THE GOLD BEACH ENTERPRISE ZONE

WHEREAS, The Port of Gold Beach consents to an application for designation of an enterprise zone with the Zone Sponsors, Curry County and The City of Gold Beach.

WHEREAS, state law provides for the zone authorization to terminate on June 30, 2012, and

WHEREAS, the Zone Sponsors are interested in re-designation of the enterprise zone to encourage new business investment, job creation, higher incomes for local residents, greater diversity of economic activity and

WHEREAS, the proposed enterprise zone has a total of 1 square mile, and it meets other statutory limitations on size and configuration; it is depicted on a drawn-to-scale map and described in the legal description included in the application, and

WHEREAS, the proposed enterprise zone contains significant land that is reserved for industrial use, as indicated by land use zoning map with the application, consistent with Comprehensive Plans acknowledged by the Land Conservation and Development Commission, such industrial sites are accessible, serviced or serviceable, and otherwise ready for use and further development, and

WHEREAS, the designation of an enterprise zone does not grant or imply permission to develop land within the Zone without complying with prevailing zoning, regulatory and permitting processes and restrictions for applicable jurisdictions; nor does it indicate any intent to modify those processes or restrictions, except as otherwise in accordance with Comprehensive Plans.

WHEREAS, The Port of Gold Beach appreciates the impacts that a designated enterprise zone would have and the property tax exemptions that eligible business firms might receive therein, as governed by Oregon Revised Statutes (ORS) Chapter 285C and other provisions of Oregon Law.

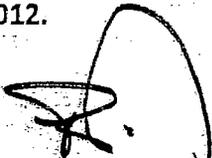
WHEREAS, all of the other municipal corporations, school districts, special service districts and so forth, other than the sponsoring governments, that receive operating revenue through the levying of *ad valorem* taxes on real and personal property in any area of the proposed enterprise zone were sent notice and invited to a public meeting regarding this proposal, in order for these sponsoring governments to effectively consult with these other local taxing districts. Follow-up arrangements as agreed to with these consultations will be completed with affected districts within six months of the proposed enterprise zone's designation.

NOW, THEREFORE, BE IT RESOLVED that:

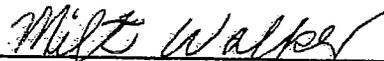
*AIRPORT * RECREATIONAL / COMMERCIAL MARINA FACILITIES*

- Section 1. The Port of Gold Beach proposes and applies for an Oregon enterprise zone to be named: "The Gold Beach Enterprise Zone", and requests that the director of the state Economic and Community Development Department order the re-designation of this enterprise zone.
- Section 2. CCD Business Development Corporation, and previously designated Zone Manager, is authorized to submit the enterprise zone application for The Port of Gold Beach, and to make any substantive or technical changes to the application materials, as necessary, after adoption of this resolution.
- Section 3. The Port of Gold Beach will give priority to the use in the proposed enterprise zone, if re-designated, of any economic development or job training funds received from the federal government, consistent with ORS 285C.065(3)(d).
- Section 4. The Port of Gold Beach commits, upon re-designation, to jointly appoint CCD Business Development Corporation as the Gold Beach Enterprise Zone Manger.
- Section 5. The Port of Gold Beach will jointly comply with the requirements and provisions of ORS 285C.105 and otherwise fulfill its duties under ORS 285C.050 to 285C.250.
- Section 6. That the Zone Sponsors commit, within six months of designation, to implement and to confirm for the department its fulfillment of such duties, as specified in OAR 123-668-1100, including but not limited to preparation of a list or map of local lands and buildings owned by the state or by municipal corporations within the enterprise zone that are not being used or designated for a public purpose and that have appropriate land use zoning, and to efforts for making such real property available for lease or purchase by authorized business firms under ORS 285C.110.

APPROVED BY THE COMMISSONERS OF THE PORT OF GOLD BEACH, AT A REGULAR MEETING ON MAY 17, 2012.



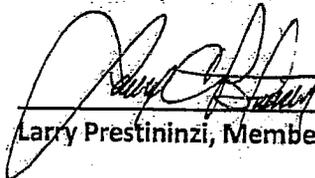
Bill McNair, Vice President



Milt Walker, President



Charles Riddle, Secretary



Larry Prestininzi, Member



Lawrence Johnson, Member

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 10. b.
Council Hearing Date: March 9, 2015

TITLE: Request to discuss business owners voting within city limits

SUMMARY AND BACKGROUND:

Councilor McVey asked that the Council discuss how the Council could make it possible for business owners to vote within the city limits if they do not reside in Gold Beach.

This issue comes up frequently. Unfortunately voting privileges are not up to the City. State election laws regulate where a voter can legally vote. When a voter registers with the county clerk the address given as their residence address determines which precinct the voter is eligible to vote within. As we know from recent election issues regarding residency, where the voter *intends* to reside is where they are eligible to vote. If someone owns a business within the city limits and *intends* to reside at that place of business then they should notify the county clerk of that residency. The clerk would change their precinct (if it is different) and they would receive the ballot for the new precinct. However, the voter would no longer be eligible to cast a vote in their former precinct and can only cast one ballot. Meaning: they can't request a ballot for both the city precinct and a precinct they formerly resided within.

Since the county clerk is the one that issues precinct cards it's probably best to direct voter precinct questions to the clerk.

REQUESTED MOTION/ACTION:

Discuss Councilor McVey's request

Oregon Voter Registration Card

- you may use this form to:
- register to vote
- update your information

1 Print with a black or blue pen to complete the form.

2 Sign the form.

3 Mail or drop off the form at your County Elections Office.

Your County Elections Office will mail you a Voter Notification Card to confirm your registration.

4 oregonvotes.gov

 1 866.673.VOTE / 1 866.673.8683
se habla español

TTY 1 800 735 2900
for the hearing impaired

Information disclosure
Information submitted on an Oregon Voter Registration Card is public record. However, information submitted in the Oregon Driver's License section is, by law, held confidential.

assistance
If you need assistance registering to vote or voting please contact your County Elections Official. See reverse for contact info.

→ If you are 17, you will not receive a ballot until an election occurs on or after your 18th birthday.

1 The deadline to register to vote is the 21st day before an election

Only registered voters are eligible to sign petitions

→ You must provide your valid Oregon Driver's License, Permit or ID number.

A suspended Driver's License is valid, a revoked Driver's License is not valid.

-or-
If you do not have valid Oregon ID, provide the last four digits of your Social Security number.

-or-
If you do not have a Social Security number or valid Oregon identification, provide a copy of one of the following that shows your name and current address:

- acceptable identification:
- valid photo identification
- a paycheck stub
- a utility bill
- a bank statement
- a government document
- proof of eligibility under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) or the Voting Accessibility for the Elderly and Handicapped Act (VAEH)



SEL 500 Rev 12/12

QUALIFICATION

Are you a citizen of the United States of America? yes no

Are you at least 17 years of age? yes no

If you mark no in response to either of these questions, do not complete this form.

PERSONAL INFORMATION

last name* _____ first* _____ middle _____

Oregon residence address (include apt. or space number)* _____ city* _____ zip code* _____

date of birth (month/day/year)* _____ county of residence _____

phone _____ email _____

mailing address (required if different than residence) _____ city/state _____ zip code _____

Oregon Driver's License/ID number

Provide a valid Oregon Driver's License, Permit or ID:

I do not have a valid Oregon Driver's License/Permit/ID. The last 4 digits of my Social Security Number (SSN) are:

X X X - X X -

I do not have a valid Oregon Driver's License/Permit/ID or a SSN. I have attached a copy of acceptable identification.

POLITICAL PARTY

- Not a member of a party
- Americans Elect
- Constitution
- Democratic
- Independent
- Libertarian
- Pacific Green
- Progressive
- Republican
- Working Families
- Other _____

signature _____ I declare that the information provided is true and I have to do the work on this registration.

sign here _____ date today _____

1 If you sign this card and know it to be false, you can be fined up to \$125,000 and/or jailed for up to 5 years.

registration updates complete this section if you are updating your information

previous registration name _____ previous county and state _____

home address on previous registration _____ date of birth (month/day/year) _____

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. **10. c.**
Council Hearing Date: March 9, 2015

TITLE: Bequest from Yadon Estate to city parks fund

SUMMARY AND BACKGROUND:

In July I received a notice from a local attorney that the City Parks Department was listed in the estate of Maxine and Clifford Yadon. We were informed that the City would receive 4% of the residuary estate of the Yadon's with specifically 2% to go to the City for parks and recreation and 2% to the Skatepark organization. At the time we had no idea what the amount of the bequest was going to be. I sent the notification to our legal counsel at that time for her review.

In October we were asked to send information to the personal representative for the estate for the disbursement of the funds. I'm pleased to let the Council know that in February we received the disbursement from the estate in the amount of **\$56529.91** which was the entire 4%. We sent a check to the Skatepark Association for their 2%. Our ½ amounted to: **\$28,264.96** which must go specifically to our parks. Since this is such a large amount we will need to do a supplemental budget prior to the end of the year. It's up to the Council to determine where to budget the expenditure of the funds within the park sub-budget (within the General Fund). I would make the recommendation that the funds go to the Parks Reserve fund, but again, the decision is the Council's.

REQUESTED MOTION/ACTION:

Direct staff to prepare the supplemental budget and determine where the funds should be allocated within the Parks budget.

RECEIVED

JUL 09 2014

CITY OF GOLD BEACH

Mike O'Dwyer
Lawyer

50219 Hwy 101 South, Suite D-1
P.O. Box 2052
Bandon, Oregon 97411

Phone: (541) 347-1200
Fax: (541) 347-9400
E-Mail: odwyerlaw@hotmail.com

July 8, 2014

TO: The Devisees of Maxine B. Yadon

Enclosed for each of you is a document entitled "Information to Heirs, Devisees, and Other Interested Persons." The delivery of this document fulfills the statutory requirement imposed upon the Personal Representative.

The husband of Maxine B. Yadon was Clifford R. Yadon. Clifford died on June 1, 2010. Before his death, Clifford established a living trust and funded the trust with substantial assets.

The Trust established by Clifford is designed to coordinate with Maxine's Last Will.

Separating the assets owned by Clifford from the assets owned by Maxine has allowed both of them to claim their individual credits against inheritance taxation.

An Inheritance Tax Return has been filed with the State of Oregon reporting the assets owned separately by Clifford Yadon.

Another Inheritance Tax Return will be filed with the State of Oregon reporting the assets owned by Maxine Yadon.

The Last Will by Maxine and the Living Trust by Clifford contain similar gifts to individuals and to charities.

However, it is important for each of you to understand that you will each receive a single gift, either from Clifford's Trust or from Maxine's probate estate. The distribution of gifts will be performed so that the charitable deduction claimed by Maxine's estate can be maximized to offset inheritance taxes.

The Devises of Maxine B. Yadon
July 7, 2014
Page 2

You will be receiving additional information from Robert Blume in his capacity as
Trustee of Clifford's Trust.

I hope this information is helpful.

Respectfully,

A handwritten signature in black ink, appearing to read "Mike O'Dwyer". The signature is written in a cursive, flowing style with a prominent flourish at the end.

Mike O'Dwyer

MO/mw
Enclosures

- E. To THE GARFIELD CEMETERY, of Garfield, Washington, I give four (4) percent of my residuary estate;
- F. To THE CHRISTIAN HELP FOOD BANK, Gold Beach, Oregon, I give, four (4) percent of my residuary estate;
- G. To THE CURRY COUNTY HISTORICAL SOCIETY, Gold Beach, Oregon, I give three (3) percent of my residuary estate;
- H. To THE CEDAR VALLEY RFD, Gold Beach, Oregon, I give three (3) percent of my residuary estate;
- I. To WASHINGTON STATE UNIVERSITY ATHLETIC SCHOLARSHIP FUND, I give four (4) percent of my residuary estate;
- J. To THE ROTARY CLUB OF GOLD BEACH, OREGON gives, three (3) percent of my residuary estate;
- K. To THE ROTARY COMMUNITY SERVICES, CLUB 21 of Spokane, Washington, I give four (4) percent of my residuary estate;
- L. To CURRY PUBLIC LIBRARY DISTRICT, of Gold Beach, Oregon, I give four (4) percent of my residuary estate;
- M. To THE MANITO LODGE #246 F&AM (WIDOWS AND ORPHANS), of Spokane, Washington, I give four (4) percent of my residuary estate;
- N. To THE SISTERS OF THE HOLY NAMES FOUNDATION of Spokane, Washington, I give four (4) percent of my residuary estate;
- O. To OREGON HEALTH AND SCIENCE UNIVERSITY FOUNDATION, of Portland, Oregon, I give four (4) percent of my residuary estate;
- P. To THE GOLD BEACH HOSPICE, of Gold Beach, Oregon, I give four (4) percent of my residuary estate;
- Q. To THE CITY GOLD BEACH PARKS RECREATION DEPT., of Gold Beach, Oregon, I give four (4) percent of my residuary estate, to be divided two (2) percent for parks and two (2) percent specifically for the skate board park if still a viable plan;
- R. To THE SHRINERS HOSPITAL FOR CRIPPLED CHILDREN, of Spokane, Washington, I give five (5) percent of my residuary estate;
- S. To THE RONALD McDONALD HOUSE, of Spokane, Washington, I give four (4) percent of my residuary estate;



ROBERT BLUME
15326 NORTH EDENCREST
SPOKANE, WA 99208
509-353-4156

RECEIVED
OCT 08 2014
CITY OF GOLD BEACH

October 6, 2014

RE: Yadon Trust

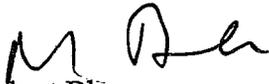
You were notified earlier that your organization was named to receive a bequest from the Maxine and Clifford Yadon Trusts and Estate at the death of the survivor of both of them. Clifford Yadon passed away June 1, 2010, and his wife, Maxine, passed away May 2, 2014.

We are nearing the time when the payment to you can be made. Prior to my sending your bequest please complete the enclosed Internal Revenue Service Form W-9, indicating your Federal ID number. Additionally, please provide a copy of your IRS 501 (C) determination as a not for profit agency. Both of these documents are required for identification purposes.

Please send the above documents to me at your earliest convenience and shortly after receiving these and having the final court approval of the Estate's accounting, I will be issuing a check and mailing it to the address above, unless you indicate otherwise.

If you have any questions please call me at 509-353-4156.

Sincerely,



Robert Blume
Trustee Clifford and Maxine Yadon Trusts
And Personal Representative of the Maxine Yadon Estate



City of Gold Beach

29592 Ellensburg Avenue • Gold Beach, OR 97444

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

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

Friday, October 17, 2014

Robert Blume
15326 North Edencrest
Spokane, WA 99208

RE: Yadon Trust

Dear Mr. Blume:

Enclosed please find the completed W-9 that you requested. The City of Gold Beach is a political subdivision of the State of Oregon and not a non-profit corporation or partnership etc. We do not have articles of incorporation but I am enclosing a copy of a resolution that indicates when Gold Beach officially became a City: April 25, 1945. I think this should be all you need for your records but please feel free to contact me if you need anything else. Thank you so much.

Sincerely,

Jodi Fritts-Matthey
jfritts@goldbeachoregon.gov

cc:

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

Wild Rivers
Coast
101 MILES OF NATURE'S BEST

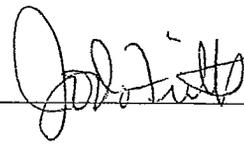
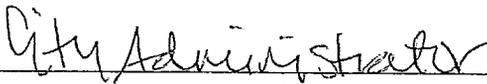
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In the Trust Estates of)
)
CLIFFORD R YADON and)
MAXINE B. YADON,) FINAL
) DISTRIBUTION RECEIPT
Deceased.)

The undersigned entity does hereby acknowledge having received the sum of \$ 56529.91 as its full and final distribution from the Trust Estates of Clifford R. Yadon and Maxine B. Yadon. This sum represents four percent (4%) of the residue of the trust estates.

Dated this 16th day of February, 2015.

CITY OF GOLD BEACH PARKS and RECREATION DEPARTMENT

by 

Title

Mike O'Dwyer
Lawyer
50219 Hwy 101
South
Suite D-1
P.O. Box 2052
Bandon, Oregon
97411
(541) 347-1200
Fax
(541) 347-9400



City of Gold Beach

29592 Ellensburg Avenue • Gold Beach, OR 97444

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

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

Monday, February 16, 2015

Robert Blume
15326 N Edencrest Dr
Spokane, WA 99208

RE: Yadon Gift to City Parks

Dear Mr. Blume:

I wanted to say THANK YOU so much for the generous bequest from the Yadon estate. It was completely unexpected and much appreciated. Our city is small and donations such as these are overwhelming. The citizens and kids of our city are very grateful.

Sincerely,

Jodi Fritts
City Administrator
jfritts@goldbeachoregon.gov

cc:

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

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 10. d.
Council Hearing Date: March 9, 2015

TITLE: Abatement of Dangerous Building 94223 1st Street

SUMMARY AND BACKGROUND:

March REPORT

Legal counsel prepared the administrative search warrant which Judge Fallman issued last month. I had the vermin abated per the Council's instructions. We are now at the abatement stage:

5.385 Abatement by City.

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

I'd like to have one last discussion on the abatement. I understand the desire to have the structure abated but I want everyone to be clear about the precedence the City will be setting. We have a lot of structures out there in as bad or worse shape. Yes, we will lien the property but it could be years, if ever, before we are able to recoup the expenses. I'm afraid in some cases we will be unable to collect—ever. I will implement whatever the Council decides I just want to make sure everyone is clear before we proceed.

REQUESTED ACTION

Council to "specify with convenient certainty the work to be done" and then staff will proceed with advertising for bids on the work.

JANUARY UPDATE:

The Council made the determination at the November 2014 meeting that the structure located at 94223 1st Street met the Code definition of a Dangerous Building. The Council instructed me to begin the abatement process. I neglected to prepare a declaration resolution for the December meeting. Resolution R1415-07 is the official declaration of the determination made by the Council in November.

I am currently working on an administrative search warrant that legal counsel has prepared. I was directed to abate vermin and possibly asbestos prior to beginning the removal process of the structure. Before we can allow contractors to legally enter onto the property we have to have Judge Fallman approve their entry. To date I still have had no contact from the property owners.

City Code Section 5.350-5.398

DANGEROUS BUILDINGS

5.350 Definitions.

For the purpose of this Code:

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

5.355 General Regulations.

- (1) Administration. The City building official is the primary city official authorized to enforce the provisions of this Code, but any other city official may act under the authority of this Code.
- (2) Inspections. The City building official or another city official is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Code.
- (3) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code and whenever the City building official or another city

official has probable and reasonable cause to believe that there exists in any building any condition that would make such building a dangerous building as defined herein, then said city official, including the building official, may enter into such building at reasonable times to inspect said premises for any violations of this Code.

5.360 Nuisance.

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

5.365 Initial Action.

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

5.370 Hearing; Mailed Notice.

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

5.375 Published and Posted Notices.

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

5.380 Council Orders; Notice.

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

have the power and duty to order the building removed or made safe at the expense of the property on which the same is situated.

5.385 Abatement by City.

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

5.390 Assessment.

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

5.395 Summary Abatement.

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

5.398 Penalty.

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