

**WALDPORT CITY COUNCIL
JULY 14, 2016
MEETING NOTICE AND AGENDA**

The Waldport City Council will meet at 2:00 p.m. on Thursday, July 14, 2016 in the City Council Meeting Room, 125 Alsea Highway to take up the following agenda:

1. CALL TO ORDER
2. MINUTES: *June 9, 2016*
3. PUBLIC COMMENTS/PRESENTATIONS:
 - A) *Annual Update - Lincoln County DA*
 - B) *"Dancing with Sea Lions" (Florence)*
 - C) *Other Comments/Presentations*
4. DISCUSSION/ACTION ITEMS
 - A) *Library Board Appointments*
 - B) *CoastCom Franchise Transfer to Wave*
 - C) *Recreational Marijuana City Tax*
 - D) *Proposed Amendments to the C-1 and C-2 Commercial Zones*
 - E) *Proposed Zone Change*
 - F) *Resolution Amending Budget for FY 2016/2017*
 - G) *LOC Survey*
 - H) *Other Issues*
5. COUNCIL COMMENTS AND CONCERNS
6. REPORTS
 - City Manager*
 - Public Works Director*
 - City Librarian*
 - City Planner*
7. GOOD OF THE ORDER
8. ADJOURNMENT

The City Council Meeting Room is accessible to all individuals. If you will need special accommodations to attend this meeting, please call City Hall, (541)264-7417, during normal office hours.

* Denotes no material in packet

Notice given this 8th day of July, 2016 - Reda Q. Eckerman, City Recorder

WALDPOR CITY COUNCIL
JUNE 9, 2016
MEETING MINUTES

1. CALL TO ORDER AND ROLL CALL: Mayor Woodruff called the meeting to order at 2:00 p.m. Mayor Woodruff and Councilors O'Brien, Christenson, Campbell and Holland answered the roll. Councilors Gates and Cutter were excused. A quorum was present.

2. MINUTES: The Council considered the minutes from the May 12 Council meeting. Councilor Holland **moved** to approve the minutes as presented. Councilor Christenson **seconded**, and the motion **carried** unanimously on a voice vote.

Noting the presence of representatives from Dahl Disposal, Mayor Woodruff moved agenda item 5(C) up to accommodate them. It was explained that the proposed increase was the second phase of the previous year's approved rate adjustment, they were not looking for any additional increase. Following a brief review of the improvements that have taken place in the last year and the pilot program for green waste that has been implemented in Yachats and hopefully countywide in the near future, **consensus** of the Council was to confirm the rate adjustment.

3. PUBLIC COMMENTS/PRESENTATIONS: None.

As Sheriff Landers was present, agenda item 5(D) was moved up on the agenda. The Council welcomed newly appointed Sheriff Curtis Landers, who gave a review of the changes in the department, including getting records management back in line for monthly reports. He expressed appreciation to Mayor Woodruff for her participation in the recent sergeant promotional assessment center, and mentioned that Deputy Ballentine had been promoted as part of that process.

City Manager Kemp noted that the contract with the Sheriff's Department had been in place since 1997, but the most recent iteration had expired in June of 2015. The new agreement does not include an end date, but the City would have an annual option to terminate, and either party would have the option to terminate at any time with a 60-day notice. Councilor Holland **moved** to approve the contract. Councilor O'Brien **seconded**, and the motion **carried** unanimously on a voice vote.

The Council took up the issue of the recreational marijuana tax (agenda item 5(E)). City Manager Kemp noted that the Council had previously adopted an ordinance to allow for assessing a tax on recreational marijuana, and a resolution setting the tax amount at zero percent. This was done prior to the legislation allowing recreational marijuana, as a place-holder and a means of showing intent. Subsequent legislation dictated that if a city wishes to impose a tax, it must put the question to the voters in a general election, which is held only in even-numbered years. Staff will draft an ordinance to bring to the July Council meeting for consideration. There is no restriction on the use of tax receipts, and City Manager Kemp recommended that the use of the revenue be determined during the annual budget process rather than identifying it in the ballot measure, to allow for more latitude in utilizing the monies. He cautioned that if a statement is made that the revenue will be used for law enforcement, for example, then that would be the only purpose for which it can be used.

4. PUBLIC HEARINGS:

A. State Revenue Sharing: Mayor Woodruff opened the public hearing on State Revenue Sharing. There were no comments. Mayor Woodruff then closed the public hearing.

B. City of Waldport Budget for FY 2016-2017: Mayor Woodruff opened the public hearing on the City of Waldport Budget for FY 2016-2017. There were no comments. Mayor Woodruff then closed the public hearing.

Dawna Conley asked about uses for marijuana tax revenue and the citizen process for input in general. It was noted that at present there is no estimation of the amount of revenues to be received from the marijuana tax, and as previously noted, this could be an annual decision of the budget committee. Some discussion took place regarding the possibility of having citizen comments later in the agenda.

At 2:43 p.m., the Council meeting was recessed to take up the agendas for Urban Renewal and Road District #3. At 2:47 p.m., the Council meeting was resumed.

The Council took up consideration of the budget resolutions. Councilor Campbell **moved** to approve Resolution No. 1209 for State Revenue Sharing. Councilor Christenson **seconded**, and the motion **carried** unanimously. Councilor Campbell then **moved** to approve Resolution No. 1210, adopting the budget for FY 2016/2017. Councilor Christenson **seconded**, and the motion **carried** unanimously. City Manager Kemp reviewed the explanatory memo accompanying Resolution 1211, and Public Works Director Andry explained the decision to proceed with the purchase of a new excavator, noting that the cost through the state procurement contract was comparable to the price of a used excavator with no warranty. Councilor Holland **moved** to approve Resolution 1211, Councilor Christenson **seconded**, and the motion **carried** unanimously.

C. Amendment of Municipal Code Section 16.28 (Retail Commercial Zone C-1): Mayor Woodruff opened the public hearing on the proposed amendment. There were no public comments. Mayor Woodruff closed the public hearing and opened the Council meeting for deliberations. She noted she was somewhat concerned about the limitation of 50% of the floor space being devoted to manufacturing. Commissioner Barham was present at the meeting and indicated that the Planning Commission had not engaged in much discussion over the percentage of space. City Planner Lewis explained that the intent for retail commercial zoning is that retail sales would be the primary purpose of a business in that zone, and without some sort of limiting factor, there may be difficulty in adhering to that purpose. Following further discussion, Councilor Campbell **moved** to approve the proposed amendment. Councilor Holland **seconded**, and the motion **carried** unanimously. An ordinance adopting the amendment will be presented at the July Council meeting.

D. Amendment of Municipal Code Section 16.32 (General Commercial Zone C-2): Mayor Woodruff opened the public hearing on the proposed amendment. There were no public comments. Mayor Woodruff closed the public hearing and opened the Council meeting for deliberations. City Planner Lewis noted that the change to the C-1 regulations would also allow the limited manufacture of retail goods in conjunction with retail sales in the C-2 zone. However, processing or packing of goods in the C-2 zone is limited to food and beverage, and prohibits fermentation and distillation, and packing and processing of non-food and non-beverage items is not currently permitted. The Planning Commission had reviewed this and determined that small-scale breweries and/or distilleries may be a

desirable use in this zone, and that allowing processing and/or packing of goods in general would be an appropriate use, as long as there was no negative impact on surrounding properties. They had proposed deleting distillation and fermentation from the exclusions in the outright permitted uses, and adding a conditional use provision for the processing and packing of non-food items. Councilor Campbell **moved** to approve the proposed amendment. Councilor Holland **seconded**, and the motion **carried** unanimously. An ordinance adopting the amendment will be presented at the July Council meeting.

E. Proposed Zone Change and Comprehensive Map Amendment for Tax Lot 801 on Lincoln County Assessor's Map 13-11-19AD (Former Public Works shop): Mayor Woodruff opened the public hearing. Sherrie Smolen addressed the Council regarding the concerns expressed by the Planning Commission about the potential uses that would be allowed in a C-2 zone as opposed to a C-1 zone. There were no other public comments. Mayor Woodruff closed the public hearing and opened the Council meeting for deliberations. Councilor Christenson asked about the necessity for changing the zoning at all and wondered if the City would have any control over the use of the property once it was sold. City Manager Kemp noted that it would be possible to place restrictions on the property in either a land lease or sale. Following further discussion, Councilor Campbell **moved** to change the zoning to C-1. Councilor Holland **seconded**, and the motion **carried**, with Mayor Woodruff and Councilors O'Brien, Campbell and Holland voting "Aye", Councilor Christenson voting "Nay". An ordinance adopting the zone change and comprehensive map amendment will be presented at the July Council meeting.

5. DISCUSSION/ACTION ITEMS:

- A. Budget Resolutions: Previously addressed.
- B. Certificate of Appreciation for Sheriff Dennis Dotson: **Consensus** of the Council was to approve the certificate, which will be presented to retired Sheriff Dotson.
- C. Consideration of Dahl Disposal Fee Adjustment: Previously addressed.
- D. Intergovernmental Agreement with Lincoln County (Police Services): Previously addressed.
- E. Recreational Marijuana City Tax: Previously addressed.
- F. Other Issues: None.

6. COUNCIL COMMENTS AND CONCERNS: Councilor Campbell reported that the recent Fireworks fundraising dinner had brought in over \$2200. Mayor Woodruff brought up the subject of the Council meeting time. Discussion ensued regarding the pros and cons of night meetings vs afternoon meetings. No action was taken.

7. REPORTS: Written reports from the City Manager, City Librarian, City Planner and Code Compliance Officer were included in the packet materials. City Manager Kemp noted that there have been recent reports of gasoline thefts in the area. He also reviewed the code provisions the City currently has with regard to vagrancy and transients. **Consensus** of the Council was to have staff research possible rules for parks and open spaces with regard to posting hours of operation. One additional item which needed to be addressed was a letter of support for the City's Transportation System Plan application. **Consensus** of the Council was to have Mayor Woodruff sign the letter.

8. EXECUTIVE SESSION: At 3:55 p.m. the Council recessed into Executive Session pursuant to ORS 192.660(2)(h), to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. The topic of discussion was the water tank rehabilitation project.

9. ACTIONS, IF ANY, FROM EXECUTIVE SESSION: At 4:12 p.m. the Council reconvened into Open Session. Councilor Holland **moved** to proceed with the termination of the contract pursuant to the letter of December 14, 2015. Councilor Campbell **seconded**, and the motion **carried** unanimously.

10. GOOD OF THE ORDER: Nothing further.

11. ADJOURNMENT: At 4:15 p.m., there being no further business to come before the Council, the meeting was adjourned.

Respectfully submitted,



Reda Q. Eckerman, City Recorder

APPROVED by the Waldport City Council this ____ day of _____, 2016.

SIGNED by the Mayor this ____ day of _____, 2016.

Susan Woodruff, Mayor

Waldport Public Library

P.O. Box 1357
460 Hemlock/Hwy 34
Waldport, Oregon 97394

541-563-5880
waldportlibrary.org
jtierce@waldport.org

June 22, 2016

To: Kerry Kemp, City Manager

From: Jill Tierce, Library Director

RE: Library Board appointments

Last fall Mr. Gary Hodges was appointed to complete the term of Vic Bucy on the Library Board. That term ends next week. In its regular meeting June 14, the Library Board requested that I forward a memo recommending Mr. Hodges for a full term to run July 1, 2016 to June 30, 2020. Even in these few months of working with the Board, Gary has provided valuable counsel and he is willing to serve a full term.

I have attached a draft list of the Board membership with these changes. If there are any questions, please give a call. If you would like for me to bring the question to City Council in person, I can be available for the next meeting.

Thank you

Jill Tierce



**Waldport Public Library
Board of Trustees
July 2016
Proposed**

Shirley Hanes

P.O. 436
Waldport OR 97394
541-563-6055
shanes@peak.org

Chairman 2015

Second term as citizen 2014-2018

City Resident

Jan Hansen

845 Crestline
Waldport, OR 97394
541-563-3396
City Resident

Vice Chairman 2015

2nd term: 2014-2018

jhansen@peak.org

Barbara Smith-Huggins

PO Box 1381
Waldport, OR 97394
541-563-2878
parsley@peak.org

1st Term: 2014-2017 (complete term / Kim Andrew)

City Resident

Brian Fodness

P.O. Box 185
Seal Rock, OR 97376
541-563-5586
brianfodness@gmail.com

1st Term: 2015-2019

District resident

Gary Hodges

371 SW Wakonda Beach Road
Waldport, OR 97394
541-563-7730
ghodges@peak.org

Term: Nov. 2015- June 30, 2016 (completed term / Vic Bucy)

1st Term: July 1, 2016- 2020

District resident

Library Director:

Jill E. Tierce
P.O. Box 1357
Waldport OR 97394
541-563-5880; home 541-563-4639; cell 541-264-9128
Email: jtierce@waldport.org



Via Overnight Delivery

June 29th, 2016

Kerry Kemp, City Manager
City of Waldport
PO Box 1120
Waldport, Oregon 97394

Re: CoastCom, Inc. / Astound Broadband, LLC d/b/a Wave
Non-Exclusive Telecommunication Franchise, dated August 13, 2009

Dear Mr. Kemp:

We hope you'll share in our enthusiasm about this positive step for economic development and advanced telecommunications resources for the Waldport area. With our new pending business combination, we're asking for your help on a telecommunications franchise matter.

On June 3, 2016, CoastCom, Inc. and Astound Broadband, LLC ("Astound"), a wholly-owned direct subsidiary of WaveDivision Holdings, LLC ("Wave"), entered into a definitive purchase agreement to acquire the assets and operations of CoastCom. You may know Astound through our "Wave" brands, including "Wave Broadband," "Wave Business" and Wave G", and our expanding telecom operations throughout the Northwest. Astound is Wave's largest subsidiary, holds all of our telecom assets and is a registered CLEC in Oregon, Washington and California.

CoastCom has been a pioneer and respected leader for bringing telecom solutions and new fiber networks to communities along the Oregon Coast and for providing connectivity to major telecom hubs in Portland, the West Coast and across the Pacific. As a part of Wave, CoastCom's success will be bolstered by our significant financial and technical resources, 1,300+ dedicated employees, robust network facilities, and improved access to the best carriers and technologies in today's telecom arena.

Our entire management team is delighted that Greg Palser and Doug Updenkelder will continue to run the day-to-day operations of the terrific business they have built over the last 17 years and that all of CoastCom's employees will continue to perform in their present positions.

The following briefly describes Wave:

- Wave and its subsidiaries, including Astound, are headquartered in Kirkland, Washington. Wave's management team is responsible for the operations of Astound and its 15 other operating subsidiaries.

- As Wave's telecom arm, Astound holds the enclosed Certificate of Authority to Provide Telecommunications Service from the Public Utilities Commission of Oregon and operates as Competitive Local Exchange Carrier. Astound holds both domestic and international Section 214 licenses issued by the Federal Communications Commission, each of which is enclosed. Wave will focus on the provision of services to business customers including telecommunications, high-speed Internet access, data transport and dark fiber leasing. Although we have a great deal of experience in residential telecommunications, broadband and cable television service as well, we have no present plans to provide cable television service in Waldport. If those plans change we will request a cable television franchise.
- Wave was founded in 2003 and has grown organically and through a series of 18 acquisitions. We're proud to be among the top 10 broadband companies in the US. For communities of all sizes stretching from Palo Alto to the Canadian border, Wave has emerged as a leader in developing fiber optic networks above and beyond those of traditional telecoms. We offer new, competitive network solutions; Gigabit (and faster) Internet access; alternate, diverse and reliable routes; advanced telephony; and a range of technical solutions typically only available in the "big city." With our help, communities like Dallas, OR have equal or better access to the digital economy as Dallas, TX. We're bringing innovation to over 500,000 customers in Oregon, Washington, and California.
- Wave has invested significantly in excess of \$100 million in recent years to rebuild and upgrade its distribution network and related transmission equipment. We're rapidly expanding our fiber network. In 2015 we built over 1,500 miles of new fiber routes, and we're on track to exceed that again this year.
- Wave has established an enviable track record in providing high-quality customer service and technical service and in developing technology to enable its 24x7 Network Operations Center to proactively monitor its distribution network and customer premises equipment to prevent or quickly remedy any technical issues. Our customer support staff and resources will augment the excellent work and service already in place at CoastCom and provide additional levels of technical support and backup. The significant achievements of the highly regarded staff of Wave in areas of technical quality and innovation have been widely recognized. In fact, Wave received the prestigious "Independent Operator of the Year" award from CableFax Magazine in 2012, was named the "Fastest ISP in the Northwest" by PC Magazine in 2014, and was the fourth most highly ranked ISP in the US by a leading consumer reports magazine in 2015.

The combination of our two companies will bring unique and beneficial technology assets to continue to serve the businesses and organizations of Waldport, while we preserve the commitment to excellence and strong local presence of CoastCom for your community. We need your help in transferring the current CoastCom franchise.

Astound satisfies the requisite legal, technical and financial qualifications outlined under applicable federal, state and local law to hold the telecommunications franchise to provide

services in the City of Waldport. Accordingly, we request your consent to the transfer of that franchise from CoastCom to Astound.

We have provided a draft form of consent resolution to be adopted by the City Council. Because we want to close the purchase transaction by August 1, 2016, we look forward to working with you to answer any questions or provide additional information and to obtain swift approval of our request for the City's consent.

Very Truly Yours,

CoastCom, Inc.

By: _____


Greg Palser, President

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF WALDPART APPROVING THE TRANSFER OF
A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE**

WHEREAS, the City of Waldport (“Grantor”) granted to CoastCom, Inc., an Oregon corporation (“Grantee”), a franchise as set forth in Ordinance No. 727, dated August 13, 2009, to own and operate a telecommunications system in Waldport, Oregon (the “Franchise”); and

WHEREAS, on June 3, 2016, Grantee and Astound Broadband, LLC (“Assignee”) entered into an Asset Purchase Agreement (the “Purchase Agreement”) for the sale of the assets of Grantee, including the Franchise, to Assignee (the “Transaction”); and

WHEREAS, Grantee and Assignee submitted a letter to Grantor on or about June ____, 2016, requesting Grantor’s consent to the assignment and transfer of the Franchise from Grantee to Assignee (the “Consent Request”); and

WHEREAS, Grantor has conducted a review of the legal, technical and financial qualifications of Assignee to hold the Franchise and own and operate the telecommunications network authorized by the Franchise; and

WHEREAS, all written comments and staff reports have been received, and made a part of the record; and

WHEREAS, based on the foregoing, Grantor has concluded Assignee has established it meets the legal, technical and financial criteria to hold the Franchise and to operate the telecommunications network.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Grantor hereby approves the Consent Request and consents to the transactions contemplated by the Purchase Agreement and the assignment of the Franchise from Grantee to Assignee effective upon the closing of the Transaction.

SECTION 2. Grantor confirms that: (a) the Franchise was duly issued to Grantee, is valid and enforceable in accordance with its terms, and is in full force and effect; (b) other than as set forth in this Consent and Approval, there have been no amendments or modifications to the Franchise; (c) to Grantor’s knowledge, there are no defaults under the Franchise, and no event has occurred and is continuing which, with the giving of notice or passage of time, or both, could constitute a default thereunder; and (d) upon the closing of the Transaction, the duly authorized franchisee under the Franchise will be Assignee.

SECTION 3. Assignee may hereafter, without the need to obtain the prior consent of Grantor, from time to time: (a) assign or transfer its assets, including the Franchise, provided however, that such assignment or transfer is to a parent or subsidiary of Assignee or another entity under direct or indirect control of the parent of Assignee; (b) restructure its debt or change the

ownership interests among its equity participants, and/or its affiliates; (c) pledge or grant a security interest in its assets, including but not limited to the Franchise, or of the ownership interests in Assignee, to any secured lender(s) for purposes of securing indebtedness.

SECTION 4. The Franchise and this Consent and Approval were and are made, passed and adopted in accordance with all applicable notice and procedure requirements under all laws applicable to Grantor, and with all applicable notice and procedure requirements, and do not conflict with the laws, ordinances, resolutions and other regulations of Grantor, as presently in effect or as the same were in effect at the time the particular action was taken.

SECTION 5. Grantor's approval of the Consent Request and its consent to the assignment of the Franchise to Assignee shall be effective from and after its adoption and approval by the Grantor. Assignee shall notify the Grantor in writing upon the closing of the Transaction (the "Closing Date").

SECTION 6. Grantor releases Grantee, effective upon the Closing Date, from all obligations and liabilities (including any guarantee or surety) under the Franchise related to the period on and after the Closing Date; and Assignee shall be responsible for any obligations and liabilities under the Franchise related to the period on and after the Closing Date.

PASSED, ADOPTED AND APPROVED THIS ___ day of _____, 2016.

CITY OF WALDPOR

By: _____

Name: _____

Title: _____

ATTEST:

City Recorder

I, the undersigned, being the duly appointed, qualified and acting City Recorder of the City of Waldport hereby certify that the foregoing Resolution No. _____ is a true, correct and accurate copy as duly and lawfully passed and adopted by the governing body of the City of Waldport on the ___ day of _____, 2016.

Clerk



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Recreational Marijuana City Tax

REQUESTED BY: City Manager

FOR MEETING DATE: July 14, 2016

SUMMARY OF ISSUE:

The City Council adopted Ordinance No. 754 taxing recreational marijuana, and Resolution No. 1191 adopting a zero percent tax rate, at a special meeting on November 3, 2014. Measure 91 passed with a majority vote at the State-wide election on November 4, 2014. There is a train of thought that prior tax enactments are grandfathered in, but there may be legal challenges.

Subsequent State legislation now authorizes local taxation, subject to referendum during even numbered years, of up to three percent. Current reasoning is to rescind the prior ordinance (eliminating any ambiguity and gray areas), adopt a new one, and refer the issue to the voters.

There is no restriction in state law on the use of local tax revenues. The City will also be receiving ten percent of net state revenues (which will be 17 percent tax rate), which will be restricted to law enforcement activities. There is no indication yet of the amount of revenues.

STAFF RECOMMENDATION or ACTION REQUESTED:

Adopt ordinance imposing a recreational marijuana tax and adopt ordinance rescinding prior tax, and adopt resolution referring ballot measure to voters in November general election.

BACKGROUND:

Measure 91 ("Measure" or "Act") allows for the possession, manufacture, sale of marijuana by or to adults, subject to state licensing, regulation and taxation.

Under HB 2041 (2015), the Oregon State Legislature revised the tax structure to impose a 17 percent tax on the retail sales of marijuana, with early sales being taxed at a higher rate of 25 percent. The City will receive 10 percent of a net amount of taxes generated statewide, based on per capita up until June 30, 2017, and number of licensed establishments after July 1, 2017. These funds are to be used to assist local law enforcement in performing its duties related to Measure 91

Under HB 3400, the Legislature allows a City to adopt an ordinance, which then must be referred to voters, imposing a tax or fee up to three percent on the sale of marijuana items by a retail licensee. The ordinance must be referred to voters in a statewide general election, meaning an election in November of an even-numbered year. Cities may enter into Intergovernmental Agreements with the Oregon Department of Revenue to collect the local tax.

Recreational Marijuana – Taxation

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There is no restriction on the use of tax receipts, and staff recommends that the ballot measure does not include any restrictions. Restrictions, if any, may be added during budget deliberations. To identify specific uses in the ballot measure would preclude future flexibility.

Other cities are adopting ordinances and referred them to voters in the next election on November 8, 2016, each with a proposed rate of three percent, and to staff's knowledge none of them restricting revenues to specific uses at this time. According to the County, the deadline for the filing of the ballot measure is August 19.

ORDINANCE NO. 760

AN ORDINANCE OF THE CITY OF WALDPOROT AMENDING THE WALDPOROT MUNICIPAL CODE TITLE 3 (REVENUE AND FINANCE) BY ADDING A NEW CHAPTER 3.06 ENTITLED "RECREATIONAL MARIJUANA TAXATION" IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER, REFERRING THE ORDINANCE TO THE VOTERS AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Section 34a of House Bill 3400 (2015) provides that a city council may adopt an Ordinance to be referred to the voters that imposes up to a three percent tax or fee on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city; and

WHEREAS, the Waldport City Council wants to impose a tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Waldport as follows:

Section 1. Waldport Municipal Code, Title 3 (Revenue and Finance), is hereby amended to add a new Chapter 3.06 entitled "Recreational Marijuana Taxation", to read as follows:

3.06.010 Definitions

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter.

"Marijuana item" has the meaning given that term in Oregon Laws 2015, Chapter 614, Section 1.

"Marijuana Retailer" means a person who sells marijuana items to a consumer in this state.

"Retail sale price" means the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

3.06.020 Tax Imposed

As described in Section 34a of House Bill 3400 (2015), the City of Waldport hereby imposes a tax of three percent on the retail sale price of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the City.

3.06.030 Collection

The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs, and remitted by each marijuana retailer that engages in the retail sale of marijuana items.

Section 2. Referral. This Ordinance shall be referred to the electors of the City of Waldport at the next statewide general election on Tuesday, November 8,

2016.

Section 3. **Effective Date.** This ordinance shall be effective immediately upon certification of the election results if approved by the electors of the City of Waldport at the election of November 8, 2016.

FIRST read to the Council this ____ day of _____, 2016.

PASSED by the Common Council of the City of Waldport this ____ day of _____, 2016.

SIGNED by the Mayor this ____ day of _____, 2016.

Susan Woodruff, Mayor

ATTEST:

Reda Eckerman, City Recorder

ORDINANCE NO. 761

AN ORDINANCE REPEALING ORDINANCE NO. 754 WHICH ESTABLISHED A TAX ON THE SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS IN THE CITY OF WALDPOR.

WHEREAS, on November 3, 2014 the Waldport City Council adopted Ordinance No. 754, "Amending the Waldport Municipal Code By Adding Chapter 3.06 Entitled 'Marijuana Sales Tax' and Declaring An Effective Date"; and

WHEREAS, on November 3, 2014 the Waldport City Council adopted Resolution No. 1191, "A Resolution Establishing a Tax Rate on Recreational Marijuana and Marijuana-Infused Products" which imposed a 0% tax rate on the gross sale amount paid to the seller of marijuana and marijuana-infused products by an individual who is not purchasing marijuana or marijuana-infused products under the Oregon Medical Marijuana Program; and

WHEREAS, Ordinance No. 754 was adopted to reserve the City's right to tax recreational marijuana at the point in time that recreational marijuana was allowed to be sold in Oregon; and

WHEREAS, recreational marijuana sales have been permitted in Oregon since January 1, 2016; and

WHEREAS, on July 14, 2016 the Waldport City Council adopted Ordinance No. 760 which would impose a three-percent tax on the sale of recreational marijuana products in the City; and

WHEREAS, on July 14, 2016 the Waldport City Council adopted Resolution No. 1212 calling for an election on Ordinance No. 760, to be held on November 8, 2016;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Waldport as follows:

Section 1. That Ordinance No. 754 is hereby repealed in its entirety.

Section 2. This ordinance shall take effect 30 days after adoption.

FIRST read to the Council this ____ day of _____, 2016.

PASSED by the Common Council of the City of Waldport this ____ day of _____, 2015.

SIGNED by the Mayor this ____ day of _____, 2016.

Susan Woodruff, Mayor

ATTEST:

Reda Eckerman, City Recorder

RESOLUTION NO. 1212

A RESOLUTION CALLING FOR AN ELECTION TO REFER TO THE VOTERS OF THE CITY OF WALDPOR, OREGON, A MEASURE THAT WOULD IMPOSE A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER

WHEREAS, the Waldport City Council adopted Ordinance No. 760 imposing a three percent tax on the sale of marijuana items by marijuana retailers in the City of Waldport, and referring Ordinance No. 760 to the electors of the City of Waldport at the election of November 8, 2016;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF WALDPOR resolves as follows:

Section 1. An election is called in and for the City of Waldport for the purpose of submitting to the legal voters of the city the ballot title, Attachment "A", with the following question:

"Shall the City of Waldport impose a three percent tax on the sale of marijuana items by a marijuana retailer?"

Section 2. The explanatory statement for this ballot measure is included as Attachment "B".

Section 3. Tuesday, November 8, 2016, is designated as the date for holding the election on the question stated in Section 1 above.

Section 4. The election will be conducted by the Lincoln County Clerk's Office.

Section 5. The precincts for the election shall include all territory within the corporate limits of the City of Waldport and no other territory.

Section 6. If the ballot measure is approved by the voters of the City of Waldport, the Waldport Municipal Code shall be amended as provided in Attachment "C".

PASSED by the Common Council of the City of Waldport this ____ day of _____, 2016.

SIGNED by the Mayor this ____ day of _____, 2016.

Susan Woodruff, Mayor

ATTEST:

Reda Eckerman, City Recorder

ATTACHMENT "A"

BALLOT TITLE

CAPTION

Imposition of a tax on retail marijuana items

QUESTION

Shall the City of Waldport impose a three percent tax on the sale of marijuana items by a marijuana retailer?

SUMMARY

Under state law, a city council may adopt an ordinance to be referred to the voters of the city imposing up to a three percent tax or fee on the sale of marijuana items in the city by a licensed marijuana retailer. The Waldport City Council adopted Ordinance No. 760, on July 12, 2016, which imposes a three percent tax on the sale of marijuana items by a marijuana retailer and referring the Ordinance to the voters at the General Election to be held on November 8, 2016.

Approval of this measure would impose a three percent tax on the sale of marijuana items in the city by a licensed marijuana retailer. The tax would be collected at the point of sale and remitted by the marijuana retailer.

ATTACHMENT "B"

EXPLANATORY STATEMENT

Under Measure 91, adopted by Oregon voters in November 2014 and amended by the Legislature in 2015, the Oregon Liquor Control Commission must license the retail sale of recreational marijuana. The 2015 legislation provides that a city council may adopt an ordinance imposing up to a three percent tax on the sale of marijuana items (which include marijuana concentrates, extracts, edibles, and other products intended for human consumption and use) by retail licensees in the city, but the council must refer that ordinance to the voters at a statewide general election. The City of Waldport City Council has adopted Ordinance No. 760 imposing a three percent tax on the sale of marijuana items by a retail licensee in the city, and, as a result, has referred this measure to the voters.

Approval of this measure would impose a three percent tax on the sale of marijuana items by a marijuana retailer within the city. There are no restrictions on how the city may use the revenues generated by this tax. However, this tax will only be imposed if this measure passes at the November 8, 2016 General Election.

ATTACHMENT "C"

If the ballot measure is approved by the voters of the City of Waldport, the Waldport Municipal Code shall be amended as follows:

3.06 Recreational Marijuana Taxation

- 3.06.010 Definitions
- 3.06.020 Tax Imposed
- 3.06.030 Collection

3.06.010 Definitions

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter.

"Marijuana item" has the meaning given that term in Oregon Laws 2015, Chapter 614, Section 1.

"Marijuana Retailer" means a person who sells marijuana items to a consumer in this state.

"Retail sale price" means the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

3.06.020 Tax Imposed

As described in Section 34a of House Bill 3400 (2015), the City of Waldport hereby imposes a tax of three percent on the retail sale price of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the City.

3.06.030 Collection

The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs, and remitted by each marijuana retailer that engages in the retail sale of marijuana items.

CITY OF WALDPORT
MEETING AGENDA COVER SHEET FOR
DISCUSSION / ACTION ITEMS

TITLE OF ISSUE

Proposed Amendments to the C-1 and C-2 Commercial Zones

REQUESTED BY

City Manager/City Planner

FOR MEETING DATE

July 14, 2016

SUMMARY OF ISSUE

PROPOSED AMENDMENT TO THE C-1 RETAIL COMMERCIAL ZONE

Currently, goods offered for retail sales in the C-1 zone are not allowed to be manufactured, fabricated or assembled on the site. At the June 9, 2016 City Council meeting, the City Council approved a motion to amend the C-1 Retail Commercial Zone as recommended by the Planning Commission. At the July 14, 2016 City Council meeting, the City Council will consider adoption of the attached Ordinance. The Ordinance amends the C-1 Retail Commercial Zone by adding the following new Use Permitted Outright:

Section 16.28.010(T): The manufacture, fabrication and/or assembly of those goods offered for sale on the premises that are permitted for sale in the C-1 zone, provided all manufacturing, fabricating, assembling, and storage not exceed 50% of the total floor area of the establishment and provided further that it shall occur within an enclosed building and provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard .

The purpose for this proposed change is to help expand commercial activity and retail sales. There is an ongoing trend for entrepreneurs and retailers to manufacture, fabricate and assemble goods in the location that retail sales are occurring. One example is brew pubs where beer is made on the same site where the retail sales and/or restaurant is located. At the June 9, 2016 meeting, the City Council identified this specific example. The proposed amendment will allow goods (beer) to be manufactured in the C-1 Zone as long as the manufacturing (brewing) area does not exceed 50% of the total floor area.

PROPOSED AMENDMENT TO THE C-2 GENERAL COMMERCIAL ZONE

Currently, processing or packing of goods in the C-2 zone is limited to food and beverage. Packing and processing of non-food and non-beverage items are not currently permitted in the C-2 zone. At the June 9, 2016 City Council meeting, the City Council approved a motion to amend the C-2 General Commercial Zone as recommended by the Planning Commission. At the July 14, 2016 City Council meeting, the City Council will consider adoption of the attached Ordinance that includes the following changes:

Amended Section 16.32.010 Uses Permitted Outright

M. Processing, packing or storage of food or beverage, excluding those products involving ~~distillation, fermentation,~~ rendering of fats or oils; or slaughtering.

Amended Section 16.32.020 Conditional Uses Permitted

New Subsection:

- E. Processing or packing provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard.*

STAFF RECOMMENDATION or ACTION REQUESTED:

The City Council considers adopting the attached Ordinances amending the C-1 Retail Commercial Zone and C-2 General Commercial Zone.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WALDPORT REVISING TITLE 16 OF THE WALDPORT MUNICIPAL CODE BY AMENDING CHAPTER 16.28 "RETAIL COMMERCIAL ZONE C-1", SECTION 16.28.010 "USES PERMITTED OUTRIGHT" AND DECLARING AN EMERGENCY.

WHEREAS, goods offered for retail sales in the C-1 zone are not currently allowed to be manufactured, fabricated or assembled on the site; and

WHEREAS, there is an ongoing trend for entrepreneurs and retailers to manufacture, fabricate and assemble goods in the location that the sales are occurring; and

WHEREAS, duly noticed public hearings were held and testimony received in April and May of 2016 by the Waldport Planning Commission and in June of 2016 by the Waldport City Council,

NOW, THEREFORE, THE CITY OF WALDPORT ORDAINS AS FOLLOWS:

Section 1. Section 16.28.010 is hereby amended to add the following language:
"T. The manufacture, fabrication and/or assembly of those goods offered for sale on the premises that are permitted for sale in the C-1 zone, provided all manufacturing, fabricating, assembling, and storage not exceed 50% of the total floor area of the establishment and provided further that it shall occur within an enclosed building and provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard."

Section 2. Emergency clause. Inasmuch as it is the duty of the City Council to maintain the public health, safety and welfare, and because it is important to implement this Chapter as soon as practicable to avoid confusion, and to resolve any issues of which language applies, now, therefore, an emergency is declared to exist and this Ordinance shall go into full force and effect immediately upon its passage and approval.

ADOPTED by the Common Council of the City of Waldport this _____ day of _____, 2016 by the following vote:

AYES _____ NAYS _____ ABSENT _____ ABSTAIN _____

SIGNED by the Mayor this _____ day of _____, 2016.

Susan Woodruff, Mayor

ATTEST:

Reda Q. Eckerman, City Recorder

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WALDPOROT REVISING TITLE 16 OF THE WALDPOROT MUNICIPAL CODE BY AMENDING CHAPTER 16.32 "GENERAL COMMERCIAL ZONE C-2", SECTIONS 16.32.010 "USES PERMITTED OUTRIGHT" AND 16.32.020 "CONDITIONAL USES" AND DECLARING AN EMERGENCY.

WHEREAS, currently, processing or packing of goods in the C-2 zone is limited to food and beverage, excluding products involving distillation and fermentation, and packaging and processing of non-food items is not currently permitted; and

WHEREAS, the popularity of small-scale breweries and distilleries has increased and could prove to be desirable businesses to allow in a C-2 zone; and

WHEREAS, the C-2 zoning classification was created to promote the most productive capacity of property and is designed for a mixture of office, retail, service, wholesale storage areas, lumber sales plus residential uses; and

WHEREAS, duly noticed public hearings were held and testimony received in May of 2016 by the Waldport Planning Commission and in June of 2016 by the Waldport City Council,

NOW, THEREFORE, THE CITY OF WALDPOROT ORDAINS AS FOLLOWS:

Section 1. Section 16.32.010(M) is hereby amended to read as follows:
"M. Processing, packing or storage of food or beverage, excluding those products involving rendering of fats or oils, or slaughtering."

Section 2. Section 16.32.020 is hereby amended to add the following language:
"E. Processing or packing provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard."

Section 3. Emergency clause. Inasmuch as it is the duty of the City Council to maintain the public health, safety and welfare, and because it is important to implement this Chapter as soon as practicable to avoid confusion, and to resolve any issues of which language applies, now, therefore, an emergency is declared to exist and this Ordinance shall go into full force and effect immediately upon its passage and approval.

ADOPTED by the Common Council of the City of Waldport this ____ day of _____, 2016 by the following vote:

AYES _____ NAYS _____ ABSENT _____ ABSTAIN _____

SIGNED by the Mayor this _____ day of _____, 2016.

Susan Woodruff, Mayor

ATTEST:

Reda Q. Eckerman, City Recorder

CITY OF WALDPOR
MEETING AGENDA COVER SHEET FOR
DISCUSSION / ACTION ITEMS

TITLE OF ISSUE

Proposed Zone Change

REQUESTED BY

City Manager/City Planner

FOR MEETING DATE

July 14, 2016

SUMMARY OF ISSUE

At the June 9, 2016 City Council meeting, the City Council approved a motion to rezone the former public works facility property located at 425 Lint Slough Road to C-1 Retail Commercial as recommended by the Planning Commission. At the July 14, 2016 City Council meeting, the City Council will consider adoption of the attached Ordinance. The Ordinance adopts the zone change of the subject property from R-1 Residential to C-1 Retail Commercial; and amends the Comprehensive Plan Map from 'Open and Public' to 'General Commercial'.

STAFF RECOMMENDATION or ACTION REQUESTED:

The City Council considers adopting the attached Ordinance rezoning the property located at 425 Lint Slough Road to C-1 Retail Commercial and changing the Comprehensive Plan Map designation to 'General Commercial'.

After recording, please return to:
City of Waldport
PO Box 1120
Waldport, OR 97394

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE WALDPOR CITY ZONING MAP AND
COMPREHENSIVE PLAN MAP.**

RECITAL OF FINDINGS

WHEREAS, the Waldport City Planning Commission conducted a public hearing to consider amending the City Zoning Map and Comprehensive Plan Map to change the zoning designation and comprehensive plan designation of property identified on Lincoln County Tax Assessor's Map 13-11-19AD as Tax Lot 801; and

WHEREAS, the City Council conducted a hearing subsequent to the Planning Commission's hearing, wherein it considered the recommendation of the Planning Commission together with testimony and exhibits received by the City Council before and during the hearing; and

WHEREAS, after full deliberation on the proposed amendment to the Zoning Map and Comprehensive Plan Map and after having received and considered all testimony and exhibits, and the City Council adopted the following findings regarding the proposed amendment;

FACTS:

1. Property Location: The subject property is located at 425 Lint Slough Road, and is further identified on Lincoln County Tax Assessor's Map 13-11-18DD as tax lot 801.
2. Zoning: Residential Zone R-1
3. Comprehensive Plan Map Designation: Open & Public
4. Approximate Lot Size and Dimensions: The lot size totals approximately 40,075 square feet (0.92 acres).
5. Existing Structures: Two storage buildings are located on the property. This property is the former City of Waldport Public Works facility.
6. Topography and Vegetation: The property is flat with no significant vegetation.
7. The Lint Slough, zoned Marine Waterway (M-W) is located north, east and south of the property. Undeveloped R-1 zoned property is located to the west across Lint Slough Road. The C-1 zoned former high school property is located northwest of the property. The City Wastewater Treatment Plant is located southwest of the property.
8. Existing Utilities:
 - a. Water: City of Waldport
 - b. Sewer: City of Waldport
 - c. Electricity: Central Lincoln P.U.D.
9. Development Constraints: Flood hazard zone AE (El. 14')

RELEVANT CRITERIA:

1. Waldport Development Code Chapter 16.12 Residential Zone R-1 (Existing Zoning)
2. Chapter 16.28 Retail Commercial Zone C-1 (Proposed Zoning):
3. Chapter 16.68 Flood Hazard Overlay Zone
4. Chapter 16.104 Amendments
5. Public Testimony: The Waldport Planning Commission and the Waldport City Council have both held public hearings, inviting public testimony regarding this request. No opposition has been expressed.

FINDINGS:

A. Background: The City of Waldport Public Works Department occupied the site for several years until recently moving to the planned industrial area. The site is located near Lint Slough, Crestline Drive, and the former high school site. In September 2015, a 3-day design charrette was conducted to develop a concept plan for the former high school site and surrounding area. The draft concept plan identified alternative uses for the former public works site including a restaurant, brewery, hostel, and public kayak launch. Those uses would require a commercial zoning classification. No specific uses have been approved for the site.

B. Existing Zoning and Zone Change Request: City staff conducted research to determine the existing zoning classification of the subject property. That research resulted in an existing zone classification of Residential R-1, which essentially allows for development of one single family dwelling per lot. It is evident the property has not been used as a single family residence.

The City realizes there is an opportunity for development of this property that will be an economic benefit to the City and to the community while capitalizing on the natural beauty of the nearby Lint Slough and the forthcoming park/open space development at the nearby former high school site. The C-1 zoning provides the flexibility for this type of use.

C. Surrounding Zoning and Land Use: Zoning surrounding the subject property is a combination of commercial, residential, public facility, and marine waterway. Surrounding land use consists of open space along Lint Slough, undeveloped residential land, the City's wastewater treatment plant, and the forthcoming park/open space development at the former high school site.

D. Code Criteria When Considering a Zone Change: In addition to meeting the minimum standards of the requested zoning district, the Planning Commission must have found that one of three circumstances exists in order to grant a zone change. The three circumstances are identified below in italics and followed by an analysis.

That there has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone.

The R-1 zoning for this property was adopted many years ago. It is evident that the character of the area has changed or the property should have had a different zoning designation. Now that the public works facility has been relocated, there certainly is a change in the character of this specific property which warrants consideration for a zone change.

That the zoning previously adopted for the area was in error.

There is an argument that the residential zoning for this property was in error. In all likelihood, this property was placed in context with the adjacent property to the west. However, the adjacent property to the west is at a much higher elevation where the majority of residential development has occurred. The subject property is located on the lowlands and should either have been zoned Public Facilities with the public works facility, or commercial which is similar to the nearby former high school site with direct access from Hwy 34 and Crestline Drive.

That there is a public need for the change being sought and the subject property is suitable to meet that need and will not impair the actual or legally designated uses of surrounding properties.

This may be the most compelling circumstance to granting a zone change. This property, when combined with plans for the former high school site, provides an opportunity to create a focal point and amenity that will be an attraction to local residents and visitors. This property has tremendous redevelopment potential while capitalizing upon the natural beauty of Lint Slough and complementing future development of the open space site. The site has direct access from arterial (Hwy 34) and collector (Crestline Drive) streets without impacting any residential areas.

E. Comprehensive Plan Map Amendment: Since the zone change was approved, it is also appropriate to amend the comprehensive map designation for this property from 'Open and Public' to 'Retail Commercial'.

F. Redevelopment of Property: Any redevelopment occurring on the property will need to conform to C-1 Retail Commercial standards, i.e. land use, building standards, access and parking, etc.

G. Flood Hazard Zone: The flood hazard overlay zone criteria is relevant to new or substantially improved structures. No new structure or substantial improvement to the existing structure is proposed at this time. Any new or substantial improvements proposed in the future shall adhere to provisions of the flood hazard overlay zone.

CONCLUSION:

The record and the findings support the conclusion that:

1. The proposed zone change will be in accordance with the Comprehensive Plan, Statewide Planning Goals, and all provisions of the Waldport Development Code.
2. There is a public need for the proposed zone change.
3. The site under consideration is better suited to the purpose of the proposed zone than it is to the purposes of the existing zone.

THEREFORE, THE CITY OF WALDPORIT HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That the Waldport Zoning Map and Waldport Comprehensive Plan Map be amended to uphold the decisions of the Planning Commission and the City Council to: change the Comprehensive Plan designation from Open and Public to Retail Commercial and change the zoning from Residential R-1 to Retail Commercial C-1. These

changes apply to property identified on Lincoln County Assessor's Map 13-11-19AD as tax lot #801.

SECTION 2. Effective Date. As an emergency has not been determined to exist, this ordinance will take effect 30 days from the date of signing.

ADOPTED by the Common Council of the City of Waldport this _____ day of _____, 2016 by the following vote:

AYES _____ NAYS _____ ABSENT _____ ABSTAIN _____

SIGNED by the Mayor this _____ day of _____, 2016.

Susan Woodruff, Mayor

ATTEST:

Reda Q. Eckerman, City Recorder



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Amending the City of Waldport Budget for Fiscal Year 2016/2017

REQUESTED BY: City Manager, City Accountant

FOR MEETING DATE: July 14, 2016

SUMMARY OF ISSUE:

The City of Waldport has an approved fiscal year budget, which is requested to be amended due to changing circumstances surrounding revenues and expenditures.

STAFF RECOMMENDATION or ACTION REQUESTED:

Approve City of Waldport Resolution amending the budget for fiscal year 2016/2017.

BACKGROUND:

A budget is a plan for receiving revenues and spending these resources. As it is a plan, Oregon statutes provides for amending budgets due to changing conditions. The attached budgetary amendments are exempt from the supplemental budget process and simply require a resolution by the governing body. Exemptions from the supplemental budget process include an unforeseen occurrence or condition at the time of budget preparation that utilizes nontax funds.

These budget amendments represent a change in scheduling for expenditures in the street fund and public works fund. The Commercial Street improvement and purchase of a new excavator were anticipated to be completed in the prior fiscal year (2015/2016), but are now anticipated to be completed this summer.

Beginning working capital represents the cash, or the liquid portion of each fund, at the beginning of the fiscal year. The budget for beginning working capital is increased due to the lack of expenditures in the previous year and the capital outlays are re-budgeted for fiscal year 2016/2017 to accommodate the scheduling changes.

ATTACHMENT: Resolution

CITY OF WALDPORT RESOLUTION #_____

AMENDING THE BUDGET FOR FISCAL YEAR 2016/2017

WHEREAS, ORS 294.338 (3) provides for the existence of an unforeseen occurrence or condition at the time of the preparation of the budget and provides for additional expenditures utilizing nontax funds,

THEREFORE, THE CITY COUNCIL RESOLVES that City of Waldport budget appropriations for the fiscal year 2016/2017 are hereby amended as follows.

Street Fund	Resource or Revenue	Amount Increased (Decreased)	Requirement or Expenditure	Amount Increased (Decreased)
	Beginning Working Capital	20,000	Capital Outlay	20,000

At the time of budget preparation, it was estimated that filling the sunken grade and resurfacing on Commercial Street would be completed by June 2016. The street improvement is now scheduled for this summer and this budget amendment adjusts for the change in scheduling.

Public Works Fund	Resource or Revenue	Amount Increased (Decreased)	Requirement or Expenditure	Amount Increased (Decreased)
	Beginning Working Capital	68,300	Capital Outlay	68,300

The new excavator, that had an approved budget in the previous fiscal year, will not be available until August 2016. This budget amendment adjusts for the change in scheduling.

Adopted by the Waldport City Council this 14th day of July 2016

Signed by the Mayor this ____ day of July 2016

Susan Woodruff, Mayor

Attested by Reda Eckerman, City Recorder



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

June 6, 2016

Dear Chief Administrative Official:

For the past three months, eight policy committees have been working to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2017 session. They have identified 29 legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2017 legislative agenda. After your city council has had the opportunity to review the 29 proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on in the 2017 session. **The deadline for response is July 22, 2016.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2017 legislative agenda.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. McCauley".

Michael J. McCauley
Executive Director

INSTRUCTIONS

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2017.
2. Simply place an **X** in the space to the left of the city's top four legislative proposals (last pages of the packet).
3. The top four do not need to be prioritized.
4. Return by **July 22nd** via mail, fax or e-mail to:

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

Thank you for your participation.

City of: _____

Please mark 4 boxes with an X that reflect the top 4 issues that your city recommends be the priorities for the League's 2017 legislative agenda.

Legislation

Community Development

- A. Needed Housing Assistance Program
- B. Natural Hazard Land Use Reform
- C. DOGAMI Disaster Mapping
- D. Floodplain Technical Assistance

Energy

- E. Green Energy Technology Requirement
- F. Funding Public Energy Projects
- G. Updates to Oregon Energy Code

Finance and Taxation

- H. Property Tax Reform - Market Value / Local Control
- I. Property Tax Reform - Fairness and Equity
- J. Local Lodging Tax
- K. Nonprofit Property Tax Exemption
- L. Marijuana and Vaping Taxes

General Government

- M. Restore Recreational Immunity
- N. Increase Local Liquor Fees
- O. Marijuana Legalization Implementation
- P. Mental Health Investments
- Q. Qualification Based Selection

Human Resources

- R. Subsidy for Retiree Health Insurance Repeal
- S. PERS Reform
- T. Arbitration Reform
- U. Veterans Preference Clarifications

Telecommunications

- V. Rights of Way
- W. Franchise Fees
- X. 9-1-1 Emergency Communications
- Y. Technology Funding

Transportation

- Z. Transportation Funding and Policy Package

Water/Wastewater

- AA. Funding Water System Resilience
- BB. Enhanced Prescription Drug Take-Back
- CC. Water Supply Development Fund

Community Development

Legislation

A. Needed Housing Assistance Program

Create state grants and technical assistance to cities working to develop housing development programs directed at new or innovative means of providing housing solutions for low-income or senior populations.

B. Natural Hazard Land Use Reform

Create process for communities to move the UGB from an identified hazard area to resource lands and planning for replacing significant urban areas lost after a natural disaster.

C. DOGAMI Disaster Mapping

Increase funding for DOGAMI to complete comprehensive disaster mapping of cities, including landslide and floodplain risk identification, and natural hazard related evacuation planning for additional potential risks such as tsunami or wildfire inundation.

D. Floodplain Technical Assistance

Provide DLCD funding for technical assistance to cities implementing required changes to floodplain development management practices from FEMA.

Background

Cities are looking for new ways to serve the needs of a variety of people needing housing options and putting more resources toward housing projects. However, there is a need for state resources and assistance in implementing these programs. Funds that cities could access could be used to assist in land purchases for leasing for long-term low income housing, incentives for creating single story housing for seniors, tiny housing development, and planned developments that serve a range of incomes. Technical assistance to other cities should help a city determine what programs or planning options are available tools to help cities reach the goals set in the comprehensive plan.

As science has better located some hazards areas and as regulations impact the expected development of other areas, cities need to find ways to respond more efficiently to address long-term planning for development. This requires a simplification of the process for changing the location of development, including adding new areas to the UGB, to account for lost development capacity. There also needs to be a streamlined process for a city to identify areas of new development should a disaster remove a large portion of the buildable land supply if a disaster should strike.

The Oregon Department of Geology and Mineral Industries (DOGAMI) provides a number of technical resources to cities to identify hazards that could impact development. The department is also an integral partner in creating plans for the emergency response for many disasters that could occur in the state. Increasing funds for comprehensive maps will help with long-term planning for hazard mitigation, resilience, and survival.

Because of the recent release of the Biological Opinion from the National Oceanic and Atmospheric Administration Fisheries Service related to the National Flood Insurance Program's potential to impact endangered species, there is a need for cities to receive significant assistance in implementing any changes required by the Federal Emergency Management Agency. As the federal process moves forward, the state must provide resources to help cities update comprehensive plans and development codes. This issue will have a number of impacts and assistance in the form of model codes, staff resources, grants, and other expertise will be necessary for cities trying to implement any changes or additional work.

Energy

Legislation

E. Changes to 1.5 Percent Green Energy Technology Requirement

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

Background

Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation.

Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and provide for increased solar energy generation. In addition, the League will work to allow 1.5 percent funds to be invested in alternative projects that provide a greater economic or social return on investment. As an example, a city could use the funds on a community solar project to benefit low-income residents rather than being required to invest in solar generation at the site of the public building project.

F. Funding for Public Energy Projects

Support enhanced incentives for public energy projects including grants for technical assistance, feasibility studies and resource recovery projects for energy and fuel generation.

There are programs that exist in Oregon for the purpose of incentivizing energy projects including renewable energy generation, alternative fuel vehicles, and energy efficiency. Programs such as the Business Energy Tax Credit (BETC), which was discontinued in 2014, and the State Energy Loan Program have been important tools for incentivizing energy projects for local governments. However, as a result of scrutiny over the administration of these incentives including private loan defaults, these programs are either no longer available, such is the case with the BETC program, or are at risk of being discontinued. It is critical for municipalities to have ongoing access to incentive opportunities as energy projects can be difficult to pencil-out and even more difficult for smaller communities to finance. The state of Oregon should take into consideration that loans for public energy projects, including cities, are lower-risk and should not be penalized in light of recent scrutiny. In addition, investments in these projects often result in environmental, social and economic benefits including long-term savings for taxpayers and reductions in greenhouse gas emissions.

The League will work to enhance funding, including grants for technical assistance and feasibility studies for communities that currently do not have access to resources. The League will also advocate for incentives for energy and fuel generation projects. Examples of projects that warrant funding incentives include methane capture for fuel or energy generation, investments in community solar projects, renewable energy generation, and energy efficiency improvements.

Energy (Continued)

Legislation

G. Require Updates to Oregon Energy Code

Require the Oregon Building Codes Division (BCD) to engage in more frequent review of the state's energy code to reduce greenhouse gas reductions and ensure that Oregonians can more affordably and efficiently heat their homes and businesses.

Background

Oregon's statewide energy code for commercial and residential buildings is an important tool for achieving greenhouse gas reductions through decreased energy consumption while helping to ensure that Oregonians are able to more efficiently and affordably heat their homes and businesses. Federal law requires each state to certify that their state energy code is equivalent to federal model energy codes. While Oregon was once a leader in energy code adoption and implementation, the state is now in a position of falling behind the federal code. This is due, in large part, to a decision made by the Oregon Building Codes Division in 2013 which changed the code cycle from a three-year update to a six-year update. Major code changes, including adoption of national codes, will now occur every six years with minor changes occurring every three years. This change will impact Oregon's ability to keep pace with federal standards and new technologies in energy efficiency.

The League will work to support efforts to align new construction building codes with the state's climate goal timelines. In addition, the League will support efforts to establish a periodic review schedule to ensure that Oregon more frequently updates the state energy code in order to reflect federal code requirements. Also, the League will encourage the state to set specific targets for increased energy efficiency in residential and commercial building construction with specific goals for increasing energy efficiency standards for affordable housing projects and increasing use of net-zero and passive house building requirements. Finally, the League will work to require BCD to make regular reports back to the legislature to update on energy code implementation and goals.

Finance and Tax

Legislation

H. Property Tax Reform – Market Value / Local Control

A legislative constitutional referral to reform the property tax system:

- a) to achieve equity, transitions to a market based property tax valuation system; and
- b) to restore choice, allows local voters to adopt tax levies and establish tax rates outside of current constitutional limits in their taxing jurisdictions.

Background

Property taxes are regulated largely by Measure 5 (1990) and Measure 50 (1997), as provided in the Oregon Constitution. Measure 50 established a new method for assessing property, discounting the assessment at 10 percent of the real market value and calling this assessed value. Assessed value is capped at an annual growth limit of 3 percent. As a state total, due to the limits and market changes, the gap between real market value and assessed value has now grown to nearly 25 percent over the past 20 years. This gap varies widely on a property by property basis, creating considerable property tax inequities for properties that sell for similar prices in a city. In short, Oregon property taxes have become disassociated from real market value and the result is considerable inequity.

For FY 2014-15, 60 percent of cities, 97 percent of counties, and 89 percent of school districts had some compression. This means that the Measure 5 caps of \$5 per \$1000 for education and \$10 per \$1000 for general government on real market value have been exceeded in most taxing jurisdictions. The caps are over 25 years old and were set low as voters were anticipating a sales tax to be coupled with it. Voters can no longer vote for the services they desire due to these caps. With looming PERS costs increases, paying for services with the present restrictions will become very difficult in some cities.

I. Property Tax Reform – Fairness and Equity

A bill that pursues statutory modifications to the existing property tax system that enhances the fairness and adequacy of the current system.

There are some adjustments to the property tax process and calculations that can be done statutorily. These include altering the changed property ratio statute and the statutory discount given to property owners who pay their taxes by November 15th. New property is added to the tax rolls using a county-wide ratio (assessed value to real market value) for determining the discount to apply to the real market value and that could be changed statutorily to a city-wide ratio in taxing districts who elect the change.

Finance and Tax (Continued)

Legislation

J. Local Lodging Tax

A lodging tax bill, the outcome of which, would:

- a) **Provide jurisdictions greater flexibility to spend local lodging tax revenue to plan for and provide services and infrastructure related to tourism;**
- b) **Reduce or eliminate the required reimbursement charge that a lodging tax collector is allowed to retain for filing a local lodging tax return; and**
- c) **Improve efficiency and collection of local lodging taxes in cooperation with the state.**

Background

State law restricts how local lodging tax revenues may be expended. Post 2003, any new taxes or any tax increase requires a 70 percent revenue dedication to tourism promotion or tourism-related facilities. In addition, state statute provides that cities may not lower the actual percentage of lodging tax revenues that were dedicated to tourism prior to 2003. This means that cities have varied percentages of restricted local lodging taxes revenues. These numbers are arbitrary as they were set based on circumstances in 2003 that have often greatly changed. In addition, the legislative history shows that the legislature intended to provide some revenue flexibility and provide that certain infrastructure (roads, sewer lines, etc.) would qualify as tourism-related but the statutes need revision and clarification.

State law requires local governments to provide a 5 percent collector reimbursement charge if they impose a new lodging tax or tax increase after January 1, 2001. This is a deduction from the taxes that would otherwise be due. The state also provides a 5 percent collector reimbursement charge for state lodging taxes. In addition, local governments that had a reimbursement charge, must continue it. Thus, cities have very different reimbursement requirements—some are at zero, others are at 5 percent, and some are in between. When coupled with the state deduction, the deduction seems too generous.

The Oregon Department of Revenue now collects state lodging taxes throughout the state and could collect and enforce local lodging taxes at the same time if given statutory authority. Local governments could then enter into voluntary agreements with the state to delegate the collection. This option could make collection much more efficient and cost-effective for some local governments. In addition, cities continue to struggle with collections and auditing, particularly from online companies and private home rentals (through Airbnb, etc.) and this area of the law could be improved.

Finance and Tax (Continued)

Legislation

K. Nonprofit Property Tax Exemption

Clarify and reform the statutory property tax exemption provided to nonprofit entities to address cost-benefit concerns for the continued full exemption in light of cost of city services provided to nonprofits and the changing services and business models of some nonprofit entity types.

Background

Nonprofit organizations that are charitable, literary, benevolent or scientific are provided a property tax exemption that will cost more than \$194 million in the 2015-17 biennium. In addition, exemptions for the property of nonprofit religious organizations costs more than \$113 million for the biennium. For many cities, much of the city is exempt from property taxes due to the public property exemption and these nonprofit exemptions. This includes hospitals, nursing homes, etc.

The Legislature has formed a work group to look at the nonprofit property tax exemption issue as the nature and number of nonprofits is changing and the administration of the exemption has become complex for county tax assessors. Nonprofit entities require significant services, including transportation, water, sewer, police, fire, etc. Thus, the legislature is looking at property taxes more as a service tax and considering how the full exemption could be adjusted to have nonprofits pay for their fair share of costs of services or otherwise meet a benefit test for continuing an exemption.

L. Marijuana and Vaping Taxes

Defend against restrictions and preemptions regarding local marijuana and vaping taxes and advocate for appropriate state shared revenue levels and distribution formulas for state marijuana taxes and potential vaping taxes.

There are no revenue use restrictions on local marijuana taxes, but the local marijuana tax rate is capped at 3 percent. There are no restrictions on local governments imposing a vaping tax. The state has not imposed a tax on vaping products to date but is considering a tax. Often when the state imposes a tax (for example, cigarette or liquor), the state preempts local governments from also imposing a tax.

10 percent of state marijuana taxes will be distributed to cities after state administrative costs. Distributions will be made per capita for revenues received prior to July 1, 2017. After July 1, they will be distributed based on the number of the various marijuana licenses issued in a city. Cities that prohibit establishments for recreational marijuana producers, processors, wholesalers or retailers will receive no state shared revenue. Likewise, cities that prohibit a medical marijuana grow site or facility will receive no state shared revenue.

General Government

Legislation

M. Restore Recreational Immunity

Cities should enjoy protection from unreasonable litigation when offering recreational opportunities to the public.

Background

ORS 105.682 grants that a land owner is not liable for any personal injury, death or property damage that arises out of the use of their land for recreational purposes as long as no fee is charged in order to access that property. This statute allows cities to operate parks and trails without fear of lawsuit.

However, in the recently decided Oregon Supreme Court case, *Johnson v Gibson*, It was held that even though the landowner may be immune from liability, their employees are not. As a result, two employees of the City of Portland were found liable for injuries sustained by a jogger in a park, employees who are indemnified by their employer.

The practical effect of this ruling is that the immunity previously enjoyed by cities that allowed for robust park development have been eroded to the point of being non-existent. This priority directs LOC staff to seek to amend the ORS 105.682 to restore that immunity.

N. Increase Local Liquor Fees

Cities play an important role in the review and investigation of liquor license applicants and should be able to recoup costs associated with that role.

ORS 471.166 allows cities to adopt fees that are “reasonable and necessary to pay expenses” associated the review and investigation of liquor license applicants. However, the same statute limits the amounts of those fees to between \$25 and \$100 depending on the license or approval being sought by the applicant.

This priority is to pursue changes to this statute that allow cities to recoup the actual costs associated with performing their role in the liquor licensing process and allowing for periodic increases.

General Government (Continued)

Legislation

O. Continue Marijuana Legalization Implementation

**Allow for civil enforcement of marijuana laws.
Ensure equitable distribution of marijuana shared revenues.
Eliminate limitations on shared revenue use.**

Background

One of the promises made by marijuana legalization advocates is that illicit sales and production of marijuana would shift into a legalized and regulated market. This has occurred to a large extent but many producers and retailers continue to seek the financial benefits or participation in the marijuana industry while avoiding the inconvenience of its regulatory framework. This priority seeks legislation that gives the Oregon Liquor Control Commission (OLCC) the same civil and administrative authority to prevent unlicensed sales and production of marijuana as it has in regards to liquor.

Beginning in 2017, state shared revenue from marijuana will be distributed to cities based in the number of OLCC licensed commercial marijuana entities exist in their jurisdiction. This priority is to alter that arrangement so that is it distributed on a per capita basis to ensure equitable distribution among cities that are incurring costs.

Measure 91 required that money distributed by the state to cities be used exclusively for costs associated with marijuana legalization. Tracking a dollar though a city's general fund and determining if a service was related to marijuana is inefficient if not impossible, and is not imposed for the receipt of liquor revenue. This priority is to advocate for legislation that removes this burden.

P. Protect Mental Health Investments Made in 2015

Oregon made significant and strategic investments in protecting and caring for the mentally ill in 2015 that should be maintained.

The Legislature increased access to mental health care and expanded existing, proven programs designed to de-escalate police contacts with the mentally ill. Those programs could be vulnerable in a difficult budget environment made challenging by increased PERS rates.

This priority is defensive in nature and seeks to preserve investments that are improving the lives of mentally ill Oregonians.

Q. Remove Qualification Based Selection Mandate

Cities should be allowed to consider cost when making initial contract award decisions when hiring architects and engineers.

Cities are currently required to use a procurement method that prevents the consideration of cost when contracting with architects and engineers for public improvements. Instead, cities must base their initial selection for these services based solely on qualifications and can only negotiate the price after an initial selection is made.

This mandate is not a cost effective means for procuring services and is poor stewardship of the public's dollars. This priority is to seek the removal of this mandate.

Human Resources

Legislation

R. Repeal Requirement to Subsidize Retiree Health Insurance

Public employers should not subsidize the health insurance of former employees when reasonable, cost competitive options exist.

Background

ORS 243.303 mandates that local governments provide retirees with access to health insurance and requires that they be placed in the same risk pool as active employees. As retirees are approximately 2.5 times more expensive to insure than active employees this mandate results in employers and current employees subsidizing the health insurance costs of former employees. This subsidization, according to the Government Accounting Standards Board, must be shown on an audit as long term liability, thus creating an inaccurate perception of a city's financial condition. Further, this requirement could be described as anachronistic as individuals are now able to purchase health insurance under the Affordable Care Act.

This priority is to eliminate ORS 243.303 from Oregon's laws.

S. PERS Reform

PERS benefits should be adjusted where legally allowable and investments should be maximized to ensure a sustainable and adequate pension system.

The PERS unfunded liability stands at \$22 billion and employer rates are anticipated to approach 30 percent of payroll in the coming biennium. Rates are expected to remain at that level for the next twenty years. This is not sustainable.

This priority is to seek any equitable changes to benefits that will reduce employer rates while not pursuing options that are legally tenuous or counterproductive. Additionally, changes are to be sought to the investment portfolio that will maximize returns through improved risk management and efficiencies.

Human Resources (Continued)

Legislation	Background
<p data-bbox="152 254 430 289">T. <u>Arbitration Changes</u></p> <p data-bbox="152 323 773 390">Public employers should have greater influence over the disciplining of their employees.</p>	<p data-bbox="815 254 1524 489">Currently under the Public Employee Collective Bargaining Act, contested employee discipline matters must be submitted to an outside arbitrator for adjudication. Decisions by arbitrators are binding unless the conduct was a violation of public policy as defined by the state, there was serious criminal conduct or an egregious inappropriate use of force.</p> <p data-bbox="815 522 1524 558">This priority is to seek the following changes to the statute:</p> <ul data-bbox="867 558 1524 898" style="list-style-type: none"><li data-bbox="867 558 1524 625">• Arbitrator decisions should also comply with local policies;<li data-bbox="867 625 1524 693">• Decisions should comply with policies related to any inappropriate use of force a;<li data-bbox="867 693 1524 798">• Arbitrator decisions should recognize all criminal misconduct related to employment not just “serious”;<li data-bbox="867 798 1524 898">• Employer disciplinary decisions as it regards employees who are supervisors as defined by the EEOC and BOLI should be given more weight.
<p data-bbox="152 934 597 970">U. <u>Veterans Preference Clarifications</u></p> <p data-bbox="152 1003 782 1108">Requirements that veterans be given preference in public sector hiring should be clear and unambiguous for the benefit of veterans and employers.</p>	<p data-bbox="815 934 1524 1136">The State of Oregon requires and the League agrees that honorably discharged veterans deserve special consideration in public sector hiring. However, statutes describing how this is to be accomplished are unclear and ambiguous. Vague statutes do not serve the interests of employers or veterans.</p> <p data-bbox="815 1169 1524 1339">This priority seeks a clear definition of “preference” in the statute, ensure that recently separated veterans receive the consideration necessary for them to successfully enter the workforce and establishes clarity as to when the preference is to be applied.</p>

Telecommunications, Cable & Broadband

Legislation

V. Rights of Way

Oppose legislation that preempts local authority to manage public rights-of-way and receive compensation for their use.

Background

In its commitment to the protection of Home Rule and local control, the League consistently opposes restrictions on the rights of cities to manage their own affairs. From time to time, in the context of franchise fee and rights-of-way management authority discussions, proposals to restriction to this authority arise. These include a statewide franchise policy and revenue collection system as well as limiting the ability of cities to charge fees of other government entities. This is contrary to local government management authority, the ability to enter into agreements with service providers either by agreement/contract or ordinance and to derive revenues from business fees charged to users of public rights-of-way.

W. Franchise Fees

To ensure market fairness and equity, prepare legislation for possible introduction repealing ORS 221.515 (HB 2455 -7 in 2013, and HB 2172 in 2015) to remove franchise fee rate and revenue restrictions which currently apply to incumbent local exchange carriers but not to competitive local exchange carriers.

Oregon statute currently contains a discrepancy between how cities collect franchise fees from incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs). ORS 221.515 limits cities collecting franchise fees from ILECs to a maximum of 7 percent of revenues derived from dial-up services, which represents only a portion of ILEC total revenues due to the addition of a broader array of customer services. There is no such rate cap or revenue restriction on CLECs, hence the discrepancy. In the past the League has worked with CLECs to “level the playing field.” Repeal of ORS 221.515 would accomplish that.

X. 9-1-1 Emergency Communications

Support legislation enhancing the effectiveness of the state’s emergency communications system through an increase in the 9-1-1 tax and/or a prohibition of legislative “sweeps” from accounts managed by the Oregon Office of Emergency Management.

The League worked with other stakeholder groups in 2013 to extend the sunset date on the statewide 9-1-1 emergency communications tax to January 1, 2022 (HB 3317). In 2014, the League also worked to pass legislation including prepaid cellular devices and services under the 9-1-1 tax (HB 4055). As concerns mount with regard to disaster preparedness and recovery and as new upgrades to communications technology becomes available, it is apparent that state and local governments do not have the resources necessary to address challenges or take advantage of opportunities. Additional funding is needed and the practice of periodically sweeping funds out of the state’s emergency management account for other uses should cease. It is worthy of note that the practice of “sweeps” disqualifies the state from receiving federal funds for emergency communications. It is unknown how many federal dollars have been foregone as a result of this policy.

Telecommunications, Cable & Broadband (Continued)

Legislation

Y. Technology Funding

Seek additional funding to assist for cities in:

- **Increasing high speed broadband deployment and close the digital divide.**
- **Purchasing upgraded emergency management communications equipment.**
- **Providing local match money for federal funding programs, such as high speed broadband deployment.**

Background

The deployment of broadband throughout the state of Oregon is critical to economic development, education, health and the ability of citizens to link with their governments. Additional funding, from various sources, including the state and federal government, needs to be allocated for this purpose. The need becomes even more acute when consideration is given to the certainty of a major seismic event. Often federal assistance comes with the requirement of a state or local match which is problematical for cities. A state mechanism for providing matching fund assistance would be helpful to those communities seeking to take control of their broadband destiny.

Transportation

Legislation

Z. Comprehensive, Multi-modal Transportation Funding and Policy Package

The League of Oregon Cities proposes that transportation infrastructure be raised to the same level of importance as other utilities, and be funded at a level capable of maintaining appropriate standards of operation and service. Therefore, the League will help draft and advocate for a comprehensive, inter-modal and statewide transportation funding and policy package that:

1. Provides a significant increase in resources available for the preservation and maintenance of city streets by:
 - Substantially increasing the state gas tax and licensing and registration fees.
 - Indexing the state gas tax.
 - Continuing efforts to identify and implement alternative funding mechanisms (VMT, tolling, public-private partnerships, etc.).
 - Disaster resilience and seismic upgrades for all transportation modes.
 - The completion of transportation projects begun but not yet completed due to lack of funding or changes in funding criteria.
 - Providing additional funding for voluntary jurisdictional transfer.
 - Funding transportation enhancements such as bike-ped facilities.
 - Increasing funding for the statutory Special City Allotment program while maintaining the 50%-50% ODOT/city split.
 - Repealing the referral requirement (2009 Jobs and Transportation Act) on cities seeking to create/increase local gas tax.
2. Addresses statewide needs relating to intermodal transportation through:
 - Additional funding for transit operations and capital projects.
 - Additional funding for freight rail capital projects and operations (*ConnectOregon*, short-line rail and transload facilities).

Background

Maintenance and preservation needs have outpaced the resources available for streets, roads and highways. In its March, 2016 Infrastructure Survey Report the League identifies a \$3.7 billion capital need for highway and non-highway transportation projects (\$2.6 billion highway / \$1.1 billion non-highway). In addition, the report shows, for the 120 cities that participated, an aggregated street budget shortfall for operations and maintenance of approximately \$217 million per year. Safety and disaster resilience were cited as major challenges and needs by most cities. Cities also expressed support for a voluntary jurisdictional transfer program (the sensible alignment of highway facilities and management responsibility) provided the availability of adequate funding to facilitate the transfer and to maintain the asset.

Given the threat that inadequate funding represents to investments already made in the transportation system, the League will insist on a transportation package that increases and makes more sustainable the ability of all government jurisdictions to preserve and maintain these assets. Notwithstanding its emphasis on the need to preserve and maintain existing streets, the League of Oregon Cities agrees that the state's transportation system and the policy and funding programs that support it must be multimodal and statewide in scope. The League will therefore work to pass legislation in 2017 that addresses funding and policy initiatives relating to all modes (streets, bike/ped, transit, rail, aviation and marine) and in so doing address such issues as:

- Connectivity and capacity (especially truck mobility/rail)
- Safety for all users across all modes
- Resiliency and recovery (seismic retrofit across all modes)
- Jobs and economic development
- Impact on climate change
- Active transportation and public health
- Transportation access available on an equitable basis to all Oregonians
- Continuing and extending *ConnectOregon*
- Ensuring adequate new revenues for program/equipment such as the Oregon Department of Motor Vehicles technology upgrade
- Creative solutions to ongoing challenges (dedicated non-roadway fund, increased local authority to fund transit, bike-ped funding, etc.)

- **Additional funding for passenger rail operations, equipment and capital projects (federal matching money and AMTRAK Cascades).**

3. Does not:

- **Preempt local government ability to self-generate transportation revenues for street maintenance and preservation.**
- **Change the dedication of State Highway Fund dollars to highway, road and street projects contained in Article 8, Section 3a of the Oregon Constitution.**
- **Reduce cities 20% share of the State Highway Fund.**
- **Create unfunded mandates requiring cities to undertake specific programs, such as greenhouse gas reduction scenarios.**
- **Further complicate the planning and regulatory process that currently governs the project delivery process.**

- **Maximizing local benefits of the federal FAST Act in Oregon**

Water & Wastewater

Legislation

AA. Funding for Water System Resilience

Secure dedicated funding for water and wastewater system resilience and emergency preparation. This would include additional funds to plan for and upgrade water systems to increase seismic resiliency and funding to better position communities to better prepare for water supply shortages due to drought, climate change or other emergency scenarios.

Background

In general, Oregon's drinking water and wastewater systems are woefully underprepared for a catastrophic earthquake event. Restoration of water supply following such an event is critical for fire suppression, first aid, and for human health and safety. In 2013, the Oregon Resilience Plan provided estimates for service recovery of water and wastewaters systems in the event of a Cascadia earthquake under current infrastructure conditions. According to the plan, the estimated the timeframe for service recovery in the valley ranges from one to twelve months. For the coast, service recovery is estimated between one to three years.

In addition to risks associated with significant natural disaster events, recent drought conditions in Oregon have demonstrated the need for emergency supply planning and coordination with other water users to better address water supply challenges. It is critical that communities are able to acquire alternative and back-up water supplies from multiple sources in order to better prepare for supply shortages or emergency situations, such as natural disasters or supply contamination.

The League will work to identify and secure low-interest loans or grants to seismically upgrade drinking water and wastewater system infrastructure and to help ensure that these systems are more resilient and better positioned to respond to water supply shortages resulting from drought, climate change, natural disasters, or other system failures.

Water & Wastewater (Continued)

Legislation	Background
<p data-bbox="147 254 740 317">BB. <u>Promote an Enhanced Prescription Drug Take-Back</u></p> <p data-bbox="147 354 784 485">Advocate for enhanced prescription drug take-back program funding and additional collection locations to reduce contamination of water from unwanted prescription drugs.</p>	<p data-bbox="813 247 1520 856">Unused prescription drugs are problematic from both a public health and safety perspective as well as from a water quality perspective. Drug take-back programs help to ensure that unused prescription drugs are properly disposed of which keeps them from being abused, keeps them out of the hands of children, and keeps them from entering Oregon’s waterways. Unwanted prescription drugs are often flushed down the toilet and despite wastewater treatment systems, y can end up contaminating lakes, streams and rivers. In 2014, U. S. Drug Enforcement Administration (DEA) expanded the types of locations allowed to accept unwanted medications including retail pharmacies and drug manufacturers. Prior to 2014, drug-take back programs were primarily supported through police department drop boxes. The challenge in expanding prescription drug take-back programs is now focused on the cost of transporting unused drugs from the take-back location to the disposal site and in educating the public about responsible disposal opportunities.</p> <p data-bbox="813 894 1520 1192">The League will work with a variety of stakeholders, including public health advocates, to identify additional funding mechanisms to increase drug take-back collection locations across Oregon. Funding should support the transportation and responsible disposal of unused prescription drugs. Funds should also be dedicated for enhanced education of disposal opportunities and the establishment of convenience standards to ensure that all Oregonians have reasonable access to drug take-back locations.</p>
<p data-bbox="147 1234 784 1266">CC. <u>Increased Funding for Water Supply Development</u></p> <p data-bbox="147 1304 768 1367">Support additional water supply funding through the state’s Water Supply Development Account.</p>	<p data-bbox="813 1234 1520 1602">According to a survey conducted by the League, Oregon’s water and wastewater infrastructure needs for cities alone are estimated to be \$9 billion over the next twenty years. In addition, the survey identified 66 percent of respondent cities as being in need of additional water supply storage. The 2015 drought highlighted the need for additional investments in water supply infrastructure, including storage and water delivery system efficiencies. Additional storage project investments are not only critical for adequate drinking water supply, they are an important tool for supplementing streamflows and habitat restoration.</p> <p data-bbox="813 1640 1520 1801">The League will work to secure additional funding for existing water supply development programs. This includes support for feasibility grants and for the state’s Water Supply Development Account which provides funding for water supply storage, reuse, restoration and conservation projects.</p>

CITY COUNCIL MEETING – July 14, 2016

CITY MANAGER REPORT

1. *League of Oregon Cities 2016 Conference*

91st Annual

League of Oregon Cities Conference

September 29-October 1, 2016 - Salem, Oregon

Scholarship Application:

The League of Oregon Cities (LOC) Foundation is offering scholarships in the amount of \$300 or \$150 to help city officials attend the League's 91st Annual Conference September 29-October 1 in Salem. Application requirements are listed below. To apply, submit this form no later than July 22, 2016.

Requirements:

1. This scholarship is open to mayors, councilors, city managers, city administrators, recorders and department heads.
2. Full (\$300) or half (\$150) scholarships may be requested to cover a portion of conference and lodging expenses.
3. Scholarship application should only be submitted for those persons who will not be able to attend the LOC conference without assistance.

2. *Park Rules*

At last month's meeting we identified options for our public areas. Title 12 (Streets, Sidewalks and Public Places) offers the following:

12.28.010 Rules and Regulations

Rules and Regulations. Council may by Resolution establish rules for any outdoor recreational areas within the City's limits.

12.28.020 Violation - Penalty

Violation - Penalty. Any violation of any rules set by such Resolution will be a Class "A" violation pursuant to Chapter 1.08 of the Waldport Municipal Code. (Ord. 705, 2006)

Resolution No. 1085 specifies rules for Crestline Park (see attached). Staff will be bringing forth an amended or new resolution for consideration that will apply to other park and recreation facilities.

3. *Emergency Preparedness*

Attached is a letter to Lincoln County Board of Commissioners identifying items we purchased with grant proceeds and city funds.

4. Memorandum of Understanding (MOU) between Waldport and Oregon Department of Land Conservation and Development (DLCD)

DLCD recently received a NOAA Project of Special Merit grant to develop land use resilience measures and strategies focused on tsunami risk. DLCD has identified Waldport as one of six communities to focus this work on. The work will result in potential comprehensive plan and development code amendments; and new time/distance (Beat the Wave) tsunami evacuation planning maps. The attached MOU does not include any financial obligations from the City of Waldport. The MOU includes City cooperation and coordination with DLCD and DOGAMI on the development of the potential amendments and planning maps, and we will pay attention to potential land use implications. The project is scheduled to begin Fall 2016 and be completed within one year. At this point, we are seeking City Council consensus for city manager authorization of the MOU.

5. Old Public Works Site – Request for Proposals

We are readying the site for marketing, and are preparing a Request for Proposals (RFP). The RFP will be structured to allow for a combination and variety of commercial and recreation uses, either utilizing one or both of the existing structures, or building new. The anticipated timeframe for receiving responses will be end of August or September, at which time we will bring a report to Council on potential ideas and uses for the site. Any real estate negotiations will be closed session.

6. Code Enforcement – Signs

Our Code Compliance Officer surveyed around town (mostly downtown and old town) monitoring compliance with the recently adopted Sign Code update. A large majority of businesses are in compliance. There are a couple banners out of place, and one small sign leaning against the front of a business, all minor infractions.

7. Medical Marijuana

A third dispensary recently opened across the street from the fire district.

8. Remodeled Waldport Inn

The driveway has been completed, using some of the remaining funds in UR#1. We have not received an opening date from the owner.

RESOLUTION NO. 1085

A RESOLUTION PURSUANT TO WALDPOR MUNICIPAL CODE CHAPTER 12.28, DESIGNATING THE CITY COUNCIL'S INTENTION TO PERMIT RECREATIONAL USE OF CRESTLINE PARK AND THE CRESTLINE PARK SKATE BOARD FACILITY CONSISTENT WITH OTHER AREAS GENERALLY REGARDED AS OUTDOOR RECREATIONAL AREAS UNDER ORS 105.682.

WHEREAS, the City Council of the City of Waldport is designating and permitting recreational use of Crestline Park consistent with ORS 105.682; and

WHEREAS, the City Council of the City of Waldport has adopted Chapter 12.28 of the Waldport Municipal Code, regarding establishment of rules and regulations for outdoor recreational areas within the City's limits;

NOW, THEREFORE, THE CITY OF WALDPOR RESOLVES AS FOLLOWS:

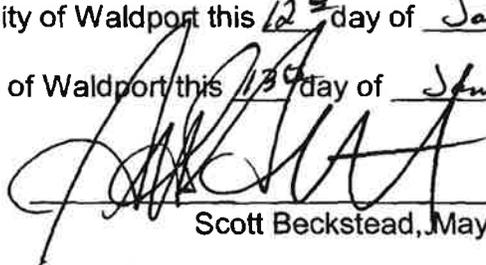
Section 1. The City Council permits recreational use of Crestline Park including the Skate Park Facility consistent with other areas in the City generally regarded as outdoor recreational areas as specified under ORS 105.682.

Section 2. The City Council mandates the following rules for the park:

- ◆ The hours of use shall be from 7:00 a.m. to sunset.
- ◆ Persons using the park and its facilities use at their own risk.
- ◆ The park is a non-supervised facility.
- ◆ Protective gear is required when using the skate park
- ◆ No drugs, alcohol, weapons or profanity are permitted in the park.
- ◆ Persons convicted of criminal activity in this park will be banned from the park.

PASSED by the City Council of the City of Waldport this 12th day of January, 2006.

APPROVED by the Mayor of the City of Waldport this 13th day of January, 2006.



Scott Beckstead, Mayor

ATTEST:



Reda A. Quinlan, City Clerk



City of Waldport

P.O. Box 1120
Waldport, Oregon 97394
Phone: (541) 264-7417 Fax: (541) 264-7418
TTY: (800)735-2900

COPY

June 30, 2016

Lincoln County Board of Commissioners
225 W. Olive, Rm. 110
Newport, OR 97394

Re: Emergency Preparedness Matching Grant Program

Dear Board of Commissioners,

The City of Waldport applied for the FY 2015/16 Emergency Preparedness Matching Grant Program in the amount of \$2500 with a commitment of commensurate matching funds, and submitted a certification outlining the estimated purchases to be made. This letter is intended to update the Board and Lincoln County Emergency Services regarding the actual purchases made.

The certification outlined the purchase of food and supplies to supplement or replace existing emergency supplies, as well as ham radios to be used for communication in the event of an emergency. The City has utilized the monies as follows:

<u>Item</u>	<u>Quantity</u>	<u>Cost</u>
Supplies for EOC (located at 4028 Ann St.) Including maps, dry erase board, video monitor, office supplies	Various	\$1,021
Ham radios and Supplies Including mobile base station, 9 handhelds, antennas, etc.	Various	\$1,202
Food & Drinking Water Supplies Emergency food bars, water sanitizing straws, ready-made emergency kits	Various	\$2,811
	Total outlay:	\$5,034

The City of Waldport is an equal opportunity provider and employer

These supplies are anticipated to be stored at the City's pump station facility on the corner of Crestline Drive and Range Drive, and at the EOC located at 4028 Ann St.

The City extends its appreciation to Lincoln County for the ongoing opportunity to ensure the health and safety of our community in the event of a disaster, and pledge our commitment to continue seeking additional resources to assist in this important project.

Sincerely,



Kerry Kemp
City Manager, Waldport

MEMORANDUM OF UNDERSTANDING

between

Waldport

and

**Oregon Department of Land Conservation and
Development**

This Memorandum of Understanding is by and between the Oregon Department of Land Conservation and Development ("DLCD") and Waldport.

This MOU is designed to assist in facilitating increased resilience to a Cascadia Subduction Zone tsunami along the Oregon coast within specific partner jurisdictions and communities. The work within these partner jurisdictions is made possible through a NOAA Project of Special Merit grant provided for this purpose.

The overall effort will serve to increase resilience to a Cascadia Subduction Zone tsunami by assisting a number of jurisdictions, including the one identified within this MOU, in the development of land use resilience measures and strategies focused on tsunami risk, and the implementation of these measures through local comprehensive plans and development codes. To assist in accomplishing this work, the OCMP, through its partner agency, Department of Geology and Mineral Industries (DOGAMI), will also develop and utilize new comprehensive time/distance (Beat the Wave) tsunami evacuation planning maps/analysis within partner jurisdictions, where applicable.

This effort will foster cooperation between Waldport and DLCD. The parties feel that the cooperation, collaboration, and collective effort will provide the opportunity, energy, and resources necessary to increase resilience to a potentially devastating local tsunami event. This MOU is intended to summarize the agreed upon principal terms and concepts. No financial obligations between Waldport and DLCD are assumed under the MOU. Any future financial obligations, if applicable, will be addressed under a separate grant agreement.

BACKGROUND

The principal goal of this project is to increase community resilience to a tsunami that will strike the Pacific Northwest (PNW) coast of Oregon within minutes following a Cascadia Subduction Zone (CSZ) earthquake. Our collective goal will be achieved through the completion of specific objectives outlined below.

There are two central objectives that collectively we would like to achieve in this effort. Together, Objective 1 and Objective 2 will result in effective, integrated resilience planning, enabling the following to be addressed:

- Establish and implement improved land use measures and strategies to address tsunami and other coastal hazards;
- Establish requirements for the evaluation of current development proposals in relation to tsunami evacuation risk;
- Assess the need for identifying and prioritizing evacuation infrastructure improvements;
- Assess the need for imposing additional land use limitations in highest risk areas;
- Assess and if needed, prioritize long-term relocation strategies and related infrastructure investments in high risk areas; and,
- Assess options for the siting and/or relocation of essential facilities.

Objective 1: To increase both short and long-term community resilience we will collaborate on local land use resilience work, including developing and implementing improved land use measures and strategies to address tsunami. DLCD will assist local governments in the development, drafting and adoption of comprehensive plan and development code provisions utilizing the OCMP tsunami land use planning guide (<http://www.oregon.gov/LCD/OCMP/docs/Publications/TsunamiGuide20150407.pdf>). This guidance document provides an important and comprehensive suite of approaches to assist local governments in establishing land use based resilience measures. The guide includes chapters on comprehensive plan provisions, development code provisions and requirements, financing and incentive concepts, tsunami evacuation facilities improvement planning, and long range community land use planning (relocation) that will be a foundation for the work proposed. The desired end result will be locally implemented land use strategies, policies, and regulatory standards that will be tailored to the City of Waldport to reduce vulnerability and increase community resilience.

Objective 2: To increase short-term and long-term community resilience by developing comprehensive new tsunami evacuation time/distance (Beat the Wave) modeling/mapping

and associated data products. This objective represents the development of essential information resources necessary not only to assist communities in their overall tsunami preparation but also to potentially assist in developing comprehensive land use resilience strategies.

Outcomes: The outcomes from this planning work will be locally implemented land use strategies, policies and regulatory standards based on sound scientific information that will significantly reduce risk and enhance community resilience.

Individual Parties

- Waldport
- DLCD, through its Oregon Coastal Management Program (OCMP)

AGREEMENT

Accordingly, DLCD and Waldport have reached agreement on the following areas of cooperation.

1. Term. This MOU shall commence on the date of final signature and shall remain in effect either until the conclusion of this Waldport project, or the conclusion of the 2016 PSM grant, inclusive of extensions, whichever comes first.

2. Responsibilities. The parties agree to perform the following tasks.

Task 1: Develop comprehensive time and distance tsunami modeling, maps and related products which will be integrated into Task 2 final products.

Timeframe: 6 months +/-

Description of Activities:

- 1.1 Waldport and DLCD coordination with DOGAMI on schedule, process, and products;
- 1.2 DOGAMI performs modeling and mapping analyses;
- 1.3 DLCD and Waldport participate, provide input, and assist where needed.

Task 2: Initiate, develop and adopt key land use resilience work with Oregon coastal communities.

Timeframe: 12 months +/-, can in part run concurrently with Task 1 and overall project should be completed within the timeframe of the FY2016 PSM.

Description of Activities:

- 2.1. Waldport develops local project management teams (PMTs) and project advisory committees (PACs) as needed for task 2;
- 2.2. Waldport, with assistance from DLCDC will develop the schedule for tsunami land use resilience implementation within the local planning program;
- 2.3. DLCDC with input from Waldport will develop draft implementing land use resilience components designed to be integrated into their comprehensive plans and implementing ordinances. DLCDC will utilize the OCMP tsunami land use guidance in developing these draft products. Waldport, with assistance from DLCDC will utilize Task 2 time and distance modeling and mapping products in land use policy and strategy development, where applicable;
- 2.4. DLCDC when possible will participate in local PMTs, PACs, public open houses and other associated meeting and events throughout;
- 2.6. DLCDC will assist Waldport in moving through local land use adoption processes as feasible and requested.

Anticipated Final Products:

- Adopted local tsunami resilience comprehensive plan (text and policies) and implementing code provisions based on the DLCDC tsunami land use guidance, and DOGAMI time and distance mapping/modeling for Waldport.

Tentative Completion: Within approximately 12 months of commencement of the project.

2. Funding Arrangements.

- This MOU defines in general terms the basis on which the parties will cooperate, and as such, does not constitute a financial obligation to serve as the basis for expenditures. Any activities involving reimbursement or transfer of funds between the parties to the MOU will be handled in accordance with applicable laws, regulations, and procedures. Such activities, if they arise, will be governed in a separate written instrument;
- Each party shall have sole discretion to determine the extent of its financial and resource commitment to this effort;
- This Agreement does not restrict the parties from participating in similar

activities or arrangements with other public or private agencies, organizations, or individuals.

- 3. Coordination:** To coordinate this tsunami resilience effort and all endeavors that may arise from it, DLCD designates the Coastal Shores Specialist, and Waldport designates *[city designee and title]*; or their designees, successors, or assigns. Either party may re-designate its coordinator at any time, effective upon written notice to the other party.
- 4. Operations.**
 - DLCD and jurisdiction staff will hold conference calls, exchange emails and other written communication, and will meet in person as frequently as necessary to accomplish the goals of this resilience project;
 - The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purposes of the project.
- 5. Risk Sharing.** Each party is liable for its own actions and the actions of their officers, directors, employees, independent contractors and agents.
- 6. Representations and Warranties.** Each party represents and warrants that it has the power, as appropriate, to enter into this MOU and perform the activities contemplated under this MOU.
- 7. Entire Agreement; Amendment and Waivers.** This MOU contains the entire agreement between the parties concerning this project. No amendment, consent, or waiver of terms of this MOU shall bind either party unless in writing and signed by both parties. Any such amendment, consent, or waiver shall be effective only in the specific instance and for the specified purpose given. This MOU may be amended in writing and signed by all parties. The failure of any party to insist on strict performance of an obligation under this MOU shall not be a waiver of such party's right to demand strict compliance of any obligation in the future.
- 8. Disassociation and Dissolution.**
 - Any party may disassociate itself from this MOU without penalty or liability by notifying the other party in writing. This written notice must be sent at least sixty (60) days prior to the disassociation. However, disassociation does not

release any obligations, penalty, or liability of any grant or contract, if any, associated with the overall resilience project;

- In addition, upon disassociation of any party, the disassociating party and the other party, together, must decide whether enough capacity remains to complete the work of this resilience project. If it is decided that the project should be discontinued, the parties will continue to cooperate to produce an evaluation report describing what lessons were learned, including interpretation and reflection on process and results gained up to the point of project discontinuation, and recommendations for future efforts regarding resilience to a Cascadia Subduction Zone tsunami.

Authorization

We, the undersigned, acknowledge having read and understood this MOU and agree to be bound by its terms and conditions.

Oregon Department of Land Conservation and Development

Signature

Date

Printed Name

Title, Organization

City of Waldport

Signature

Date

Printed name

Title, Organization

Public Works Department

Report for the month of May/June 2016

Water Treatment Plant

Plant Production:	<u>5.59/8.02</u>	MG
Rainfall:	<u>1.1/2.1</u>	inches

Wastewater Treatment Facility

Effluent Flow:	<u>4.2/3.7</u>	MG
Rainfall:	<u>1.1/2</u>	Inches

Public Works Dept.

Alarm call outs:	<u>2/2</u>
Locates:	<u>6/9</u>
Sewer plugs:	<u>0/0</u>
Water service installations:	<u>2/0</u>
Sewer connections:	<u>1/0</u>
Water Leaks:	<u>2/1</u>

Department General Overview

The City of Waldport Public Works Departments has been working hard as usual the last two months. We spent May & June working on a diverse project list that ensures clean water, maintained equipment, and up kept streets.

Public works has been mowing, painting, cleaning, and fixing problems. We just finished up with our part of the beach Combers weekend. We also completed a couple much needed schools to include competent person and confined space entry.

The plant operators are doing an exceptional job operating and maintaining the city's water treatment facilities. Both plants are continuing to do a great job processing great standards in water quality. The DEQ is currently writing a new NPDES permit for the wastewater plant.

Administratively, Mike and I have been working very hard planning our future and direction as a successfully operating department. Other projects that we are working on include the first phase of the Water Plant study, continuing to update our operational Beehive mapping software, evaluating some of our deficiency's in our infrastructure, and working on our emergency operations center.

Waldport Public Library
Monthly Circulation FY 2015-16

Patron Category	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	TOTAL
LCLD-Adult	2,738	2,663	2,501	2,567	2,229	2,877	2912	2,861	3,113	2,650	2,504	3,015	32,630
LCLD-Youth	158	131	87	126	98	71	106	52	70	88	43	143	1,173
Waldport Adult	1,995	2,308	2,279	2,173	1,892	1,998	2182	2,043	1,950	1,825	1,743	1,892	24,280
Waldport Youth	190	246	103	95	153	113	66	39	50	55	106	134	1,350
CITIES (Adult & Juv)	41	61	45	45	38	49	53	43	35	32	40	67	549
Temporary 1 yr	26	55	64	68	115	94	63	59	60	45	55	61	765
Temporary	79	87	24	38	1	2	16	19	90	30	32	65	483
OCCC	0	0	4	5	3	17	15	5	1	7	4	9	29
Oregon Passport	101	113	45	47	92	92	82	62	51	52	72	58	867
Interlibrary loan out	<u>63</u>	<u>60</u>	<u>50</u>	<u>67</u>	<u>45</u>	<u>55</u>	<u>72</u>	<u>60</u>	<u>69</u>	<u>76</u>	<u>62</u>	<u>63</u>	<u>742</u>
Chinook Circ	5,391	5,724	5,202	5,231	4,666	5,368	5,567	5,243	5,489	4,860	4,661	5,507	62,909
% circ in public lib	45%	49%	47.60%	45.60%	46.60%	49.20%	46.78%	47.90%	58.70%	48%	49.19%	50.05%	48.64%
Non-cataloged	814	745	814	572	607	539	712	628	645	732	570	691	8,069
Library2Go *	<u>174</u>	<u>144</u>	<u>145</u>	<u>145</u>	<u>183</u>	<u>190</u>	<u>208</u>	<u>155</u>	<u>199</u>	<u>163</u>	<u>154</u>	<u>165</u>	<u>2,025</u>
	988	889	959	717	790	729	920	783	844	895	724	856	10,094
GRAND TOTAL	6,379	6,613	6,016	5,948	5,456	6,097	6,487	6,026	6,333	5,755	5,385	6,363	72,858
<i>Last Year</i>	6,718	6,675	5,495	6,139	5,606	5,909	5,783	5,410	6,078	5,647	5,434	5,930	70,824
Interlibrary loan In	39	57	68	62	51	50	103	36	53	72	60	56	707
Computers	1,348	1,202	1,189	1,271	939	943	950	958	1,284	1,045	917	1,111	13,157
WiFi	295	301	252	272	248	260	248	324	262	228	229	306	1,368
Patrons added	29	41	33	40	20	33	29	26	31	35	34	47	398
Program attendance	651	396	159	277	105	412	164	173	144	372	184	1,019	4,056

**Waldport Public Library
Board of Trustees
Minutes of Regular Meeting May 10, 2016**

Members Present:

Shirley Hanes, Chairman
Jan Hansen, Vice Chairman
Brian Fodness
Gary Hodges
Barbara Smith-Huggins

Others Present:

Jill Tierce, Director

Call to Order: Shirley Hanes called the meeting to order at 9:30 am.

Minutes: The minutes for the regular meeting April 12, 2016 were approved with one punctuation correction.

Financial Report: Revenues for April totaled \$15,975. Library expenses totaled \$15,880 for the month. The account is at 98% of budgeted resources and at 62% of budgeted expenditures for the year. Programming expenditures included payment for the Summer Reading Program T-shirts.

Committee Reports: The Awards Event for the Young Writers Competition was well attended and much appreciated by the students and their parents. The Friends provided cash awards for seven winners, totaling \$650. Some volunteers are working with Ms. Tierce to organize the sorting and moving of books to the Public Works Shop in preparation of a sale. Mr. Fodness has been a big help moving these boxes. The intent is to sort at the library and not move items that are destined for the recycle bin.

Director's Report: Circulation for April totaled 5,755. This is just a slight 2% increase over April last year. Thirty-five new patrons were registered. Computer sessions totaled 1,045 and 228 wifi sessions were tallied.

Mr. John Evans, Surefire Enterprises, has acquired estimates for the "pinnable, acoustic" wall installation. The material has been chosen and Ms. Tierce expects to be able to approve the proposal after confirmation from the Friends at the meeting on Thursday.

It is estimated 372 persons attended library programs during April. In addition to the regularly scheduled Family Fun Night and Story Times, the Library hosted special events in-house and at the elementary school. Sharon McCrum took the 100th birthday celebration for Beverly Cleary to the elementary school classes and to the STEM Night at the school. Like the students and parents of Crestview, the Board was encouraged to sign a large card that was forwarded to Ms. Cleary. A small group of teens participated in the Teen Comic Day.

Diedre Conkling has established the annual costs for each library for FY2016-17, including the costs of the database subscriptions. Because Waldport will not subscribe to the Zinio magazines, it will save \$833 annually and an additional \$800 next year as a refund on our Ebrary payments this year. We will be subscribing to Library2Go, Heritage Quest, Chilton's Auto repair guides and Manga languages. Our fees to LCLD will be \$4,814 for 2016-17. See attachment.

**Waldport Public Library, Board of Trustees
Regular Meeting May 10, 2016**

Ms. Tierce is scheduled to do an interview with Charrie Slater for KYOR Radio on May 12. The interview is to run on the following weekend.

Old Business: Bucy Memorial Brian Fodness has found an engraver and will forward the plate for completion. Ms. Tierce received no proposals for building the dictionary stand. She did have a sample of what can be ordered from library stores. Mr. Hodges will try to contact Mr. Turner to see if he will be able to take on the project.

Budget 2016-17 The City Budget Committee met April 26. The budget was approved without any changes.

Job Descriptions Job descriptions for Senior Librarian, Library Clerk and Library Assistant have been written and are being reviewed. The director position description will also be reworked. Ms. Tierce hopes the Senior Librarian, Pam Fodness, will begin full time in August.

New Business: Video Collection Guidelines The Board discussed the merits of the two sample policies. Ms. Barbara Fischer also forwarded suggestions. The suggested changes will be brought to the Board for the June meeting.

Board members concerns:

Actions or recommendations to the City Council:

Public Comment:

Announcements:

Family Fun Night at the library, May 19, 5:30 p.m.

Baby Story Times; Wednesdays 2 p.m.

Pre-schoolers Story Time; Thursday 2 p.m.

Next Regular Meeting: Tuesday, June 14th, at 9:30 a.m.

Adjournment: The meeting adjourned at 11:00 a.m.

Minutes approved as here corrected in regular meeting on June 14, 2016.

**City of Waldport
2016 LAND USE / BUILDING PERMIT ACTIVITY**

Date	Application/ Activity	Applicant	Zoning	Tax Map/Lot Location	Description	Status
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For the Period June 1, 2016 through June 30, 2016

6/9/16	Building Permit	Ocean Quest Homes	P-F (PD)	13-11-30CA/6500 – 580 Green Dr Fairway Villas PD Phase 1	New single family dwelling	Approved 6/13/16 per #2-PD-PC-16 conditions
6/10/16	Building Permit	Jerry Phillips	R-1	13-11-19CD/2600 739 Highland Dr Asea Highlands	Addition to single family dwelling	Approved 6/13/16
6/16/16	Building Permit	Antoinette Sutto	R-3	13-11-18DD/3700 225 Spencer St	Remove/replace attached garage	Approved 6/17/16
6/16/16	Manufactured Home Placement Permit	Jayne Kirtchem	R-2	13-11-30BA/10100 1225 Wedge Ct Land & Sea Subdiv.	New manufactured home	Approved 6/17/16
6/16/16	Building Permit	Jayne Kirtchem	R-2	13-11-30BA/10100 1225 Wedge Ct Land & Sea Subdiv.	New attached garage	Approved 6/17/16