



# CITY OF BROWNSVILLE

## Council Meeting

Tuesday – March 28<sup>th</sup>, 2017

**Regular Session      7:00 p.m.**

### Table of Contents

1	Agenda
4	<i>Minutes: February 28<sup>th</sup>, 2017</i>
10	Administrator
21	Public Works
23	Planning
24	Sheriff
30	Court
31	Library
33	<i>Resolution 2017.07: Worker's Compensation Declaration</i>
36	<i>Ordinance 766: Public Safety (Second Reading)</i>
39	<i>Ordinance 767: Public Parking (First Reading)</i>
42	Picnic Association Road Closure Letter
43	Picnic Association News
44	Kim Clayton – Budget Committee Appointee
45	Council Goals & Information
51	Policy Considerations & Tabled Items
52	Ash Street Letter
54	TMDL Report Follow-Up
59	Cole R.I. Letter
60	Drug Take Back Program
62	Legal Rate Increase
64	OGEC Reminder
65	LOC Tax Articles
70	January Financials

## 2017

Sun	Mon	Tue	April Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Phases of the Moon: 3:☉ 11:☾ 19:☉ 26:☾

Holidays and Observances: 13: Thomas Jefferson's Birthday, 16: Easter Sunday

May 2017						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	Notes:		

## June 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	



## **CITY OF BROWNSVILLE**

### **Council Meeting**

City Hall – Council Chambers  
Tuesday, March 28<sup>th</sup>, 2017

#### **AGENDA**

##### **Regular Session**

**7:00 p.m.**

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) MINUTES: February 28<sup>th</sup>, 2017
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
  - A. Brownsville Art Association Sponsorship Request
  - B. Public Works Standards & Lot Infill
  - C. City Website Review
- 7) DEPARTMENT REPORTS:
  - A. Sheriff
  - B. Public Works
  - C. Administration
  - D. Library
  - E. Court
  - F. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)

This Agenda is a list of the subjects anticipated to be considered at the meeting, but the Council may consider additional subjects as well. The location of the meeting is accessible to physically challenged individuals. Should special accommodations be needed, please notify City Administrator S. Scott McDowell at (541) 466-5880 in advance. Thank You.



- ✦ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.

#### 9) LEGISLATIVE:

- A. **Resolution 2017.07:** Worker's Compensation Declaration
- B. **Ordinance 766:** Public Safety (*Second Reading*)
- C. **Ordinance 767:** Public Parking (*First Reading*)

#### 10) ACTION ITEMS:

- A. Linn County Pioneer Picnic Road Closure Requests
- B. Appoint Budget Committee Member
- C. Summer Portable Restrooms

#### 11) DISCUSSION ITEMS:

- A. Linn County Sheriff's Office Contract
- B. Goals Review
- C. Council Tabled Items Review
- D. February Financials

#### 12) CITIZEN QUESTIONS & COMMENTS

- ✦ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.

#### 13) COUNCIL QUESTIONS & COMMENTS

- A. Training Discussion (*Public Finance & the Tax Divide*)

#### 14) EXECUTIVE SESSION

- Council will be reviewing the performance of the City Administrator.
- Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (i) to review and evaluate the employment-related

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performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

- Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session.
- A final decision may be made after this Session.

## 15) ADJOURN

This Agenda is a list of the subjects anticipated to be considered at the meeting, but the Council may consider additional subjects as well. The location of the meeting is accessible to physically challenged individuals. Should special accommodations be needed, please notify City Administrator S. Scott McDowell at (541) 466-5880 in advance. Thank You.



## Council Minutes

February 28<sup>th</sup>, 2017

**ROLL CALL:** Mayor Don Ware called the meeting to order at 7:00 p.m. with Councilors Neddeau, Gerber, Cole, Block, and Chambers present. Councilor Shepherd was unable to attend. Administrative Assistant Tammi Morrow, Public Works Superintendent Karl Frink and City Administrator Scott McDowell were also present.

**PUBLIC:** Kaye Fox, Kim Clayton, Amanda Wright, Pat Dymock, Blaine Cheney, Deputy Greg Newman (*LCSSO*), Elizabeth Coleman, Jannea Deaver, Jordan Parrish (*The Times*), John Morrison, George Frasier, Nan Van Sandt, Scott Gagner & Josh Metcalf (*Sweet Home Sanitation*) and Alex Paul (*Democrat-Herald*).

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** McDowell would like to add R 2017.06 (*Restoring Recreational Immunity Rights*) to the agenda, and also table O 766 & 767 until March.

**MINUTES:** Councilor Cole made a motion to approve the January 24<sup>th</sup>, 2017 meeting minutes as presented. Councilor Chambers seconded the motion, and it passed unanimously.

### **PUBLIC HEARINGS OR PRESENTATIONS:**

1. **Amanda Wright Recognition.** Mayor Don Ware read and presented a proclamation for Amanda Wright detailing her heroic efforts in saving Kevin and Suzi Archer from their burning house on Kirk Avenue on January 9<sup>th</sup>, 2017.
2. **Nan Van Sandt Farewell.** Mrs. Van Sandt expressed her enjoyment of working with Council over the past several years. She feels that Council has worked together for the best for the citizens of our community, making it a safe and desirable place to live. Van Sandt stated that she would continue to be involved in the community in small ways.
3. **Sweet Home Sanitation – Josh Metcalf & Scott Gagner.** Josh Metcalf introduced Scott Gagner as the new lead position in Sweet Home. Metcalf reported that they are accident free in all service areas, which is quite an accomplishment as sanitation is the 5<sup>th</sup> most hazardous industry in the country. Last October Sweet Home Sanitation partnered with Brownsville for cleanup day and they collected over 45 tons of material. The next weekend they hosted their 3<sup>rd</sup> annual Household Hazardous Waste cleanup day and they collected several hundred gallons of paint, chemicals, fluorescent tubes, etc., that were then disposed of properly. Metcalf also thanked Mrs. Morrow for facilitating a new Sweet Home Sanitation \$1,000 scholarship that was awarded to a Central Linn High School senior. This year they are proposing a 2.1% rate increase; which equates to about 55¢ per month. Councilor Gerber a motion to approve the 2017.05 Solid Waste Rates as presented. Councilor Cole seconded the motion, and it passed unanimously. Councilor Cole commented that when the City stays on a schedule, and increase incrementally, it is beneficial to the citizenry.



## Council Minutes

4. **Central Linn Recreation Association (CLRA) – George Frasier.** George Frasier was present for the annual update on the CLRA activities. He is serving as the current CLRA president and is also a Board member of the Central Linn School District. He thanked Council for the support over the last two years, and Staff for help with the forms, and being an intake location for various sports programs throughout the year. CLRA has hired Hendrickson Cleaning for once a week cleaning activities. They are basically a physically challenged group overseen by a supervisor. Another goal is to be able to help in the park in the spring and summer months with mowing and liming the sports fields. CLRA is now a partner with the United Way of Linn County for sports scholarships. CLRA is currently experiencing an influx of new members. With this influx comes a changing of the guard; George will be stepping down after 27 years of involvement, most recently as president, and Blaine Cheney will take over as president at the end of the year. Mr. Cheney has been working on putting together a website that folks can use to register and pay on-line. Next year the CLRA will celebrate its 50<sup>th</sup> year of incorporation! That is quite an accomplishment for a small town to sustain. The contract between the City and the CLRA ended on January 31<sup>st</sup>, 2017. The City and CLRA have agreed to proceed with another three year agreement with the only changes highlighting recreational immunity in paragraph 8 of the agreement document. *Councilor Cole made a motion to approve the CLRA contract as presented. Councilor Chambers seconded the motion, and it passed unanimously.*

### DEPARTMENT REPORTS:

1. **Sheriff's Report.** LCSO Deputy Newman reported that they have fulfilled 231 hours for the City with an additional 35 hours using undercover vehicles and staff in relation to the recent burglaries. The primary burglary suspect is in Linn County jail. Totals for the month include 60 incidents investigations and 11 arrests. They issued 6 citations and 9 warnings. Newman did report that the citation count is up to 15 for this current month. McDowell stated that there have been conversations about parking, but that ordinance is still in the process of creation; City Attorney Lauren Sommers is reviewing the document. He hopes to bring it to Council next month. Deputy Newman stated that he was asked to investigate an illegal living arrangement on Averill. Newman has determined that if this offender was charged, it would be difficult to stand up in court due to lack of proof. He said that there are some real holes in the Brownsville Municipal Code, and LCSO needs help with the enforcement process through better Code language. He said that Albany has some language that might be helpful. He also stated that the offenders are aware of the holes in the Code and are manipulating the law in their favor. Councilor Cole thanked Deputy Newman for his insight and for his help with developing our ordinances for better implementation. The vagrancy ordinances are very important and imperative to maintain the City how we would prefer to see it.
2. **Public Works.** Public Works Superintendent Karl Frink reported that the City is currently discharging from both lagoons due to the recent heavy rains. He continues to work on details for the NPDS permit. Frink said that they have had a lot of complaints about Loucks Way lately. That is a State owned right-of-way. The State did come out recently and grade and replace gravel in that area. Public Works has replaced all the damaged and vandalized trees on Main Street. The gateway lamp post that was damaged just had anchors installed and we are now waiting for Norm's Electric to finish the project. The crew has been working in Pioneer Park for the leaf cleanup. They are about 2/3 of the way finished. The cemetery road washed out due to recent heavy rains. They have hauled 5 loads of rock up there to address the damage. Frink is currently working on the replacement of the Library



## Council Minutes

roof. The bid process is open until 3/10/17, with only one bid received thus far. PW will begin working on the park road change soon, as weather allows. Frink stated that we lost about 1.5 foot of ground this winter, and about 3 feet of the bank of the river. Councilor Block inquired on the status of the downtown water fountain. Frink shared that someone had illegally added a garden hose last year to the fountain. The addition caused operational problems. Frink reported that he hoped to have the fountain up and running again by April.

3. **Administrator's Report.** Mr. McDowell reported that he and Administrative Assistant Jannea Deaver attended the CIS conference. He said the conference went well with many hot button issues surrounding financial assets, TMDL, and recreational immunity. Other hot button topics for the City include impending park building repairs in light of a looming water treatment plant update. In relation to recreational immunity, our civic groups are in peril because we are going to see insurance rates begin to rise to cover the increased exposure. McDowell is asking for all members of Council to consider sending a letter to the judiciary committee regarding legislation that would restore recreational immunity. We are recommending Senate Bill 327 and House Bill 2438 be sent through Senate Committee without changes. McDowell encourages Council to get personal with the letters. He will e-mail out contact information for the letter writing campaign along with background information and points to mention. Recreational immunity plays a vital on how cities, counties and the State are able to operate.

McDowell shared technology concerns. He will be a featured speaker at Salishan Resort on March 6<sup>th</sup>, 2017 addressing the recent ransomware attack the City experienced. McDowell predicts that the clock is ticking on this issue and soon the City will need to contract for computer and internet security protection. Internet and computer security costs could climb to as high as \$10,000 - \$12,000 per year. Water and waste water systems are largely computerized and some have recently been targeted nationally. One city has had to issue boil orders due to disruption of their system. The new reality is one of hyper security of public assets and the City will need to start planning accordingly.

McDowell reported that there is another LCSO meeting coming up soon. He compared the City's current law enforcement coverage to shopping for a high-end bikini, you end with something that is overpriced and doesn't have a lot of coverage! Ware and McDowell felt that the talks with the LCSO had progressed nicely. Hopefully, a joint contract and better communication with the Sheriff will help solve the City's concerns.

Go Team update – no news lately, some members are dealing with health concerns among other obstacles.

McDowell reported that the telecommunications franchise agreement will be negotiated in September. The negotiations will more than likely start in June or July. Councilor Cole stated that she had heard from several citizens lately that are very upset with the current internet service. Alyrica, an internet service provider based in Philomath, has expressed interest in coming to town. Alyrica would provide a fiber optic system which is the best option for speed.

The Oregon Government Ethics Commission (OGEC) paperwork is due soon. Again this year, everything will be completed on-line. Contact Mr. McDowell or Mrs. Morrow, if you need assistance with the process. Please let us know when you have completed the report.

McDowell reported that the EPC committee is going well. The members have done a lot of work on goals and timelines. They have attended a few regional meetings and will also showcase EPC at the Brownsville Fire District annual open house on March 11<sup>th</sup>, 2017.





## Council Minutes

Staff is still evaluating general ledger and utility billing software. We have met with folks on two separate occasions. There are some roadblocks; we are sorting through information now. A possible conversion could start in May with an official live date of July 1<sup>st</sup>.

Bids are coming in for the Library roof project. McDowell would like Council approval to proceed when the bidding process is complete. Council agreed by consensus that Mr. McDowell and Mayor Don Ware are authorized to execute this contract in accordance with the Brownsville Municipal Code.

McDowell reminded Council of the upcoming Goal Sessions and training meeting on March 11<sup>th</sup>, 2107 from 8:00 a.m. – 12:00 p.m. An e-mail will be forthcoming about this event.

4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** Councilor Block reported that on January 25<sup>th</sup>, 2017, he attended the League of Oregon Cities “Essentials Training” seminar in Lebanon. He reported that it was a good training session, very informative. He said the basics were, as a Councilor, watch what we do and say, and as a City, try to be proactive instead of reactive. Councilor Block asked Chamber President John Morrison if he would help with the situation of business owners parking in from of their own businesses downtown. Block and Morrison will meet after the meeting and discuss the situation.
7. **Citizen Comments.** Kaye Fox stated that her Century Link bill has gone up considerably. She would like to encourage folks to contact Alyrica and encourage them to come to town so that there are different options for the City.

### **LEGISLATIVE:**

1. **Ordinance 765 – Utility Billing Additions (Second Reading)**  
*Councilor Cole moved to read by title only. Councilor Gerber seconded the motion, and the motion passed unanimously. Mayor Don Ware read ordinance by title only.*  
  
*A motion was made by Councilor Cole, seconded by Councilor Gerber to pass Ordinance 765. The motion passed unanimously.*
2. **Resolution 2017.06– Recreational Immunity.**  
*Councilor Gerber moved to adopt R 2017.06. Councilor Cole seconded the motion, and the motion passed unanimously.*

### **ACTION ITEMS:**

1. **Appoint Planning Commission Member.** Mr. McDowell reported that the only application filed for this position was received from Mike McDaniel. Mr. McDaniel also serves on the budget committee for the City. *Councilor Gerber made a motion to appoint Mr. McDaniel to serve on the Planning Commission. Councilor Chambers seconded the motion, and the motion passed unanimously.*



## Council Minutes

2. **Pay.gov Contract.** Mr. McDowell reported that pay.gov is an outfit based out of Indiana. They are a debit and credit card processing entity. They will provide the City with card readers and computer compatibility items that will enable Staff to accept credit cards. The customer is charged a 3% processing fee. They will also take sole responsibility for all transactions, which others have been unwilling to do. Staff feels that this service will help all users especially those who need additional time to pay their utility bill. *Councilor Gerber authorized Mr. McDowell and Mayor Don Ware to execute the contract with pay.gov. Councilor Neddeau seconded the motion, and it was approved unanimously.*

### DISCUSSION ITEMS:

1. **Central Linn School Board and Blakely Avenue.** McDowell, Coleman, and Morrow recently attended a CLSD work session regarding the school property on Blakely Avenue. The CLSD recently received a letter from Samaritan Health informing them that they are not interested in purchasing the property at this time. They suggested removing the gymnasium. Even though it was a work session, Mr. McDowell was asked to speak by Superintendent Gardner about what the CLSD could expect from the City. McDowell informed the Board that the City has several concerns about the partnership for the gymnasium and Council's questions had never been addressed. McDowell indicated that Council would like informational meetings to take place prior to the Planning Commission hearings. Administrative Assistant Elizabeth Coleman reported that Jim Moorefield of Willamette Neighborhood Housing Services indicated that if they were chosen, those meeting would occur. Council's concern is that the Planning Commission, Staff and Council not "thrown under the bus" during the process. The City has heard a lot of complaints from neighboring property owners and other citizens.

The CLSD can expect that the Planning Commission will diligently go through the zoning processes. As long as the property is zoned like the surrounding area, there should be no problems with the State of Oregon. The City does not have the funding to maintain another gymnasium that is basically used for a few months for sports activities of the City's partner, the CLRA. McDowell also indicated that the City is not interested in owning the small "eyelash" portion where the community gardens are currently located due primarily to recreational immunity issues. Councilor Cole asked if the Calapooia Food Alliance (CFA) had any reaction to the property being sold? McDowell responded by saying that the CFA has historically known that the agreement was really always a year-to-year agreement. McDowell will be meeting with CFA officials soon to explain the situation from the City's perspective. McDowell did meet with CFA leadership this past Summer when the three year agreement with CLSD and the City was renegotiated. McDowell stated that Council may be interested in providing water if the CFA has to move their operation.

2. **Solar Eclipse.** Mr. McDowell and Mrs. Deaver attended a meeting regarding the upcoming solar eclipse on Monday, August 21<sup>st</sup>, 2017. Predictions indicate that over 1 million people will visit Oregon to watch the eclipse. Local area hotels are already at 90% capacity. Another factor to be considered is that the Willamette Country Music Festival wraps up on that Sunday, and traffic will be extra heavy in



## Council Minutes

our area as folks depart the venue. The biggest concern heard at the meeting is traffic grid lock and emergency vehicles being unable to respond to incidents. Reader boards will be used by ODOT up and down the I-5 corridor. Portable toilets are already being shipped in from Montana, Washington and Idaho. What is the City's role? Not much. The Women's Study Club is planning a small event because Brownsville will be a perfect place to watch this solar event!

3. **January Financials.** No comments.

**CITIZENS COMMENTS** – No comments.

**COUNCIL COMMENTS** – No comments.

**ADJOURNMENT:** *Councilor Cole moved to adjourn the Council meeting at 8:14 p.m. Councilor Gerber seconded the motion, and it passed unanimously.*

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City Administrator S. Scott McDowell

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Mayor Don Ware



# City Administrator Report

March 28<sup>th</sup>, 2017

**From:** S. Scott McDowell  
**To:** Mayor & Council  
**Re:** General Business

## One liner of the month

☺ The four most beautiful words in our common language – I told you so! ☺

**Note:** The first section of this report is important because it provides information and a brief overview of the topics to be discussed the night of Council. If an item title is **highlighted in green**, that indicates the item is part of Council Goals which are on the Council room wall or in the budget. When you see this symbol ☒, it means I will provide more information at the meeting.

"If you fall, I will catch you."  
 ~ Floor

"Don't let the noise of others' opinions drown out your own inner voice."  
 ~ Steve Jobs

"Either life entails courage, or it ceases to be life."  
 ~ E.M. Forster, Cartoonist



## **AGENDA ITEMS DISCUSSION – The following items follow the order of the Agenda**

### 6) PUBLIC HEARINGS OR PRESENTATIONS:

- A. Brownsville Art Association Sponsorship Request** – Councilor Mandy Cole requested this agenda item. Councilor Cole also serves as a member of the Brownsville Art Association. The Association is asking for a fiscal partnership to apply for two grants. Below is the message from Ms. Cole:



*From Mandy Cole:* Scott, The BAA is applying for 2 grants in March and will need Council sponsorship for both. Would you please put this on the agenda for our next Council meeting. The grants will be: 1) requesting \$500 from the Linn County Cultural Coalition children's art classes support: scholarships and materials and, 2) requesting \$750 from the Central Linn Community Foundation for exterior signs for the Art Center.

- B. Public Works Standards & Lot Infill** – Staff would like to share with Council some of the private development cost concerns the City is facing as it relates to land use and infill. After the presentation, Staff will be looking for direction from Council. The problem is that high development costs prevent the City from infilling available lots. If the City is unable to infill those lots, the State Department of Land Conservation & Development (DLCD) will not allow the City to add residential land for future development.





# City Administrator Report

- C. **City Website Review** – Every two years or so I review the website functionality and information with Council.

## 9) LEGISLATIVE:

- A. **Resolution 2017.07: Worker's Compensation Declaration** – Annually, Council passes this resolution to extend coverage to all volunteers working on behalf of the City.

**What is Council being asked to do?**

Pass this annual resolution.



- B. **Ordinance 766: Public Safety (Second Reading)** – City Attorney Lauren Sommers has made changes to the ordinance based on her review and understanding of Oregon case law.

**From 02.28.2017:** Mayor Ware asked for some language to be added. The ordinance has been modified to read as requested.

**From 01.24.17:** Councilor Chambers and Councilor Neddeau met with Staff to discuss possible additions to the Brownsville Municipal Code which would provide public safety measures. Enclosed is the initial draft language for Council consideration. Recently the City and the general public has dealt with disorderly conduct, harassment and other problems not rightly addressed by the Brownsville Municipal Code. The proposed language will help law enforcement handle these situations more efficiently and effectively in the future.

**What is Council being asked to do?**

Review and consider passage.

- C. **Ordinance 767: Public Parking (First Reading)** – City Attorney Lauren Sommers has trimmed back the request for additions to the parking ordinance. Part of the parking requirements will have to be included with the Recreational Vehicle ordinances in the land use portion of the Brownsville Municipal Code. Staff will be researching this further and Councilors Block & Chambers have been assigned to review this portion of Chapter 15.

**From 02.28.2017:** I sat down with Linn County Sheriff's Office Deputy Newman to review Ordinance 766. Deputy Newman was concerned about having the proper "tools" to adequately do his work. City Attorney Lauren Sommers added this language as part of Brownsville Municipal Code Chapter 10. I hope to have the ordinance to you prior to the meeting.

**What is Council being asked to do?**

Review and consider the language.



## 10) ACTION ITEMS:

- A. **Linn County Pioneer Picnic Road Closure Requests** – Included in the agenda packet is the Association's road closure requests for this year's event.

**What is Council being asked to do?**

Review and consider closures as requested.



- B. **Appoint Budget Committee Member** – Ms. Kim Clayton has filed a request to be a member of the Budget Committee. Council is replacing the seat vacated by Ms. Theresa Wilhelm.



# City Administrator Report

## **What is Council being asked to do?**

Appoint Ms. Clayton to the Budget Committee.

- C. Summer Portable Toilets** – The Chamber is interested in cost sharing restrooms again this Summer. The total number of portable toilets is less than last year and I expect the City will contract for less portables since the Fourth of July falls in the middle of the week. Typically, attendance isn't as high when the holiday falls in the middle of the week.

## **What is Council being asked to do?**

Determine the best course of action.



## 11) DISCUSSION ITEMS:

- A. Linn County Sheriff's Office Contract** ☑ – Please refer to the discussion under the heading 'Happenings' for more information.
- B. Goals Review** ☑ – I have included the goals list for Council review based on the Goal Setting Session on March 11<sup>th</sup>, 2017. Please review the documents. I will have more details on some of the challenges the City is facing and I will be requesting your consideration on a few administrative concepts.
- C. Council Tabled Items Review** – I have included a list of items that have been tabled by Council in the agenda packet for your review. Council should have a general discussion to determine if these items should be explored further or removed from consideration.
- D. February Financials**

### NEW INFORMATION – Notable situations that have developed after the last Council meeting

- ▶ *Received an inquiry from Oak Hill School's Drama Coach Kitsann Means about possibly filming a class project in Brownsville.*
- ▶ *Worked with Administrative Assistant Tammi Morrow to investigate the preferred worker program.*
- ▶ *Served as Chair for the latest Willamette Neighborhood Housing Services Board meeting.*
- ▶ *Prepared recreational immunity information for our community partners and Council.*
- ▶ *Met with the Chamber and the Festival to discuss shuttle logistics and other items.*
- ▶ *Presented the City's Ransomware case for OMFOA conference which was well received.*
- ▶ *Met with Staff and Clayton Homes to discuss the installation of the Ash Street Waterline.*
- ▶ *Chamber requested additional flower basket hangers; contacted Sprague and worked with Karl Frink to get the ball rolling.*
- ▶ *Administrative Assistant Elizabeth Coleman and I met with Calapooia Food Alliance President Don Lyon, Steve Brenner and Kathleen Swayze to share the Blakey Avenue property news.*
- ▶ *City Attorney Lauren Sommers will be leaving Speer Hoyt at the end of March.*
- ▶ *Installed a solid state drive on Tammi's computer and upgraded her machine to MS 365.*
- ▶ *Administrative Assistant Tammi Morrow and Public Works Superintendent Karl Frink are working on hiring Park Caretakers. The application deadline was March 10<sup>th</sup>.*
- ▶ *Mayor Ware & I attended a productive LCSO Joint Cities meeting in Millersburg.*



# City Administrator Report

- ▶ *Sat down with LCPPA's Leisa Keyser to talk about recreational immunity, Picnic agreement and what recreational immunity erosion will mean for this year's event.*
- ▶ *Attended Council's Goal Setting Session with Administrative Assistant Tammi Morrow.*
- ▶ *Administrative Assistant Tammi Morrow and I attended the annual DOR budget training in Albany.*
- ▶ *Attended a luncheon with the Cascade West Council of Governments, the City of Lebanon and the City of Sweet Home to discuss regional economic development concepts.*
- ▶ *Staff attended a special joint training on Planning Commission basics with the City of Halsey; all City Planning Commission members were in attendance. All City Hall staff members attended as well.*
- ▶ *Go Team held two teleconferences to discuss next steps.*
- ▶ *The City awarded the Library Roof Replacement to 1<sup>st</sup> Rate Roofing.*
- ▶ *Administrative Assistant Jannea Deaver and I met with new CLRA secretary Linda Cheney to discuss ways to improve communications between the CLRA and City Hall.*
- ▶ *Will be working weekends to complete the budget for FY 2017-2018.*
- ▶ *Assisted Halsey's Hilary Norton with budget questions.*
- ▶ *Public Works Superintendent Karl Frink and I met with Calapooia Watershed Council's Bessie Joyce to discuss formal partnership around TMDL and source water concepts.*
- ▶ *Administrative Assistant Tammi Morrow and I met with Councilor Cole and Councilor Gerber to review nuisance abatement policy changes.*
- ▶ *Administrative Assistant Elizabeth Coleman and I attended the LCPPA's meeting to discuss recreational immunity, the Picture Gallery Contract and the event agreement for 2017.*
- ▶ *Sensus upgraded the hand-held computers.*

## HAPPENINGS

**Linn County Sheriff's Office** ☒ – Mayor Ware and I attended the third meeting with the LCSO and the contract cities in Millersburg on March 10<sup>th</sup>. The representatives of the cities felt the LCSO had heard the concerns of the group. The concerns with the LCSO agreement were the same for all contract cities. Patrol, code enforcement, event coverage, drug enforcement and annual increases to the contract are highlights from those discussions. Sheriff Riley shared the struggles his office has with personnel, operations and provided 24/7, 365 coverage. The union contract drives price per hour along with a major shift in PERS costs this year, medical costs and associated training. Riley pointed out the many benefits of having a jail that is not at capacity and proper equipment to provide productive law enforcement.

Riley also noted that crime statistics are down County wide. Sheriff Riley stated multiple times that his office will not be party to a ticket quota model; they are interested in changing behaviors. The cities made it very clear that a ticket quota model was not the intent of the group, but that three to seven traffic stops a month was not effectively changing behavior.

Sheriff Riley wanted everyone to know that nearly all of the contracts have varying levels of monthly contact. He stated that there are 730 hours in a month and, in the case of Brownsville, we are contracted for 200 hours so you can expect to not see law enforcement most of the time. Cities expressed concerns about the time deputies spend in the office and not on patrol. Lieutenant Duncan presented good information on the duties of the deputies and the time involved to build a case that won't get thrown out of court along with other operational details.



Sheriff Riley



# City Administrator Report

The cities explained that council's authority should not be circumvented by the LCSO. Brownsville asked for over a year to have the leash law ordinance enforced. If the LCSO does not perform ordinance enforcement, that lack of service in affect renders Council authority useless. Cities were also very interested in tying the annual increase to the tax valuation increase and trying to figure out a better communication model between the Council and the LCSO.

In summation, LCSO set the hourly rate at \$65 per hour for this upcoming fiscal year. Cities were asked to go back and determine how many hours they wanted to purchase for the year. Sheriff Riley will determine what the LCSO can do in terms of meetings each request. Personnel may be cut if the contracts go down dramatically. Below is what the City would get in terms of hours of service based on the \$65 per hour rate:

Based on the City's tax valuation from FY 2016.2017 the City received about \$619,980.

Current LCSO Contract is \$149,724 or 24.1% of the total General Fund.

The City could purchase 200 hours for a total contract of \$156,200 or 25% of the General Fund.

The City could purchase 165 hours for a total contract of \$128,700 or 20% of the General Fund.

The City could purchase 120 hours for a total contract of \$93,750 or 15% of the General Fund.

Council would probably be able to afford a few more hours a month because the tax valuation will go up slightly. The bottom line is that if any city council is not getting the expected value out of an enhanced service contract, then there is no reason for the additional service contract. If cities did this through decision or budgeting, it could mean that law enforcement services look different in the future. So, there is an uneasy balance between being able to afford enhanced services because of the burden to general fund and the ability of the LCSO to afford to provide deputies.

### **Other points:**

- ▶ The Sheriff said multiple times that the jail and many other support services are not figured into the hourly rate. The cities argument is that the citizens of each city pay taxes on those services annually. Brownsville citizens pay a total \$382,480 for County services. The Linn County budget is about \$150 M annually and the LCSO portion is roughly \$28 M. So, nearly 19% of that amount or \$72,000 would go to the LCSO.
- ▶ Requiring additional reporting would only use time ineffectively. Duncan said that deputies are always patrolling. They always have an eye out for public safety. Tracking hours can overburden deputies and be ineffective. The group asked Duncan and Sergeant Klein to circle back on Council concerns. City Staff and the LCSO leadership will work better preparing for Council meetings.
- ▶ Captain Guilford has better defined traffic patrol and the duties of the deputies while on patrol. Guilford explained that a "simple" traffic stop could turn into two or more hours depending on an outstanding warrant or other information found out about the driver or other occupants during a traffic stop.
- ▶ Sheriff Riley encouraged Council members to do a ride along to see what it is like on the road. He also mentioned that solving crimes is a paper driven process that requires a lot of time.
- ▶ The group is considering a three year term for the agreement that would run concurrently with the Sheriff's Union contract. The first agreement would be for two years since the LCSO is a year into the union contract; an increase amount for the subsequent years has not yet been discussed.

**Go Team Next Steps** ☑ – The group has convened two conference calls to discuss next steps. McDowell has been working with a few regional groups who are changing the way they are providing services to





# City Administrator Report

perhaps incorporate some of the approaches desired in the Go Team report and model. Planning will continue as McDowell and the Go Team work with the Cascade West Council of Governments and other major cities in our region.

**Active: Economic Development** – *From 12.20.2016:* Mayor Ware and I briefly outlined the highlights of the RLED presentation at the last meeting. I will have an oral update for Council which basically is the plan of the group moving forward.

*From 10.25.2016:* The summit/forum discussion is schedule for November 17<sup>th</sup>, 2016 at the Boulder Falls Conference Center in Lebanon, Oregon. The evening will begin at 5:30 p.m. and is planned to last until around 8:30 p.m. I still need to meet with the City of Scio and the City of Halsey on behalf of this effort. Mayor Ware and one of the other Councilors should attend on behalf of Brownsville as I will be a presenter.



**Linn County Pioneer Picnic Association** – Administrative Assistant Elizabeth Coleman and I attended their meeting on March 21<sup>st</sup> to discuss three major points of order, 1) recreational immunity impacts, 2) moving to an annual event agreement, and 3) discussing a timeline to discuss the Picture Gallery contract and future implications.

- President Debie Wyne had created a resolution supporting S.B. 327 & H.B. 2438. The Association passed this resolution and plans to send it to Mr. Prozanski and Mrs. Thatcher. Individual members may also send letters. I explained the implications of the changes to recreational immunity. The City will be much more stringent on certificates of insurance. We will require that all activities be explicitly named on each certificate. I asked the Association to make sure that they have certificates from all vendors and that they too name specific activities along with naming the Association and the City as additionally insured. We discussed a few scenarios and what to do if there is an accident. The basic rule of thumb on an accident is to call for an ambulance if an injury requires more than a bandage and document what happened in writing.
- The City will be moving from a letter to an agreement for the event. The City has agreements with every other group who uses Pioneer Park to host their organization's events. The Park Caretakers will be collecting camping fees this year. Three years ago the Association began collecting for camping. They recognized how difficult it was last year and have decided to allow the City to follow our normal rules and protocols. I have included Mrs. Wyne's letter for your review.
- The City and the Association have a long standing agreement on the use of the Picture Gallery. The contract expired in 2012; the City and the Association discussed it at the time and decided to go year to year. The condition of the structure is very poor. I have asked the Association to come to the July or September Council meeting to discuss the future of the building.



Leisa Keyser

**Calapooia Food Alliance** – Administrative Assistant Elizabeth Coleman and I met with Present Don Lyon, Members Steve Brenner & Kathleen Swayze to discuss the most recent news on the Blakely Avenue Central Linn School Board property. McDowell refreshed everyone's memory on what happened this past Summer with the agreement. The Calapooia Food Alliance and the Central Linn School Board have their own agreement and the Calapooia Food Alliance and the City have an agreement for the use of water. The City did this due to the uncertainty of the properties future. The Central Linn School Board placed the property for sale. McDowell, Swayze and Brenner constituted the original team that approached the



# City Administrator Report

Central Linn School Board in 2008 to finalize the initial agreement. The intent of the agreement was always that the land was being used on a year-to-year basis even though the agreement was for three years.

- ▶ McDowell explained that the City is not interested in purchasing the ‘eyelash’ portion of property from the Central Linn School Board. McDowell reported that at a February 8<sup>th</sup>, 2017 Central Linn School Board work session meeting. Recreational immunity has been eroded in the State of Oregon and the City must limit its future exposure and is currently in the process of reviewing recreational services being provided to determine a future course of action relating to services.
- ▶ McDowell recommended the Calapooia Food Alliance pursue a lease option with the Central Linn School Board for the continued use of the property. The piece of property in question is not part of what is for sale although the Central Linn School Board is looking to rid themselves of excess assets.
- ▶ The members fully understood the City’s position and will be contacting Superintendent Gardner.

**Volunteer Coordination Effort** ☒ – Steve Brenner has a great idea that I will expound upon at the meeting.

**OGEC Electronic Process Explanation** ☒ – I will explain this at the meeting in more detail. The State requires these forms to be done electronically.



## STATUS UPDATES – Projects, proposals and actions taken by Council

**Active: Chair Outcome** – Staff ordered new Council chairs that are within the budgeted amount for FY 2016-2017. The new chairs will prove to be functional, fit within the limited space of the desk and be easy to move. Many groups use the room for a variety of purposes and the chairs needed to be easy to move for Court and other functions.

**From 02.28.2017:** Staff is putting the finishing touches on a chair that will be practical for the space the Council desk provides. We hope to have these in place for the March Council meeting. None of the chairs from last meeting will be purchased. The vote was tied 3-3-3... 😊





# City Administrator Report

**Active: Emergency Preparedness Committee (EPC) Meeting Update** ☒ – The group is busy working on their plans and goals. They have been busy attending other emergency related meetings.

**Active: Total Maximum Daily Load (TMDL) Update** – DEQ's Priscilla Woolverton had some follow-up questions on the TMDL plan that was submitted by the City in January. Public Works Superintendent Karl Frink and I have filed responses to those questions with Ms. Woolverton. I have placed the City's response and her questions in the agenda packet for your review.

**From 01.24.17:** Public Works Superintendent Karl Frink and I have finished our review of the TMDL Plan. We have also reviewed the information necessary to complete the annual report. Staff will bring the TMDL Plan to Council for approval. Staff has already filed the annual report.

**Active: Future Capital Improvements Planning** – Public Works Superintendent Karl Frink and I have already had to make some tough choices on what projects to select for the upcoming budget.

**From 01.24.17:** Public Works Superintendent Karl Frink and I shared the presentation we gave to Council in October with the Parks & Open Space Advisory Board. The Parks & Open Space Advisory Board and Staff are currently updating the Park Master Plan.



**Active: Utility & General Ledger Software** ☒ – Staff will be meeting with the Cascade West Council of Governments to review software costs, logistics and determine possible installation schedules. I will have a report for Council. Staff participated in a utility billing demo with Accela on March 8<sup>th</sup>, 2017. The overall take away was that the software did not seem to be as user friendly or robust as our current system. Cost and future compatibility will be the drivers on this decision.

**From 11.22.2016:** The Cascade West Council of Governments is working on the possibility of purchasing software on behalf of cities in our region. Hopefully, there will be a more cost effective, shared solution.

## ITEMS PENDING – Tabled or On Hold

**Pending: Recreational Vehicles** ☒ – Councilor Block and Councilor Chambers will be meeting with Administrative Assistant Tammi Morrow and I to review the ordinance and consider improvements to allow the City proper enforcement and compliance. Council can expect to see language at the May or June Council meeting.

**From 02.28.2017:** Language in the new emergency ordinance could help with some of the shortcomings of the existing ordinance.

**From 12.20.2016:** Council may need to address this with additional policy. There are several throughout town that we are aware of and working on. I will discuss the concerns Staff has with the program as it currently exists and what realistic expectations are when dealing with owners.

**From 09.27.2016:** Council decided to not move forward with enforcing the right-of-way boundaries until a newsletter article went to the general public. Staff moved forward with the posting of three properties all of which have appealed the City Administrator's decision.



# City Administrator Report

**Pending: Telecommunications Franchise** – **From 02.28.2017:** I have contacted City Attorney Ross Williamson to begin planning for the renegotiation of this important franchise. The current agreement is set to expire in September 2017.

**Stalled: Visit Linn Coalition (VLC) Update** – Many of the same members are working on one or more of the same projects: the Go Team effort, the joint cities contract and the regional software project. Not to mention putting together budgets and learning their duties as is the case with new administrators in partner cities.



Ross Williamson

**From 07.26.2016:** The City recently contributed \$500 to assist in continuing the VLC mission.

## PAST MEETINGS – Memory Information

**Pending: Park Board & Public Works** – **From 09.27.2016:** Public Works Superintendent Karl Frink and crew will be removing the road west of the playground structure this Fall. Council and the Park Board passed a retreatment strategy to deal with the ever encroaching Calapooia River. Staff plans on creating a cul-de-sac by the dumpster north of the playground to accommodate traffic per the plan.

**Pending: Water Rights** – **From 09.27.2016:** The City is working with the Oregon Water Resources Department (OWRD) to prove use of the City's primary water right. An interest group known as WaterWatch of Oregon has brought lawsuits against the State of Oregon and municipalities to ensure that water is available for fish persistence. In 2013, one of those cases involving the City of Cottage Grove was appealed. The Supreme Court found in favor of WaterWatch of Oregon which could have major implications for the City's water rights. Staff is currently trying to prove the water being used for municipal purposes including future growth. It is unclear what the changes could mean, but the one outcome that seems most likely is that the water right may be limited to the water usage of 1999.



**Pending: Emergency Contractor Resolution Concept** – **From 06.23.15:** Attempting to organize an effort has proven to be too difficult. The City needs a larger community buy-in to really tackle the public education piece.

**From 11.25.2014:** Staff is planning to host a meeting to discuss this and other concepts with a group of individuals who are interested in helping the City work in this effort. Staff is dealing with false comments that came out regarding the Brownsville Rural Fire District. The City seeks only to work with community stakeholders and partners on these issues in the future. Cooperation is the hallmark of this effort.

**Linn County Project Advisory Committee (PAC)** – **From 12.20.2016:** Mayor Ware attended the last meeting in Halsey. I have included a priority list for Council approval. Don may have some additional commentary at Council meeting.

**From 11.22.2016:** I was unable to attend the last meeting but I am reviewing the information for commentary and suggestions. This will be imperative for Councilors to attend future public sessions if the City is interested in making sure Kirk Avenue gets on the County's priority list. Please see the information from Linn County Engineer Chuck Knoll that is included as part of the agenda packet.

**BACKGROUND** – **From 01.26.2015:** Linn County Transportation System Plan (TSP) Project Advisory Committee (PAC) had the first meeting in a series of six total meetings over the next two years  
**Administrator's Report**



# City Administrator Report

to discuss regional transportation issues and develop similar policies and land use practices. I think this will be an important piece in attempting to leverage County improvements on Kirk Avenue.

**Pending: Canal Company Conversations** ☒ – The leadership of the Canal Company continue to explore their legal options.

**From 09.27.2016:** Council authorized the City Administrator to put together an agreement to be reviewed by the City Attorney at the last Council meeting. The City received the initial review from City Attorney Ross Williamson after Labor Day. Staff will give a brief update and revised timeline for future discussion...

**From 06.28.2016:** I will be hosting a conversation with the Canal Company Committee in July. The Committee consists of John Holbrook, Gary Shepherd, Mandy Cole, Kaye Fox and Nathan Mickelwright. The discussion will include how the City and the Canal Company may work together toward collection of dues, implementing certain requirements and executing maintenance of the canal.

**From 05.24.2016:** The Canal Company met on May 9<sup>th</sup>, 2016 at 7:00 p.m. in Council Chambers. Mr. John Holbrook was re-elected as President. Mr. Gary Shepherd was re-elected as Vice-President and Ms. Cindy Clark was re-elected as Secretary/Treasurer. Mrs. Fox discussed the basic themes she shared with Council at the last meeting. I explained Council's position. The outcome of the conversation was that a committee of the Canal Company was formed to further investigate the concept that has been discussed for several years. The committee will be meeting initially in June. The Canal Company set a follow-up meeting to be held in September with everyone. The Canal Company went from an umbrella insurance policy of \$2 M to \$1 M due to costs.



## Coleman & Kinney – FEMA Implications – Pending.

**From 09.27.2016:** Here is the quick paragraph that will appear in the newsletter: Flood regulations are soon to be changing. The National Marine Fisheries Service (NMFS) found that the Federal Emergency Management Agency (FEMA) have been carrying out practices and policies have proven to be detrimental to endangered species. FEMA is scrambling to correct these findings. Flood premiums will be on the rise as will the regulations required to do construction anywhere in the floodplain. The National Flood Insurance Program (NFIP) is making changes to more adequately cover the losses incurred when flooding occurs around the United States which is why premiums are set to increase 25% over the next five to seven years.



## Moody Court & Unenumerated Nuisance – The cat numbers remain low.

**From 11.25.2014:** The City has paid out \$2,875 to have cats removed from the neighborhood...

**WNHS Update** – Please refer citizens to the following websites for more information:

<http://www.oregonhomeownersupport.gov> & <http://w-nhs.org>

WNHS provides many home rehabilitation services and counseling for those meeting certain program requirements.



# City Administrator Report

➤ For the history of the Kirk Avenue project, please refer to the *City Administrator Report* found in Council records from April 2016 and prior.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be "SM".

S. Scott McDowell



## Public Works Report

March 22, 2017

Karl Frink, Public Works Superintendent

### Water:

- *Billing Support*- Follow through on customer service support and requests.
- *Meter reading* – Water meters have been read for the month of March.
- *Distribution System* – Two water leaks and two broken water meters this month. Public Works will soon be replacing the water line on Howe Street. The current line is an old steel 1 inch line serving two customers; the new line will be a two inch PVC line, which will balance the pressure for the two services much better. The waterline on Ash Street from Hausman Avenue is in the process of being replaced. The old 1 ½ inch waterline is being replaced with a 6 inch pvc line, which also includes a fire hydrant located at the very end of the street.
- *Cross Connection Program*- All backflows have been installed and approved for use.
- *Water Treatment Plant* –One of the three distribution pumps failed and has been replaced. All broken pumps are taken to Star Electric motor Service for evaluation and repair if possible.
- *Misc.* – Nothing further to report this month.

### Sewer:

- *North Lagoons* – Discharge from this facility resumed February 13<sup>th</sup> and completed March 7<sup>th</sup>. Total discharged was 22.406 million gallons with no permit violations. One influent lift station pump failed and is in the process of being repaired. The level transmitter at this lift station also failed and has been replaced.
- *South Lagoons*- Discharge from this facility began February 2<sup>nd</sup> and will continue for approximately two more weeks. To date, a total of 29.556 million gallons has been discharged with no permit violations to date. The level transmitter in the influent lift station failed and has been replaced.
- *Collection System*- A new manhole will be installed at the north end of Ash Street to accommodate additional sewer services to be connected.
- *Misc.* – We are still waiting to hear back from DEQ for our facilities inspection for our NPDES permit renewal. The additional sampling for specific constituents is complete and has been submitted to Westech Engineering so they can complete our NPDES permit renewal process.

### Streets:

- *Mowing/Tree Maintenance* – Tree maintenance will begin once weather conditions become favorable to safely perform this work.
- *Asphalt/ Gravel Road Maintenance* –All of the street painting and marking is scheduled to be repainted soon. This work includes City Hall and downtown parking lots. Public works will grade all gravel roads in the month of March. The grading has been pushed out due to excess rainfall. We will grade the streets once the rain has subsided and the streets dry out to favorable conditions.
- *Storm Drainage* – All catch basins will be scheduled to be cleaned in April.
- *Misc.* – Street sign work continues as time allows. Many new locations require locates to be called in before we can bore holes to place sign posts.

### Parks:

- *Pioneer Park* –Leaf clean up is complete! Work is under way to prepoare the park to open March 31<sup>st</sup>. Work has included replacing several broken boards on the baseball bleachers, repairs to the seating at the stage, gutter repairs, cleaning and de-winterizing the restrooms, and preparing and cleaning the kitchen for use. There are several other repairs that need to be done around the park.
- *Blakely Park* – Leaf clean up is complete.

- Kirk's Ferry Park – Leaf clean up is complete.
- Remington Park –Public works will be grinding out the stumps soon. Leaf clean up is complete.

**Cemetery:**

- Grounds –Several burial plots and headstone placements have been marked out. All of the fallen branches and debris have been cleaned up around the cemetery.

**Library:**

- Grounds- Leaf clean up is complete.
- Buildings- A few minor building maintenance items have been repaired. The roofing contract has been awarded to 1<sup>st</sup> Rate Roofing. We are waiting to hear back from 1<sup>st</sup> Rate Roofing to schedule a start date for this work.

**Downtown**

- Restrooms – This facility is cleaned every Friday, or more often needed. We have been experiencing higher than normal amounts of vandalism at this facility.
- Garbage cans – Down town garbage cans are emptied every Friday, or more frequently as noticed.
- Parking Lot – The parking lot will be restriped when the streets are repainted.
- Misc. – Renovation of the Red Shed is near complete, we are waiting for favorable weather conditions to caulk and paint the building.

**City Hall:**

- Buildings- The gutter and downspout over the front entry door is no longer functioning correctly and is scheduled to be repaired on April 7<sup>th</sup>.
- Grounds –The grass is mowed and maintained weekly, or as needed.
- Community Center- A bathroom door lock was broken and has been repaired.

**Rec. Center:**

- Grounds- Leaf clean up is complete.
- Buildings- Nothing to report this month.

**Public Works:**

- Grounds- Leaf clean up is complete.
- Buildings- Cleaning and organizing continues as time allows.
- Misc. – Preventative maintenance is being performed on all the vehicles and equipment. All of the equipment at public works has been repaired and ready for use.







## PLANNING AT A GLANCE

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### Permits Building, Plumbing, Mechanical, Fence, Etc.

- Building (Bedroom Conversion)      362 Washington Avenue
- Mechanical (New Gas Furnace)      601 Calapooia Avenue
- Building (Basement Conversion)      309 Spaulding Avenue
- Mechanical (Gas Range, Piping)      326 Kirk Avenue

### Land Use Applications

None at this time

### Updates

Monday, March 13<sup>th</sup>, the Planning Commission met in the Community Room for Commissioner training with Planning Consultant Dave Kinney for a refresher on the ministerial, quasi-judicial, & legislative processes of the Planning Commission. We have a fantastic Planning Commission and it was great to have all members present. Members of the Halsey Planning Commission, Administrative Assistants Jannea Deaver and Tammi Morrow also attended the training. Mr. Kinney provided the attendees with scenarios on bias and conflicts of interest, as well as the importance of basing land use decisions on standards & criteria, rather than personal opinions and views. Not to say a person's opinion isn't welcome, it's just not how land use decisions are to be made. Both commissions had some great questions. I am confident that everyone left the training with useful information they didn't have when they first arrived.

### Signs

There seems to be some confusion as to what the sign permitting process is in Downtown. Letters were sent to property owners in the Old Town Commercial Zone in January of 2016 to remind owners of the process and to encourage them to communicate those processes with their tenants. Some businesses have complied, others have not. Letter(s) will be sent out to bring those businesses into compliance. The Historic Review Board is working toward a more comprehensive sign ordinance that provides a clearer direction for signage that meets the 1860's - 1920's architectural style, namely in the OTC Zone. It is also important to note that signage (commercial or residential) along Hwy 228 is regulated differently than signage in other areas of town. Residential signs for home occupations are limited in size, whereas perpendicular signs in the Downtown area have a height clearance that must be taken into consideration.

Elizabeth Coleman



# LINN COUNTY SHERIFF'S OFFICE

**Bruce W. Riley, Sheriff**  
1115 S.E. Jackson Street  
Albany, OR 97322  
Phone: 541-967-3950  
www.linnsheriff.org

## 2017

### MONTHLY REPORT TO THE CITY OF BROWNSVILLE FROM THE LINN COUNTY SHERIFF'S OFFICE

**FOR THE MONTH OF: February**

<b>TRAFFIC CITATIONS: -----</b>	<b>15</b>
<b>TRAFFIC WARNINGS: -----</b>	<b>9</b>
<b>TRAFFIC CRASHES: -----</b>	<b>0</b>
<b>ADULTS CITED / VIOLATIONS: -----</b>	<b>0</b>
<b>ADULTS ARRESTED: -----</b>	<b>1</b>
<b>JUVENILES CITED / VIOLATIONS: -----</b>	<b>0</b>
<b>JUVENILES ARRESTED: -----</b>	<b>0</b>
<b>COMPLAINTS/INCIDENTS INVESTIGATED: -----</b>	<b>36</b>
<b>TRAFFIC HOURS-----</b>	<b>36</b>

**TOTAL HOURS SPENT IN: BROWNSVILLE 208**

**CONTRACT HOURS= 202 HOURS**

**Bruce W. Riley,  
Sheriff, Linn County**

**By: Sergeant Greg Klein**

## PATRL\_RPT#2 City Incident Report

ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	ADDRESS	CITY	DESCRIPTION
2/27/17	12:33:33	Trf Speed Viol	TEMPLETON ST	Brownsville	CITE ISSUED - NO INSURANCE
2/27/17	12:33:33	Trf Speed Viol	TEMPLETON ST	Brownsville	CITE ISSUED - DWS/NO ODL
2/27/17	12:26:15	WARRANT SERV	N MAIN ST	Brownsville	No Additional Report Necessary
2/27/17	10:28:02	FRAUD	KIRK AV	Brownsville	Incident Report
2/25/17	21:00:34	Trf Speed Viol	E BISHOP WY	Brownsville	CITE ISSUED - AGRESSIVE DRIVER
2/24/17	12:39:20	WARRANT SERV	SPAULDING AV	Brownsville	No Additional Report Necessary
2/24/17	10:43:03	ASST-OUTSIDE AGENCY	SPAULDING AV	Brownsville	No Additional Report Necessary
2/23/17	16:59:06	NEGLECT	SPAULDING AV	Brownsville	No Additional Report Necessary
2/22/17	16:11:45	TRAFF-OTHER VIOL	OAK ST	Brownsville	WARNING - SPEEDING VIOLATION
2/22/17	15:46:30	TRAFF-OTHER VIOL	N MAIN ST	Brownsville	No Additional Report Necessary
2/22/17	11:19:04	DOG COMPLAINT	WASHBURN ST	Brownsville	No Additional Report Necessary
2/21/17	9:47:02	BURGLARY REPORT	PUTMAN ST	Brownsville	Incident Report
2/20/17	10:57:25	SUSP-CIRCUMSTANCES	KIRK AV	Brownsville	No Additional Report Necessary
2/20/17	8:05:38	Trf Moving Viol	E WASHINGTON AV	Brownsville	CITE ISSUED - MOVING VIOLATION
2/20/17	0:02:04	SUSP-CIRCUMSTANCES	KIRK AV	Brownsville	No Additional Report Necessary
2/17/17	22:34:59	Trf Equipment Viol	W HWY 228	Brownsville	CITE ISSUED - EQUIPMENT VIOLATION
2/17/17	22:34:59	Trf Equipment Viol	W HWY 228	Brownsville	CITE ISSUED - NO INSURANCE
2/17/17	22:34:59	Trf Equipment Viol	W HWY 228	Brownsville	CITE ISSUED - DWS/NO ODL
2/17/17	21:56:12	Trf Equipment Viol	E BLAKELY AV	Brownsville	CITE ISSUED - DWS/NO ODL
2/17/17	21:56:12	Trf Equipment Viol	E BLAKELY AV	Brownsville	CITE ISSUED - NO INSURANCE
2/16/17	13:32:15	Counter Traffic	N MAIN ST	Brownsville	No Additional Report Necessary
2/15/17	9:47:58	WARRANT SERV	KIRK AV	Brownsville	Contact Attempted/No Contact Made
2/15/17	7:15:12	Trf Speed Viol	HAUSMAN AV	Brownsville	WARNING - SPEEDING VIOLATION
2/15/17	7:11:37	ALARM - POLICE	N MAIN ST	Brownsville	No Additional Report Necessary

## PATRL\_RPT#2 City Incident Report

2/14/17	23:58:56	Trf Equipment Viol	N MAIN ST	Brownsville	CITE ISSUED - EQUIPMENT VIOLATION
2/14/17	14:16:58	DOG COMPLAINT	W BLAKELY AV	Brownsville	No Additional Report Necessary
2/14/17	13:04:57	DOG COMPLAINT	WASHBURN ST	Brownsville	No Additional Report Necessary
2/14/17	12:12:43	WARRANT SERV	WASHBURN ST	Brownsville	Civil process atmpted, not served
2/13/17	12:32:01	DOG COMPLAINT	WASHBURN ST	Brownsville	No Additional Report Necessary
2/13/17	10:10:34	DOG COMPLAINT	OAK ST	Brownsville	CAD Report
2/11/17	17:15:46	FRAUD	KIRK AV	Brownsville	No Additional Report Necessary
2/11/17	16:10:41	TRAFF-OTHER VIOL	S MAIN ST	Brownsville	WARNING - EQUIPMENT VIOLATION
2/11/17	16:10:41	TRAFF-OTHER VIOL	S MAIN ST	Brownsville	WARNING - EQUIPMENT VIOLATION
2/11/17	16:00:45	THEFT-RPT	OAK ST	Brownsville	Incident Report
2/10/17	19:04:30	Trf Equipment Viol	KIRK AV	Brownsville	CITE ISSUED - NO INSURANCE
2/10/17	19:04:30	Trf Equipment Viol	KIRK AV	Brownsville	CITE ISSUED - DWS/NO ODL
2/10/17	19:04:30	Trf Equipment Viol	KIRK AV	Brownsville	WARNING - EQUIPMENT VIOLATION
2/10/17	3:25:31	PROWLER *THERE NOW*	OAK ST	Brownsville	No Additional Report Necessary
2/09/17	8:52:23	SUSP- CIRCUMSTANCES	S MAIN ST	Brownsville	No Additional Report Necessary
2/07/17	16:15:57	VEH-ABANDONED	TEMPLETON ST	Brownsville	CAD Report
2/07/17	12:01:26	NEGLECT	KIRK AV	Brownsville	No Additional Report Necessary
2/06/17	17:57:55	EXTRA PATROL	E BLAKELY AV	Brownsville	No Additional Report Necessary
2/06/17	17:57:55	EXTRA PATROL	E BLAKELY AV	Brownsville	Call completed
2/06/17	3:59:42	PARKING COMPL	S MAIN ST	Brownsville	No Additional Report Necessary
2/05/17	1:37:49	ALARM - POLICE	W BISHOP WY	Brownsville	No Additional Report Necessary
2/04/17	23:33:22	SUSP-VEHICLE	SPAULDING AV	Brownsville	No Additional Report Necessary
2/04/17	21:05:03	Trf Speed Viol	E BISHOP WY	Brownsville	CITE ISSUED - NO INSURANCE
2/04/17	21:05:03	Trf Speed Viol	E BISHOP WY	Brownsville	WARNING - MOVING VIOLATION
2/04/17	18:39:43	SUSP- CIRCUMSTANCES	GALBRAITH ST	Brownsville	No Additional Report Necessary
2/04/17	14:53:29	THEFT-RPT	E BLAKELY AV	Brownsville	Incident Report

## PATRL\_RPT#2 City Incident Report

2/04/17	9:46:55	DISTB-DOMESTIC	E BISHOP WY	Brownsville	No Additional Report Necessary
2/04/17	1:23:14	Trf Equipment Viol	N MAIN ST	Brownsville	WARNING - EQUIPMENT VIOLATION
2/04/17	0:13:17	DISTB-DOMESTIC	KIRK AV	Brownsville	No Additional Report Necessary
2/03/17	2:47:10	SUSP-VEHICLE	N MAIN ST	Brownsville	No Additional Report Necessary
2/03/17	2:03:02	911 HANGUP	AVERILL ST	Brownsville	No Additional Report Necessary
2/02/17	13:39:26	Trf Equipment Viol	S MAIN ST	Brownsville	CITE ISSUED - DWS/NO ODL
2/02/17	13:39:26	Trf Equipment Viol	S MAIN ST	Brownsville	CITE ISSUED - NO INSURANCE
2/02/17	13:39:26	Trf Equipment Viol	S MAIN ST	Brownsville	WARNING - EQUIPMENT VIOLATION
2/02/17	10:02:06	THEFT-RPT	W BISHOP WY	Brownsville	Incident Report
2/01/17	9:49:34	Trf Equipment Viol	W BISHOP WY	Brownsville	CITE ISSUED - EQUIPMENT VIOLATION
2/01/17	9:49:34	Trf Equipment Viol	W BISHOP WY	Brownsville	CITE ISSUED - DWS/NO ODL
2/01/17	9:38:45	MVC-HIT & RUN	FISHER ST	Brownsville	No Additional Report Necessary
2/01/17	9:34:28	Trf Equipment Viol	E HWY 228	Brownsville	WARNING - EQUIPMENT VIOLATION



# Linn County Sheriff's Office

Bruce W. Riley, Sheriff

1115 SE Jackson Street, Albany, OR 97322

PHONE 541.967.3950

www.LinnSheriff.org

RECEIVED  
City of Brownsville  
MAR 15 2017  
Clerk \_\_\_\_\_

March 9, 2017

The Honorable Don Ware and City Council Members  
City of Brownsville  
P.O. Box 188  
Brownsville, Oregon 97327

RE: Agreement – Law Enforcement Services

The Linn County Sheriff's Office has had a long standing relationship with several municipalities in Linn County for contracted law enforcement services. Recently, a coalition of these cities was formed, and in part, brought to my attention inconsistencies found in the antiquated method of our billing process. Many of these contracts were created years ago, and required a city to pay for a certain percentage of a deputy's time.

As we began working towards a fair and consistent way to bill, we found variations in the amount cities were paying for our service. The hourly rate varied from \$55.00 up to \$72.00.

After much thought and discussion with many of you, I have determined the fairest way to move forward is to create a standard hourly rate across the board. Currently, the average hourly rate is \$65.00 which is substantially lower than my actual true costs of \$85.00 per hour. True costs include not only personnel costs but also vehicle expenses, material and services, 9-1-1 dispatch, informational technologies and records. In addition, this upcoming fiscal year of 2017/18, I am incurring up to a 5% increase to my personnel costs due to an increase in wages, cost of living, PERS and health care.

I am committed to our continued partnership to keep our communities a safe place to live and raise a family, which is vital to both our missions. With that in mind, the rate moving forward for this next fiscal year will remain at the current average rate of \$65.00 an hour. Moving forward in the years ahead, increases to the hourly rate will be directly tied to increases in my personnel costs.

**Civil Division**

PH# 541-967-3907 • FAX# 541-924-1935

**Corrections Division**

PH# 541-967-3901 • FAX# 541-917-6663

**Criminal Division**

PH# 541-967-3950 • FAX# 541-967-8169

**Animal Control**

PH# 541-967-3925 • FAX# 541-791-1330

**Support Services Division**

PH# 541-967-3950 • FAX# 541-967-8169

**Records Division**

PH# 541-967-3950 • FAX# 541-967-8169

As Sheriff of Linn County, I look forward to continuing the long-term partnership my Office has had with your city. Together, we can continue to keep the peace in our communities. I understand this may cause some cities to make significant changes in their contract. Please contact me anytime if I can be of help or answer any questions.

Thank You,

A handwritten signature in black ink, appearing to be 'Bruce W. Riley', written over a faint, illegible printed name.

Bruce W. Riley,  
Linn County Sheriff

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT  
STATISTICAL REPORT FOR FEBRUARY 2017**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	35	2	2	35	
Violations	19	21	14	26	
Contempt/Other	32			32	
<b>TOTALS</b>	<b>86</b>	<b>23</b>	<b>16</b>	<b>93</b>	

**BALANCE SHEET FOR THE MONTH**

**Court Revenue**

**Court Payments**

Total Deposits +	\$ 2,815.00	City	\$ 1,593.00
Total Bail Forfeits +		Restitution	\$ 750.00
Total Bail/Bank Fees -	\$ -	Oregon Dept Revenue	\$ 360.00
Total Bail Held -	\$ -	Linn County	\$ 112.00
* Total Refund/Rest -	\$ -	State Misc.	\$ -
Total NSF's -	\$ -	DUII Surcharge	\$ -

<b>TOTAL COURT REVENUE</b>	<b><u>\$ 2,815.00</u></b>	<b>TOTAL COURT PAYMENTS</b>	<b><u>\$ 2,815.00</u></b>
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Credit given for Community Service      \$ -

Other Credit Allowed Against Fines      \$ -

**TOTAL NON-REVENUE CREDIT ALLOWED**      **\$ -**

**TOTAL CASH PAYMENTS TO:**

CITY	\$ 1,593.00
STATE	\$ 360.00
COUNTY	\$ 112.00
*REFUND/RESTITUTION	\$ 750.00
<b>TOTAL:</b>	<b><u>\$ 2,815.00</u></b>





## Library Advisory Board

### *Librarian's Report*

February 2017

Here are a few facts about our library the month of February 2017. We have received 83 new books for the library, of which 38 were not purchased by the City. Volunteers donated 158.5 hours to our library. There were 1,468 materials checked out. 396 adult fiction books; 168 adult non-fiction books; 147 audio books; 354 children's books; 303 junior books; 26 junior reference books and 74 large print books.

Each month at the Library I feature a different book display on the card catalog files. During the month of February, we featured Mystery Books or Blind Date with a Book. This was lots of fun for patrons and staff alike. Staff made suggestions of books and decorate plain brown paper with pictures depicting what the book was about. Patrons enjoyed this display by not being entirely sure whether they would enjoy the book chosen solely by its cover. In the end, many patrons enjoyed the books to the end.

The Linn County Historical Museum was featured in our enclosed display cases during the month of February. They chose a theme of 'Keeping Warm'. Items on display were quilts of varied design, wool and fur blankets and fur coats. Partnering with many local organizations is a great way to build relationships in our community. I appreciate Volunteer Rhoda Fleischman's efforts in putting the pieces together. March display will be LEGO creations by children of our community. One of my favorites!

National Library Service for the Blind and Physically Handicapped Downloadable Books and Magazines is a national program run through the State of Oregon Library. Through a national network of cooperating libraries, NLS administers a free library program of braille and audio materials circulated to eligible borrowers in the United States by postage-free mail. Oregonians qualify for this program if they are blind; have a visual disability; is unable to read or use standard printed material; or have a reading disability. These conditions must be certified by a competent authority. I have assisted three patrons in my tenure here at the Library to use this wonderful program. They receive a free player and each week two or more audio books are sent to their homes directly. All patrons are appreciative of the ability to 'read' again with this service.

I attended a free 'Coding' Workshop in Wilsonville this past month. Coding has been mentioned many times over when talking about STEM (Science, Technology, Engineering and Math) in schools. I wanted to learn a little concerning what the shouting is all about. The computer science industry is looking at a lack of qualified employees over the next 10

years. Coding is used in designing programs in use by phones and computers. This program is designed to include K – 5/6 grades. It would be fun to start a coding program at the library but we are limited by lack of computers. I'll keep dreaming that our Library becomes a larger resource of learning and fun in our community.

A handwritten signature in black ink, appearing to read 'SL', with a long horizontal stroke extending to the right and ending in a small downward-pointing arrowhead.

Respectfully submitted,  
Sherri Lemhouse,  
Librarian



**RESOLUTION NO. 2017.07**

**A RESOLUTION EXTENDING CITY OF BROWNSVILLE WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF CITY OF BROWNSVILLE**

**Effective Date:** March 29<sup>th</sup>, 2017

A resolution extending workers' compensation coverage to volunteers of Brownsville, in which Brownsville elects the following:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteers listed in this resolution, noted on CIS payroll schedule, and verified at audit:

**1. Public Safety Volunteers**

Applicable \_\_\_\_\_ Non-applicable  X

**2. Volunteer boards, commissions, and councils for the performance of administrative duties.**

Applicable  X  Non-applicable \_\_\_\_\_

An aggregate assumed annual wage of \$2,500 will be used per each volunteer board, commission, or council for the performance of administrative duties. The covered bodies are (list each body):

- a. Council
- b. Planning Commission
- c. Parks & Open Space Advisory Board
- d. Library Advisory Board
- e. Budget Committee
- f. Historic Review Board

**3. Manual labor by elected officials.**

Applicable \_\_\_\_\_ Non-applicable  X

**4. Non-public safety volunteers**

Applicable  X  Non-applicable \_\_\_\_\_



All non-public safety volunteers listed below will track their hours and Oregon minimum wage will serve as assumed wage for both premium and benefits calculations. CIS will assign the appropriate classification code according to the type of volunteer work being performed. (List specific non-public safety volunteers below)

- Parks and recreation
- Public works
- Library

## 5. Public Events

Applicable   X   Non-applicable \_\_\_\_\_

Volunteers at the following public events will be covered under workers' compensation coverage using verified hourly Oregon minimum wage as basis for premium and/or benefit calculation: (List specific events)

- a. Annual Arbor Day Celebration
- b. Cemetery Head Stone Cleaning (*Possible*)
- c. Fourth of July Celebration (*Possible*)

## 6. Community Service Volunteers/Inmates

Applicable \_\_\_\_\_ Non-applicable \_\_\_\_\_

Pursuant to ORS 656.041, workers' compensation coverage will be provided to community service volunteers commuting their sentences by performing work authorized by the City of Brownsville.

Oregon minimum wage tracked hourly will be used for both premium and benefit calculations, verifiable by providing a copy of the roster and/or sentencing agreement from the court.

## 7. Other Volunteers

Volunteer exposures not addressed here will have workers' compensation coverage if, prior to the onset of the work provided that the City of Brownsville:

- a. Provides at least two weeks' advance written notice to CIS underwriting requesting the coverage
- b. CIS approves the coverage and date of coverage
- c. CIS provides written confirmation of coverage



**The City of Brownsville agrees to maintain verifiable rosters for all volunteers including volunteer name, date of service, and hours of service and make them available at the time of a claim or audit to verify coverage.**

Now, therefore, be it resolved by the Council of the City of Brownsville to provide workers' compensation coverage as indicated above.

Adopted by the City of Brownsville this 28<sup>th</sup> day of March, 2017.

***Attest:***

---

S. Scott McDowell  
City Administrator

---

Don Ware  
Mayor



**ORDINANCE NO. 766**

**AN ORDINANCE ADDING SECTIONS 09.10.025 DISORDERLY CONDUCT, AND 09.10.035 HARASSMENT, AND AMENDING SECTION 09.10.030 DRINKING IN PUBLIC, OF TITLE 9, OFFENSES RELATING TO PUBLIC ORDER, OF THE MUNICIPAL CODE OF THE CITY OF BROWNSVILLE, OREGON;**

The City of Brownsville does ordain as follows:

**WHEREAS**, Title 9 of the Brownsville Municipal Code (BMC) defines Offenses Relating to Public Order, and;

**WHEREAS**, Council wishes to strengthen public safety; and,

**WHEREAS**, Council wishes to provide law enforcement with the necessary tools to address situations as they arise;

**NOW THEREFORE**, the City of Brownsville ordains as follows:

**Section 1.** Section **09.10.025 Disorderly Conduct** is added to read as follows:

**09.10.025 Disorderly Conduct.**

1. A person commits the crime of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he/she:
  - a) Engages in fighting or in violent, tumultuous or threatening behavior; or
  - b) Makes unreasonable noise; or
  - c) Disturbs any lawful assembly of persons without lawful authority; or
  - d) Obstructs vehicular or pedestrian traffic on a public way; or
  - e) Initiates or circulates a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency; or
  - f) Creates a hazardous or physically offensive condition by any act which he/she is not licensed or privileged to do.
2. Disorderly conduct is

**Section 2.** Section **09.10.035 Harassment** is added to read as follows:

**09.10.035 Harassment.**

1. A person commits the crime of harassment if, with intent to harass, annoy or alarm another person, the actor:
  - a) Subjects another to offensive physical contact;



- b) Publicly insults another by abusive or obscene words or gestures in a manner likely to provoke a violent or disorderly response;
  - c) Subjects another to alarm by conveying a false report, known by the conveyor to be false, concerning death or serious physical injury to a person, which report reasonably would be expected to cause alarm;
  - d) Subjects another to alarm by conveying a telephonic, electronic means and/or written threat to inflict serious physical injury on that person or to commit a felony involving the person or property of that person or any member of that person's family, which threat reasonably would be expected to cause alarm;
  - e) Subjects another to alarm or annoyance by telephonic use of obscenities or description of sexual excitement or sadomasochistic abuse or sexual conduct as defined in ORS 167.060 including intercourse, masturbation, cunnilingus, fellatio, or anilingus; or
  - f) Causes the telephone of another to ring with no communicative purpose.
2. A person is criminally liable for harassment if the person knowingly permits any telephone under the person's control to be used in violation of subsection (1) of this section.

**Section 5.** Section **09.10.030 Drinking In Public** is amended to read as follows:

1. It is unlawful for any person to drink or consume any alcoholic beverage while in or upon any street, alley, public grounds, building, or place open and available to the general public, or while in a motor vehicle on premises open to the public.
2. It is unlawful to possess on one's person any bottle, can, or other receptacle containing any alcoholic beverage which has been opened, or upon which a seal has been broken, or from which the contents have been partially removed while in or upon any street, alley, public grounds, building, or place open and available to the general public, or while in a motor vehicle on premises open to the public.
3. The prohibitions of subsections (1) and (2) of this section shall not apply to any place wherein the possession or consumption of alcoholic beverages is subject to the control or regulation of the Oregon Liquor Control Commission, where otherwise permitted by State law, or where otherwise authorized by the City of Brownsville or in any City park wherein the possession or consumption of alcoholic beverages is not prohibited by other provisions of this code.
4. A violation of this section is a misdemeanor punishable under the general penalty provided in Chapter 1.05 BMC.
5. For purposes of this chapter, an alcoholic beverage is defined as any beverage containing more than one-half percent of alcohol by volume and every liquid or solid, patented or not, containing alcohol, and capable of being consumed by a human being.



**Section 6.** This ordinance, being necessary for the public health, safety, and welfare, shall take effect upon adoption.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR, this 28<sup>th</sup> day of March, 2017.

**Attest:**

\_\_\_\_\_  
Mayor Don Ware

\_\_\_\_\_  
City Administrator S. Scott McDowell





**ORDINANCE NO. 767**

**AN ORDINANCE ADDING SECTIONS 10.05.155 PROHIBITED PARKING AREAS, 10.05.165 PARKING TIME LIMITED IN CERTAIN AREAS, 10.05.185 PARKING IN VIOLATION OF SIGNS, 10.05.23 DESIGNATION OF PARKING SPACES AND SIGNS, 10.05.095 USE OF SIDEWALKS, 10.05.115 CROSSING AT RIGHT ANGLES, 10.05.125 USE OF CROSSWALK REQUIRED, AND 10.05.135 DRINKING IN MOTOR VEHICLES, OF TITLE 10, VEHICLES AND TRAFFIC, OF THE MUNICIPAL CODE OF THE CITY OF BROWNSVILLE, OREGON**

**WHEREAS**, Title 10 of the Brownsville Municipal Code (BMC) defines offenses related to parking and traffic, and;

**WHEREAS**, Council wishes to strengthen public safety; and,

**WHEREAS**, Council wishes to provide law enforcement with the necessary tools to address situations as they arise;

**NOW THEREFORE**, the City of Brownsville ordains as follows:

**Section 1.** The following Section 10.05.155 is added to Title 10 of the Brownsville Municipal Code:

**10.05.155 Prohibited parking areas.**

No driver of a vehicle shall stop, stand or park it, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control signal, in any of the following places:

- 1) When in an intersection;
- 2) On a crosswalk;
- 3) Within 10 feet of a fire hydrant;
- 4) In front of a private driveway;
- 5) On a sidewalk or in such a manner as to block a sidewalk;
- 6) Upon a bridge, viaduct or elevated structure used as a street;
- 7) In any alley, except to load or unload persons or materials not to exceed 15 consecutive minutes in any one hour. A vehicle may park in any alley between the hours of 8:00 a.m. and 5:00 p.m. if it is actively needed to make installation or repairs to equipment or buildings or for building construction, provided the vehicles will not cause the alley to be blocked to other traffic.



- 8) Upon any street, alley, public parking lot, or parking strip in the City with any vehicle or combination of vehicles which are in excess of 23 feet in length or in excess of eight feet in width between the hours of 10:00 p.m. and 7:00 a.m. of the following day and all day on Saturday, Sunday, and holidays.
- 9) Upon any street within the City for the principal purpose of:
- a. Displaying such vehicle for sale,
  - b. Greasing or repairing such vehicle, except repairs necessitated by emergency,
  - c. Selling merchandise from such vehicle, except in a duly licensed market place or when so authorized or licensed under the ordinances of this City,
  - d. Storage or junkage or dead storage for more than 24 hours.

**Section 2.** The following Section 10.05.165 is added to Title 10 of the Brownsville Municipal Code:

**10.05.165 Parking time limited in certain areas.**

When signs are erected in any block or within any public parking lot limiting permissible parking time, no person shall park a vehicle within that block or parking lot for longer than the time posted upon the sign. Movement of a vehicle to a parking space on either side of the same street within the area between the intersections at each end of the block shall not extend the time limits for parking. Nor shall movement of a vehicle to another parking space within the same parking lot extend the time limits for parking. After a vehicle has been moved from the posted block or parking lot for a period of time not less than one hour, then a new time limitation shall apply.

**Section 3.** The following Section 10.05.185 is added to Title 10 of the Brownsville Municipal Code:

**10.05.185 Parking in violation of signs.**

- 1) No person shall stand or park a vehicle in violation of any sign posted by the City of Brownsville regulating the manner in which vehicles may be parked upon a public street or upon a public parking lot.
- 2) It shall be an affirmative defense to the alleged violation of subsection (1) of this section that the signs regulating or restricting parking, standing, or entry were not clearly visible or did not prescribe the conduct in question with reasonable clarity.

**Section 4.** The following Section 10.05.235 is added to Title 10 of the Brownsville Municipal Code:

**10.05.235 Designation of parking spaces and signs.**

The Public Works Director of the City of Brownsville is hereby authorized to designate and mark off individual parking spaces upon public streets or parking lots. Parking



spaces are to be designated by lines painted or durably marked upon the curbing or the surface of the street. The Public Works Director is further authorized to post signs upon or adjacent to public streets or parking lots regulating the manner in which vehicles may be parked.

**Section 5.** The following Section 10.05.095 is added to Title 10 of the Brownsville Municipal Code:

**10.05.095 Use of sidewalks.**

Pedestrians shall not use any roadway for travel when sidewalks abutting the same are available.

**Section 6.** The following Section 10.05.115 is added to Title 10 of the Brownsville Municipal Code:

**10.05.115 Crossing at right angles.**

No pedestrian shall cross a street at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk.

**Section 7.** The following Section 10.05.125 is added to Title 10 of the Brownsville Municipal Code:

**10.05.125 Use of crosswalk required.**

No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks.

**Section 8.** The following Section 10.05.135 is added to Title 10 of the Brownsville Municipal Code:

**10.05.135 Drinking in motor vehicles.**

It is unlawful for any person to consume alcoholic liquor while an occupant of a motor vehicle on any street in this City.

**Section 9.** This ordinance, being necessary for the public health, safety, and welfare, shall take effect upon adoption.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

**Attest:**

\_\_\_\_\_  
S. Scott McDowell

\_\_\_\_\_  
Mayor Don Ware



**Linn County Pioneer Association**

PO Box 57

Brownsville, Oregon 97327

LCPA1887@gmail.com

March 18, 2017

Dear City of Brownsville:

The Linn County Pioneer Association is requesting the permission to close the following roads during 2016 Linn County Pioneer Picnic.

Friday, June 16: Park Street and Main Street for the Kiddies Parade for 12:55-1:30 pm

Saturday, June 17: Main Street, Kirk Ave, Spaulding Way, and Standard Ave. From 9:55am to 11:00am

Sunday, June 18: Park Street for the Dam Run from 6am to 10:30 am

Please let know if you need anything else from us.

Thank you,

Holly Gosda

Secretary

Linn County Pioneer Picnic

## Linn County Pioneer Picnic News

The Linn County Pioneer Association are busy planning an array of events for Pioneer Picnic, June 16-18. This is a family friendly weekend in Brownsville's Pioneer Park. This year marks the 130<sup>th</sup> Annual Pioneer Picnic; the oldest continuous celebration in the State of Oregon. Theme for this year is: "Singin' n Stargazin' on the trail". We hope this will inspire you to build a parade float, dress up and walk in the parade, drive your old vehicles, or decorate your downtown store windows. Grand Marshalls will be the "Wheeler Clan". We also encourage all Pioneer Decedents to ride or walk in the parade. More than 40 vendors will locate in the Prairie of the Park to display their wares. Back Yard BBQ of Lebanon will be cooking chicken and their specialties in the pavilion plus the regulars will be back with elephant ears, corn dogs, curly fries and ice cream and more. Along with the regular events, new this year will be a living history encampment by the NW Civil War Reenactors and an information booth by the Oregon Genealogical Society.

We also wanted to notify campers that the City of Brownsville Park Caretakers will be collecting camping fees at the nightly rate of \$15.00 for RVs and \$10.00 for tents during picnic. Please pass this on to you families and guests.

We also need volunteers in the following areas: Court Co-Chair to help with the Jr. and Teen Courts and a Logging Show Co-Chair to work with Rob Waibel and some talented person to help us with Advertising & Publicity. We also have other volunteer spots in manning the information booth, picture gallery, and inflatables throughout the weekend. If you can help, please call or text Debie Wyne at 541-602-0945 or Leisa Keyser at 541-466-5656. Our monthly meetings are the third Tuesday at 7:00 pm in the Kirk Room at the Library. We always need help and welcome your attendance in planning and being a part of this community event.

March 1, 2017

RECEIVED  
City of Brownsville

MAR 02 2017

Clerk \_\_\_\_\_

Kimberlee S. Clayton

350 Spaulding Ave.

Brownsville, OR 97327

(208) 721-1347

Dear Mayor Ware and Mr. McDowell,

I am very interested in being a member of the Budget Committee for the City of Brownsville and ask that you consider me for this position. I have lived in the City of Brownsville since 2010 and plan for this to be my long term home.

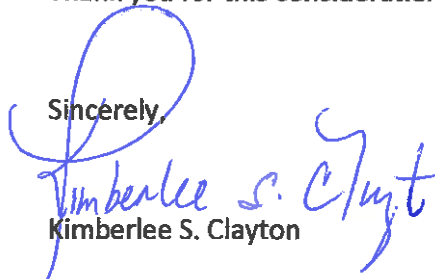
I currently work for PacificSource educating members of their flexible spending account benefits and medical claims. It is a very demanding and detail oriented job. I have experience with budgets, including owning my own business and managing others. I am very team oriented and can work independently, as needed.

I have attended most of the Council meetings over the 2 plus years, and have come to understand the need of being fiscally responsible as a community for the short and long term.

I am very professional, reliable and dependable. I believe my past and present experiences would make me a valuable member for this committee. I will be able to attend the meetings as needed.

Thank you for this consideration.

Sincerely,



Kimberlee S. Clayton



## 2017-2018 Council Goals

- Focus on the Fundamentals.
  - *Protect & Manage Brownsville's Treasury.*
  - *Foster Cooperative & Productive Relationships in the community, with Linn County, State and Federal Agencies.*
- Water Rights.
  - *Explore Possible Water Source Options.*
  - *Continually work on perfecting Water Rights.*
- Economic Development Plan.
  - *Participate in Regional Efforts & Opportunities.*
  - *Work on Economic Analysis & Land Inventory.*
- Community Development Plan.
  - *Refine Zoning Rules & Requirements.*
  - *Consider & Adopt New Policies & Standards.*
  - *Emergency Preparedness Planning.*
  - *Support Youth Activities in Cooperation with CLRA.*
  - *Improve Partnerships with CLSD.*
- Capital Improvements Plan.
  - *Plan & Construct Waterline Improvement Projects.*
  - *Plan & Construct Downtown Wastewater & Stormwater Improvements.*
- Organizational Development.
  - *Develop a More Effective Working Relationship between Council & Staff.*
  - *Focus on Council Leadership Development.*



## 2017-2018 Council Goals

### GOALS PROGRESS UPDATE

#### 1. Focus on the Fundamentals.

- *Protect & Manage Brownsville's Treasury.*
- *Foster Cooperative & Productive Relationships in the community, with Linn County, State & Federal Agencies.*

**Plan:** Staff will continue to work diligently with the annually adopted budget to ensure financial and infrastructure vitality. Staff will honor the necessary parameters to keep rates as low as possible while providing services effectively. Staff will execute the planned projects found in the FY 2017-2018 budget as time and priority allow.

Staff will bid, construct and complete the Main Street and Robe Street Waterline Projects. Staff will plan for and execute the engineering for the redevelopment of sewer lines in Old Town Commercial and determine appropriate construction schedule depending on overall costs.

Staff will continue to strive for excellence in all relational aspects of service delivery. Mr. McDowell will complete his service on the State's OPRD Grant Advisory Committee in 2017. McDowell will continue to be involved with the Visit Linn Coalition (VLC), the Ford Foundation's Go Team Effort, the Solid Waste Advisory Committee (SWAC), the Linn County Sheriff's Office (LCSO) Joint Cities Coalition, City/County Insurance Services (CIS), International City Management Association (ICMA), Oregon City/County Management Association (OCCMA) and the League of Oregon Cities (LOC) as needed. Mr. Frink works with various groups including 811.

Staff is also very involved at a local level. McDowell serves on the Board of Directors for the Chamber of Commerce and attends other civic organization meetings as requested or required. Mayor Ware serves on the Central Linn Community Foundation and the Lions Club to name two. Administrative Assistant Elizabeth Coleman serves on the Sharing Hands Board. Councilor Chambers serves on the Linn County Pioneer Picnic Association Board. Councilor Shepherd serves on the Canal Company Board and several Councilors serve on various boards and committees for the City including the Central Linn Recreation Association (CLRA) and the Cascade West Council of Governments (COG).

#### 2. Water Rights.

- *Explore Possible Water Source Options.*
- *Continually work on perfecting Water Rights.*

**Plan:** The City will continue exploring additional resources such as procurement of upstream water rights and other possibilities that exist in other areas around Brownsville. Staff will continue to work with City Engineer Jon Erwin and City Attorney Rolfe Wyatt on issues as they arise through the State Legislature and other agencies of the State. Council recognizes water as the City's most precious resource.

#### 3. Economic Development Plan.

- *Participate in Regional Efforts & Opportunities.*

**2017-2018 Council Goals**







## 2017-2018 Council Goals

- *Work on Economic Analysis & Land Inventory.*

**Plan:** Continue working with Rural Linn communities and the Ford Foundation on economic development efforts. The Go Team continues to forward their proposal and spur conversations with other groups doing economic development in the County and the region. Continue working with the Brownsville Chamber of Commerce, Visit Linn Coalition and the Bi-Mart Willamette Country Music Festival to help drive opportunity for local businesses.



**Definition:** The two chief focuses of Economic Development are 1) retaining existing business and 2) attracting new business.

The City will budget for procedures required by the Department of Land Conservation & Development (DLCD) in order to possibly expand areas for commercial and light industrial development. The City will also be including additional residential land if possible.

### 4. Community Development Plan.

- *Refine Zoning Rules & Requirements.*
- *Consider & Adopt New Policies & Standards.*
- *Emergency Preparedness Planning.*
- *Support Youth Activities in Cooperation with CLRA.*
- *Improve Partnership with CLSD.*

**Plan:** Council would like to explore ways to positively affect community livability. Council will take a look at strengthening certain policies such as nuisance abatement, junk vehicles and public use of the right-of-way and others to achieve this goal. The City Administrator formed an ad hoc volunteer committee that continues to work on community emergency preparedness issues as defined by the Brownsville Municipal Code. Council continues to support the efforts of the CLRA. Organizational development pieces will still be important over the next two years due to the recent infusion of new members. Continue to work with the CLRA to develop and strengthen youth activities as a vibrant community amenity. Continue attempts to develop effective working relationship with the Central Linn School District (CLSD).

### 5. Capital Improvements Plan.

- *Plan & Construct Waterline Improvement Projects.*
  - Plan & Construct Main Street Waterline Replacement.
  - Plan & Construct Robe Street Waterline Replacement.
- *Plan & Construct Downtown Wastewater & Stormwater Improvements.*
  - Develop Plan for Collection System replacement.

**Plan:** Council will attempt to complete two waterline projects that were too expensive to complete as part of the 2015 Water System Improvements project. Council will be planning for the wastewater concerns in downtown Brownsville.

### 6. Organizational Development.

- *Develop a More Effective Working Relationship between Council & Staff.*



## 2017-2018 Council Goals

➤ *Focus on Council Leadership Development.*

**Plan:** Council recognizes the need for additional training & development. Council will continue to improve in two ways, 1) collectively through regular group discussions and evaluations, and 2) executing their individual roles as community leaders. Council will look at new ways to work together to accomplish shared organizational goals and address community issues with Staff.



## ANNUAL COUNCIL MEMBER COMMITMENT

For the year 2017-2018, I will:

- Attend the required meetings of Council. If I must be absent, I will inform the City Administrator by e-mail or phone at least 48 hours in advance if possible.
- Attend Council Retreat and Goal Setting Session(s).
- Prepare fully for Council and committee meetings by reading relevant materials in advance. If I have questions prior to the meeting, I will communicate those with the City Administrator.
- Participate actively in Council meetings, asking questions and sharing information pertinent to discussion topics as appropriate.
- Participate in Council orientation and educational opportunities.
- Serve on at least one Council committee or task force.
- Chair a committee or task force, if asked.
- Based on my expertise and other resources, undertake a special project for the City, if asked.
- Represent the City's interests and image in the larger community. However, I will only act as a Council spokesperson if authorized to do so.

Signed: \_\_\_\_\_  
Council Member, City of Brownsville

Date: \_\_\_\_\_

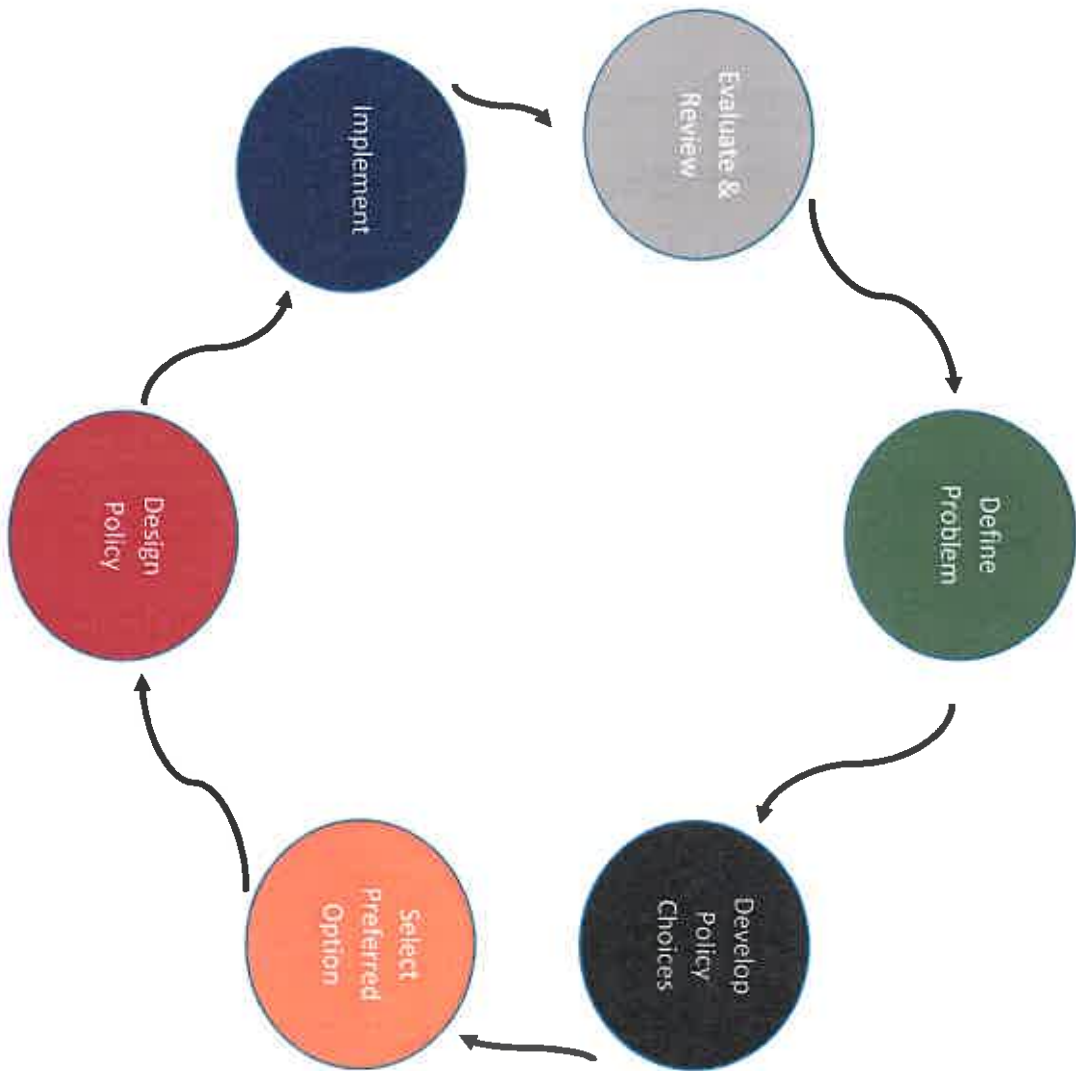
Signed: \_\_\_\_\_  
Mayor, City of Brownsville

Date: \_\_\_\_\_

*Please sign two copies of this agreement, one to be held by the Council member, and the other to be filed with the organization.*



### *Council Policy Development & Execution Cycle*





## Policy Considerations & Tabled Discussions

At the request of Staff, Council is considering possible modifications, changes or additions to the Brownsville Municipal Code. Staff is making these recommendations because of complaints coming to City Hall from residents. Staff does not have the proper force of law (tools) to effectively deal with certain issues. Below are several of the broad policy categories:

1. **Nuisance Improvements** – Council shall consider reviewing Chapter 8.30 Health and Safety to more efficiently and effectively handle certain Code violations. Components that should be reviewed include, a) consider changing noticing requirements and timelines, b) specify the use of tarps, c) define junk in backyards, d) more clearly define what constitutes a nuisance, and e) specifically address other issues not currently included in the Code.
2. **Weeds Improvements** – Possibly change acre lots and the mowing strip requirements to more accurately reflect the desired outcome of lessening fire loads.
3. **Trash & Rubbish Nuisance** – Deal with the on-going issue of trash accumulation. Create clear violation guidelines, change notice requirements and define a better process for speedy abatement.
4. **Attractant Nuisance** – Develop a process and penalty for people randomly feeding wildlife, stray animals and pets. Turkeys and stray cats are two of the prime examples of not having this ordinance in place. Clearly define violation guidelines, citizen involvement and timelines for abatement.
5. **Junk Vehicles** – The ordinance as it stands is unenforceable.
6. **Noise Mitigation** – Council should establish guidelines for noise. McFarland Cascade spent a lot of time and money correcting a problem to be a good neighbor. The City did not have the proper language in place to deal with this issue. Council must put a level in place for certain zones as to protect livability.
7. **RV Issues** – Law Enforcement has experienced an impasse in the enforcement of this Code. What improvements can be made to fix the process?
8. **ROW Infringements** – Develop an ordinance that details existing private property such as sheds, garages, porches and landscaping that are infringing on the public ROW. Define a notification system which will communicate with infringing property owners about their responsibilities for these infringements. Private property cannot be rebuilt on the public ROW. Private property can be



removed by the City for any reason; mainly involving a public project and public safety. The City is not responsible for replacing any of said property.

- a. ROW Storage
  - b. ROW Mowing
9. **Animals** – Council should consider specific regulations for animals. Items to consider would be placing a limit on the number of chickens, prohibit swine, prohibit roosters, prohibit bovine and consider companion rules for sheep.
10. **Council Items**
- A. Setting up Appointments
  - B. Effectively Using E-mails
  - C. Agenda Pickup & Delivery
  - D. Regional Meetings & Conferences
  - E. Operational & Agenda Check-ins
  - F. Expense Reports

## External Dynamics

The reasons why Council should continue to consider improvements to the Brownsville Municipal Code include:

1. **Practice & Local Law** – Council must strive to ensure local laws are directly reflected in the field practices of Staff and corresponding official actions of Council. The City must always have force of law before acting on citizen concerns and complaints. Clear processes and sound procedures help the City ensure Council goals are being met and that all citizens follow the same Code requirements.
2. **High Taxes** – Due to costs associated with unfunded mandates from the Federal government and related State requirements, the City completed a major Water Treatment Plant project in 1998 and the largest Public Works project in the history of the City by completing new Wastewater Treatment Facilities in 2008. The projects have led to higher utility rates and higher tax rates that place Brownsville second in Linn County. People who pay higher taxes have higher expectations and demands.
3. **New Population** – New people have come to Brownsville to raise their families or to retire. High taxes generally mean high local government service levels. The City has been playing catchup trying to meet the expectations of the citizens while responsibly managing limited financial resources, trying to honor the past and attempting to maintain aging infrastructure.



[www.ci.brownsville.or.us](http://www.ci.brownsville.or.us)

**City Hall**  
255 N. Main Street • P.O. Box 188  
Brownsville, OR 97327 • 541.466.5666  
Fax 541.466.5118 • TT/TDD 800.735.2900

March 8<sup>th</sup>, 2017

**Re: Ash Street Waterline Improvements**

Dear Residents:

Clayton Homes is in the process of developing a parcel of land at the unimproved end of Ash Street. Due to the age and size of the City waterline, the City has entered into an agreement with Clayton Homes for the installation of a new six (6") inch water main, including new service lines and patching Ash Street. Clayton Homes will also be installing a sewer line extension to service the homes they will be building. Council is aware that this improvement has been in the works for a long time and is very pleased to make these improvements to the public distribution system in your neighborhood.

Clayton Homes has hired Udell Engineering from Lebanon to design the project and Exca-Drain Construction from Halsey to install the water & sewer improvements. City Engineer Jon Erwin has approved the design for construction. City Public Works Superintendent Karl Frink will provide project inspection services. The weather will play a large role in when this project will start and ultimately finish. I have attached the proposed project schedule so you have an idea of their process. The City hopes the project will be completed in a timely manner. The projected completion date is the middle to end of April.

The City will do its best to ensure water service interruptions are minimal, if any, and will keep you informed of any changes that could impact your service. Exca-Drain will be responsible for providing worksite safety and access to individual properties during the course of construction. If you have any questions or concerns, please contact me at your convenience or feel free to speak with Karl on site.

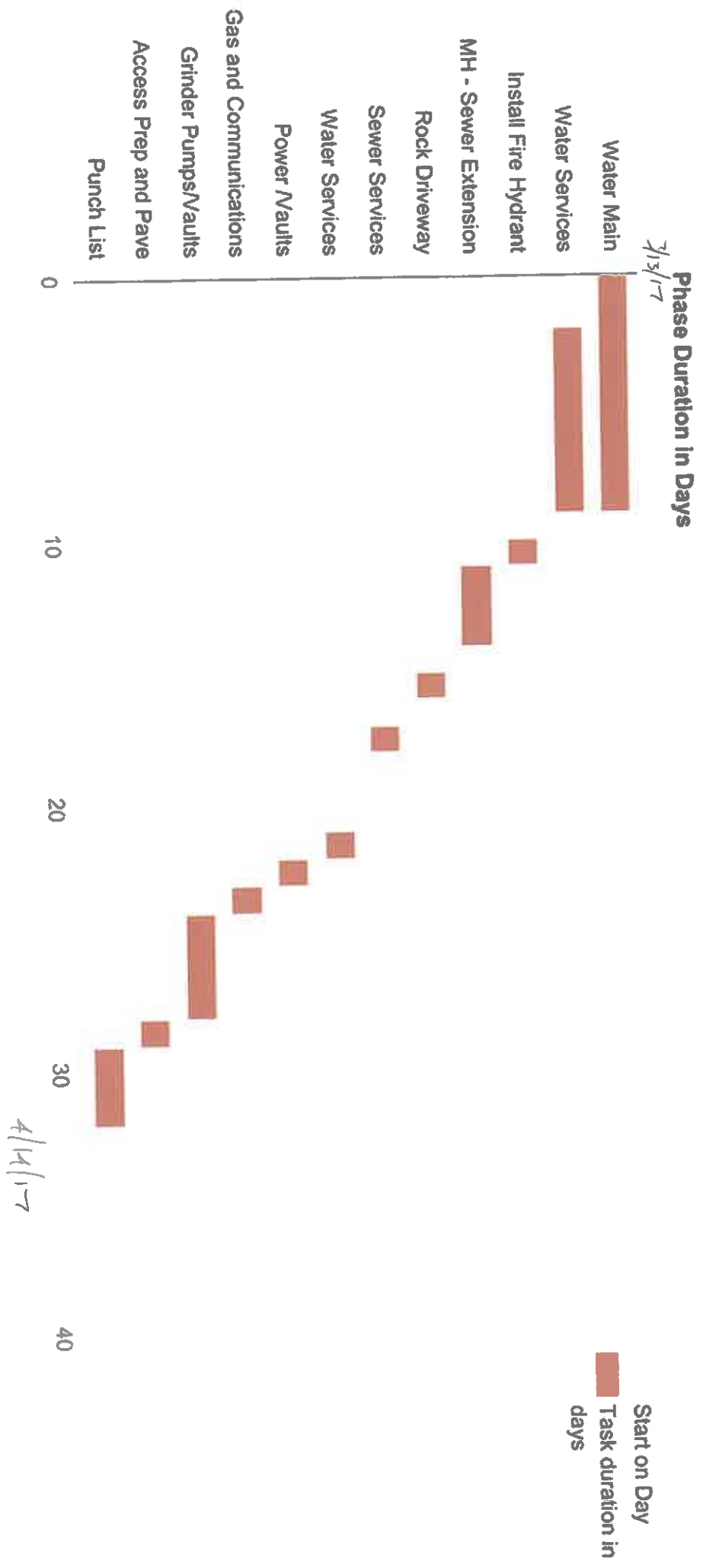
Cordially,

A handwritten signature in blue ink, appearing to be "SM", written over the typed name.

S. Scott McDowell  
Administrator

c: Council & Staff  
City Engineer Jon Erwin  
Public Works Superintendent Karl Frink  
File

Estimated Start Date 3/13/17



Weather permitting





## Annual TMDL Report Follow-Up

March 21<sup>st</sup>, 2017

### Brownsville

RE: Additional Information Request

#### Your Section

#### Answer/Response

General

- You have received the full report. The matrix is three pages; pp. 11-13.

Bacteria 1.

- Annual costs to maintain the pet waste stations is roughly \$500; that figure does not include any vandalism incurred to any of the stations throughout the City. The amount of \$13,400 is the overall investment the City has made into pet waste stations over the last nine years.
- Pet Waste Stations promote themselves due to their conspicuous locations. Park Caretakers and Public Works Staff also remind folks to use the bags to properly dispose of their pet waste.

Bacteria 2.

- Staying with current regulations; no new changes are being proposed. Staff will stay abreast of new techniques and determine effectiveness and usefulness in Brownsville.

Bacteria 3.

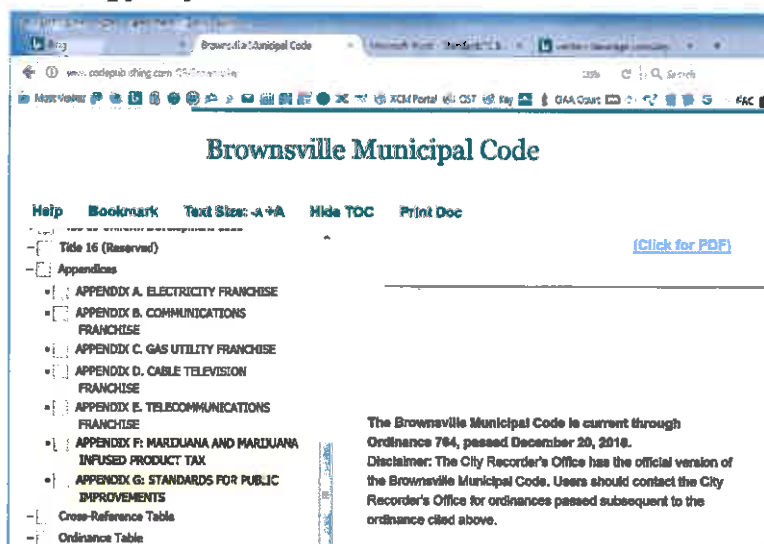
- Public Works does mowing and debris removal;
- Annual costs ranges between \$7,000 - \$10,000.
- No.

Bacteria 4.

- The Wenger/Lynch did not require a 1200-C according to City Engineer Jon Erwin.

Mercury 1.

- Below is a picture of how to get a downloadable copy. I can forward you a copy of you like.



- The Standards should answer this point as well.



- Lepman & Associates started after this reporting period, however, they have complied with the storm water provisions of the City's Standards and met the approval of City Engineer Jon Erwin, Public Works Superintendent Karl Frink and City Administrator Scott McDowell. Dollar General is still in the planning phase of their potential project. So far, they have not purchased the land.
- Request unclear.

**Your Section**  
Mercury 2.

**Answer/Response**

- Request unclear.
- The Calapooia Watershed Council published information during the reporting period. The City did not publish in the City newsletter of this reporting period.
- Temperature 1. • The Calapooia Watershed Council would have the reports on plantings down around Brownsville.
- Working on formalizing the partnership with the Calapooia Watershed Council; great recommendation.
- Temperature 2. • Working on formalizing the partnership with the Calapooia Watershed Council; great recommendation.
- Two City Council meetings; Zero public outreach.
- Temperature 4. • River erosion continues to be a problem in Pioneer Park. Council has plans to remove the road and potentially move the playground structure depending on the river encroachment. Discussed ways to hold the river bank.
- Acknowledged.
- Illicit Discharge • No.
- The City will incorporate newsletter articles each September and work with the Calapooia Watershed Council to do better public education.

Notes on the other two pages are on-going. The City will be working more closely with the Calapooia Watershed Council in 2017 and beyond. Please let us know if you have any additional questions. Thank you!

Cordially,

City Administrator S. Scott McDowell

Public Works Superintendent Karl Frink

c: Mayor & Council  
File

Annual TMDL Report  
 Brownsville  
 Additional Information Requested by 3/15/2017

Section	Comments/ Questions
General	<ul style="list-style-type: none"> <li>The page numbers indicate that the Matrix may be 15 pages long, but DEQ only received two copies of pages 11-13. Please confirm that the entire matrix was received.</li> </ul>
Bacteria 1.	<ul style="list-style-type: none"> <li>What is the annual cost of maintaining pet waste stations?               <ul style="list-style-type: none"> <li>Is this item represented in the budget table of the TMDL Plan as "Park Misc \$13,400"?</li> </ul> </li> <li>What type of outreach do you do to raise public awareness in regards to pet waste, e.g. signs, radio spots?</li> </ul>
Bacteria 2.	<ul style="list-style-type: none"> <li>Per the update given, what new approaches are being considered?</li> </ul>
Bacteria 3.	<ul style="list-style-type: none"> <li>What does annual ditch maintenance entail, e.g. mowing, spraying, debris removal...?</li> <li>What is the cost estimate for annual maintenance of stormwater ditch?</li> <li>Were any repairs of the stormwater conveyance system completed during the reporting period?</li> </ul>
Bacteria 4.	<ul style="list-style-type: none"> <li>Please clarify: does "Wenger/Lynch" represent an entity that required a 1200-C during the reporting period?</li> </ul>
Mercury 1.	<ul style="list-style-type: none"> <li>Please provide a link (if available online) or a PDF copy of the Public Works Standards referenced in the Benchmark (1.1).</li> <li>Please provide link or copy of ordinance referenced in the Benchmark (1.4).</li> <li>Please clarify: does "Lepman &amp; Associates" and "Dollar General" represent entities that required a 1200-C during the reporting period?</li> <li>*Recommend updating language to reflect that ordinance has been adopted (see below).</li> </ul>
Mercury 2.	<ul style="list-style-type: none"> <li>**Recommend updating language to reflect that BMPs have been adopted (see below).</li> <li>Please provide a link (if available on line) or a PDF copy of one of your newspaper articles that is representative of the types of articles you publish.</li> </ul>
Temperature 1.	<ul style="list-style-type: none"> <li>Where and how many plantings were completed during the reporting period?</li> <li>***Recommend updating and revising language to reflect that ordinance has been adopted and is enforced; city will continue to collaborate with local WSC on riparian vegetation projects (see below)</li> </ul>
Temperature 2.	<ul style="list-style-type: none"> <li>Please provide a copy of the newsletter that was distributed.</li> <li>What type and how many education events were supported and/ or hosted during reporting period? Report zero if no education events took place during reporting period.</li> </ul>
Temperature 4.	<ul style="list-style-type: none"> <li>What stream enhancement projects were discussed or explored with the WSC during the reporting period?</li> <li>****Recommend combining and revising language to better address these efforts (see below).</li> </ul>
Illicit Discharge	<ul style="list-style-type: none"> <li>Were any articles included in the newsletter during the reporting period?</li> <li>Please clarify what "new effort" represents.</li> </ul>

Annual TMDL Report  
 Brownsville  
 Additional Information Requested by 3/15/2017

Pollutant	Source	Strategy	Actions	Measure	Timeline	Benchmarks	Status
*Mercury 1.	Erosion and Sediment Control	Enforce erosion control ordinance (insert ordinance number)	Conduct site visits and enforcement as needed to ensure developers are in compliance with City's erosion and sediment control requirements	Track and record: number of site visits conducted, and number of violations and enforcement actions	Ongoing	City responds to sediment and erosion control issues, and/or refers to appropriate regulatory agency.	
**Mercury 2.	Stormwater BMPs	Continue to provide outreach and education to developers and residents about low impact development and other stormwater BMPs	Provide information about, and encourage developers to, implement LID during building permit process. Provide educational information to residents	Record number of developments that incorporate LID and other stormwater BMPs	Ongoing	Implementation of stormwater BMPs increases over time.	
*** Temperature 1.	Protection of riparian vegetation	Enforce ordinance BMC 15.85.120	Conduct site visits and enforcement as needed to ensure	Track and record: number of site visits conducted, and	Ongoing	City responds to riparian issues, and/or refers to appropriate	

Annual TMDL Report  
 Brownsville  
 Additional Information Requested by 3/15/2017

			<p>developers and community residents and others are in compliance with riparian ordinance</p>	<p>number of violations and enforcement actions</p>		<p>regulatory agency.</p>	
<p>****Combine part of Temperature 1. with 4.</p>	<p>Protection and restoration of riparian vegetation</p>	<p>Work with local watershed council, community members and others to protect and restore riparian vegetation</p>	<p>Meet with WSC to explore opportunities for City to support and/or facilitate riparian planting projects; provide outreach and education to community members about importance of riparian areas</p>	<p>Document meeting with WSC and develop a list of possible projects; document outreach and education to community members</p>	<p>Annual</p>	<p>Meet with WSC at least annually to keep lines of communication open.</p>	

Representative Phil Barnhart  
900 Court Street NE H-279  
Salem, Oregon  
97301

March 14, 2017

Dear Representative Barnhart:

As a concerned Councilor for the City of Brownsville, I am writing you regarding the critical and urgent need to restore Recreational Immunity. The 2016 Oregon Supreme Court ruling, *Johnson v. Gibson*, threatens to shut down our City's public recreation opportunities. As a City government landowner of Brownsville's parks and recreational facilities, we cannot afford the potential huge increase in liability insurance premiums to protect our employees and volunteers and the City. Our community's high quality of life is enhanced by our public open space, the Central Linn Rec Center, and our parks. Hundreds of community events are hosted here by Mid-Valley organizations and staffed by volunteers at Brownsville's public facilities ranging from Pioneer Picnic (Oregon's oldest continuing community celebration) to youth sports programs to annual dog shows and Chamber of Commerce-sponsored activities.

Not only will our community's recreational opportunities be severely curtailed or shut down completely if recreational immunity is not restored, the City of Brownsville will lose significant income derived from outdoor activities' fees which are necessary for operations and maintenance of those same facilities. Without your intervention, the State's Supreme Court 2016 ruling will have irremedial long-term effects on local economies and quality of life.

Prior to *Johnson v. Gibson*, the Public Use of Lands Act was interpreted broadly making providing recreational opportunities and facilities on city property a lower-risk/lower cost action for the City of Brownsville. The City of Brownsville supports legislation in the 2017 Oregon Legislative Assembly which will restore recreational immunity to public landowners. Thank you for your concern. We stand ready to support your work to restore recreational immunity.

Sincerely,  
Mandy Cole, Councilor  
City of Brownsville  
thetimes242@gmail.com

**S. Scott McDowell**

---

**From:** SHERONDA ALLEN <sallen@linnsheiff.org>  
**Sent:** Thursday, March 16, 2017 10:05 AM  
**To:** 'scook@ci.mill-city.or.us'; 'blatta@ci.harrisburg.or.us'; 'meldridge@ci.harrisburg.or.us'; 'S. Scott McDowell'; 'Ginger Allen'  
**Subject:** National Drug Take Back Initiative XIII (April 29, 2017)  
**Attachments:** Drug Take Back Initiative Apr 17.docx

Hello all,

We will be visiting your cities April 29th to partipate in the DEA's National Drug Take Back event. The event is from 9am to 3pm however, we will conduct the same as we did in October where we come to your city for 1 hour to collect as much as we can from the citizens. I've attached the information so that you can publish this in your newspapers and newsletters. We will have it on the Linn County Sheriff's Office Website as well as the DEA's website. Last year was a success and we hope this year will be one as well.

They are in the process of mailing out the posters and pamphlets so once I receive them I will get those out to your areas so we can advertise this event.

Harrisburg you will notice that we will be holding the event at the substation instead of City Hall.

Thank you,

Sheronda Allen  
Service Aide - Property/Evidence  
Linn County Sheriff's Office  
Desk: (541) 917-6653  
[sallen@linnsheiff.org](mailto:sallen@linnsheiff.org)

## NATIONAL DRUG TAKE BACK INITIATIVE XIII

Twice a year the Drug Enforcement Administration (DEA) puts on a drug take back event. Linn County Sheriff's Office has decided to participate. The event is held on Saturday April 29, 2017 from 9am to 3pm. Linn County will be doing a mobile take back during this time. We will be traveling between 4 cities on this day to retrieve as much as we can. This is a free event for citizens to dispose of their unused/unwanted medications (including pet meds).

Below is some information on the event:

- Controlled, non-controlled, and over the counter substances may be collected.
- This program is anonymous and all efforts should be made to protect the anonymity of individuals disposing of medications.
  - \* No questions or requests for identification should be made.
- Participants may dispose of medication in its original container or by removing the medication from its container and disposing of it directly into a disposal box.
  - \* If an original container is submitted, the individual should be encouraged to remove any identifying information from the prescription label by either removing the label or utilizing a permanent marker.
- No effort should be made by Linn County Sheriff's Office personnel to count, inventory, or log medications.
- All solid dosage pharmaceutical products and liquids in consumer containers may be accepted.
  - \* Liquid products, such as cough syrup, should remain sealed in their original container.
  - \* Ensure that the cap is tightly sealed to prevent leakage.
- Intra-venous solutions, injectables, syringes, chemotherapy medications, or medical waste **WILL NOT** be accepted due to potential hazard posed by blood-borne pathogens.
- All participants must retain possession of their own medication during the surrender process; Linn County Sheriff's Office will not handle the medications at any time.

### Following locations and times:

Mill City (9am – 10am)  
City Hall  
444 S. 1<sup>st</sup> Ave

Scio (10:30 – 11:30)  
Fire Hall  
38975 SW 6<sup>th</sup> Ave

Brownsville (12:30 – 1:30)  
City Hall  
255 N. Main St

Harrisburg (2pm – 3pm)  
LCSO Substation  
354 Smith St

For more information please visit:

[http://www.deadiversion.usdoj.gov/drug\\_disposal/takeback/index.html](http://www.deadiversion.usdoj.gov/drug_disposal/takeback/index.html)



**Laura A. Schroeder**  
Licensed in Oregon, Idaho,  
Nevada, Washington & Utah

**Therese A. Ure**  
Licensed in Oregon  
& Nevada

**William F. Schroeder**  
(1928 - 2015)



**Sarah R. Liljefelt**  
Licensed in Oregon, California  
& Utah

**Wyatt E. Rolfe**  
Of Counsel  
Licensed in Oregon & Washington

**James Browitt**  
Of Counsel  
Licensed in Idaho & Washington

March 8, 2017

**VIA U.S. AND ELECTRONIC MAIL**

City of Brownsville  
Scott McDowell  
255 N. Main Street  
PO Box 188  
Brownsville OR 97327  
*Email: admin@ci.brownsville.or.us*

**RE: Fee Rate Adjustments**

Dear Scott McDowell:

As provided in your Contract for Legal Services (Fee Agreement) with Schroeder Law Offices, certain hourly rates may be increased annually. Increases will occur beginning with work charged on February 27, 2017, and be reflected in your next billing statement. This courtesy notice is to bring the current and past increases to your attention.

Quoting from your agreement with us:

Amounts listed in the above hourly fee schedule may be increased without notice by an amount not to exceed 10% at any time after the anniversary date of this contract and may be increased in like amount no more frequently than annually thereafter.

If your fee agreement has been in force for more than two years amounts may have been increased in the past, but have not been increased within the most recent 12-month period. Specifically, current rates reflected in your recent billing statements will be changed as follows:

<u>Timekeeper</u>	<u>Recent Rate</u>	<u>New Rate</u>
Laura A. Schroeder	\$340	\$360
Therese A. Ure	\$260	\$260

Your fee agreement also states:

Personnel move over time to the next higher level and my attorney may judge that their work has improved to a degree justifying an adjustment in

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

440 Marsh Avenue, Reno, Nevada 89509 (775) 786-8800

www.water-law.com counsel@water-law.com

City of Brownsville  
 March 8, 2017  
 Page 2 of 36

their hourly rate within the ranges specified by the table above. Accordingly, hourly rates for individuals may be changed within their applicable range without further notice. The rate within the specified range established by this agreement charged for any individual timekeeper is reflected in my attorney's monthly billing statement next to the initials of that individual timekeeper.

Rates for certain other timekeepers will be changed within the ranges specified in your fee agreement. Although none of these timekeepers are currently at the top of their respective ranges, the ranges are adjusted to the following:

Attorneys	\$200.00 to \$395
Paralegals or Law Clerks	\$100.00 to \$275.00
Project Assistants	\$70.00 to \$165.00
Travel Rate	110.00

Please attach this letter to your copy of the fee agreement for your records.

If you have any questions or comments please do not hesitate to contact the undersigned at (503)281-4100.

Very truly yours,  
 SCHROEDER LAW OFFICES, P.C.



V. Scott Borison  
 Firm Administrator

VSB:kmw

**S. Scott McDowell**

---

**From:** ogec.notification@egov.com  
**Sent:** Wednesday, March 15, 2017 1:31 AM  
**To:** admin@ci.brownsville.or.us  
**Subject:** SEI Filing Period Open

Dear S. Scott McDowell:

Our records indicate that you hold one or more position(s) identified in ORS 244.050 that is required to file an Annual Verified Statement of Economic Interest (SEI). As such, you are required to submit your SEI by April, 15 2017.

The filing window is now open. Please click on the following link to access the Electronic Filing System and complete your filing:

<https://apps.oregon.gov/OGEC/EFS/Home/SignIn>

Please do not disregard this notice. Failure to file your SEI may result in the accrual of civil penalties.

Please be sure to update your profile if you have changes to your email or other personal information. If you have any questions regarding this process, please contact the Oregon Government Ethics Commission office at 503-378-5105.

Please do not reply to this email as replies will not be delivered to the Commission.

Thank you,

Oregon Government Ethics Commission  
3218 Pringle Rd. SE, #220  
Salem, OR 97302-1544



## Public Finance: Options Limited by Property Tax Laws

By Gülgün Mersereau, Partner, Hawkins Delafield & Wood LLP

**L**ike many of you, I lead a double life. During the day, I'm a bond lawyer. I spend my time with local government finance officers. These people know all there is to know about how local government operations are financed.

I spend the rest of my time out in the world with non-finance people. These people, whom I will call "my neighbors," don't have the benefit of all the specialized knowledge my government finance clients have. Yet my neighbors care a lot about how government operations are financed, either because they have kids in school, want to avoid paying higher property taxes, or are just curious about how the world works.

Because of my day job, I have some insight into the limitations of the property tax system that my neighbors do not have. Many of my neighbors think that local governments have ample revenues to provide services, and that local governments have access to additional funding sources for operations, if needed.

I wish my neighbors were right!

As many of you know, Measures 5 and 50 imposed significant limitations on property tax collections by local governments in Oregon. Permanent rates are imposed on "assessed values," which are almost always lower than real market values. Assessed values are artificially capped, and cannot increase more than three percent a year except in limited circumstances. Additionally, all non-school operating taxes are limited to \$10/\$1,000 of real market value. Therefore, in areas where tax rates exceed this limit, the rates are "compressed" to fit within those limits.

Not only are permanent property tax collections limited, there is no stable alternative long-term source of revenue for operations available to Oregon local governments.

My neighbors point to local option levies, urban renewal areas and bonds as potential additional sources of revenue for local governments. While some of those financing tools may be helpful to some local governments, each of those financing tools is subject to significant limitations. This article outlines those limitations.



## ENERGY EFFICIENCY NEVER CLOCKS OUT.

The great thing about energy efficiency is that it works 24/7. Energy Trust of Oregon helps owners, managers and operators at commercial and industrial buildings discover ways to manage energy costs just like any other business expense—around the clock. We offer cash incentives that can help you offset the cost of making energy improvements and technical expertise to help you find ways to minimize energy waste and maximize savings.



Are you ready to get more from your energy?  
Call us at **1.866.368.7878** or visit **[www.energytrust.org](http://www.energytrust.org)**.

Serving customers of Portland General Electric, Pacific Power, NW Natural, Cascade Natural Gas and Avista.



## Local Option Levies Are Compressed First & Provide Only Short-Term Assistance, If Any

Local option levies are available to cities to provide operating revenues in addition to the revenues received from a city's permanent rate. Local option levies can only be authorized by an affirmative vote of the city's electors at a May or November election, or by a double majority at another election. Local option levies may be an effective tool for some cities, but they are subject to certain challenges that result in their being either unavailable or ineffective for other cities.

Local option levies for operations can only be imposed for a term of five years. This limited time frame keeps them from providing a long-term and stable revenue source for local government operations.

Significantly, local option levies are subject to "special Measure 5 compression" meaning they are compressed before permanent rates are compressed. Therefore, collections from a local option levy may be significantly lower than expected depending on how much compression the city is otherwise subject to.

## Urban Renewal Collections Can't Support Operations

I've heard from my neighbors that urban renewal areas impose additional taxes, therefore increasing the revenues of local governments.

In fact, new urban renewal areas do not impose new taxes. Instead, urban renewal areas are funded by dividing the taxes that would otherwise go to the taxing districts that overlap the urban renewal area.

Additionally, the tax revenues that go to urban renewal areas, the "tax increment revenue," are constitutionally dedicated to financing capital projects in the urban renewal plan for that area. Tax increment revenue, therefore, can only be spent on certain hard costs and not for operations.

## Cities Can't Borrow Their Way Out of the Problem

There are various ways for local governments to borrow money under Oregon law. Governments can borrow for projects, or, in certain cases, operations, using a variety of tools including full faith and credit bonds, revenue bonds, urban renewal bonds, tax anticipation notes, and so on. However, the authority to borrow money does not generally create a new revenue stream to pay back the borrowing.

One exception is the authority to issue general obligation bonds. Upon an affirmative vote of the electors at a May or

November election, or by a double majority at another election, a city can issue general obligation bonds which would permit the city to impose a constitutionally dedicated additional ad valorem tax to pay those bonds. So far, so good.

However, the Oregon Constitution limits how the proceeds of general obligation bonds can be spent. Proceeds of general obligation bonds can only finance "capital costs," defined as costs of land and of other assets having a useful life of more than one year. Proceeds are therefore not available for operating costs.

## The Gist

Measures 5 and 50 significantly limit how much property tax Oregon local governments can collect. While there is a perception that many financing tools are available to local governments in Oregon, none of them currently provides a stable alternative long term source of revenue for operations. Tell your neighbors. I'm telling mine. ■

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## Ask the Experts

*An Interview with Scot Langton, Deschutes County Assessor*

**Each November, property taxes come due. The assessor's office hears the complaints, especially at that time of year. What are the main concerns the public has with the property tax system?**

**SL:** First, a quick disclaimer: we're incredibly busy at tax time when we mail out property tax statements, and we probably only hear inquiries from 5,000 to 7,000 people, which is around 5 percent of our properties. So if what I'm hearing is representative of the whole population or not, I'm not sure.

But with that said, one of our first concerns is the complexity of the system and just wanting to know generally how does it work. If you have to get into the details, it leaves their eyes glazed over. Another concern is the inequities when you compare similar properties. The third concern is the assessed value (AV) increasing by 3 percent each year and why that happens.

**The one that is tricky for cities is that last one. Can you explain the 3 percent increase limit from Measure 50?**

**SL:** I think that's where a huge amount of confusion comes in. Each year the assessed value of property will generally be increased by 3 percent per Measure 50 and the relating implementation statutes. The assessor doesn't have discretion on that, because if the property value has gone up, the maximum

"The first step...is that we need to have stakeholder discussions—both the folks that provide the services and the customers paying for them in an open, candid conversation. And this can't be limited just to property taxes. I think it needs to be all forms of taxation—state and local government revenue reform. Our customers are the same customers, whether we're state, county, city or special district."

value increase is 3 percent. Taxes are derived by multiplying property value by the certified tax rates. The tax rates include the permanent rates, bonds and any local option levies. And in some areas, voters have been generous with tax increases.

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# A Tale of Two Houses: Time to Fix Tax Inequities

Both houses sold for approximately \$325,000

**HOUSE A**

PROPERTY TAXES:  
**\$5,686**

4900 Block SW Fairvale Ct., Portland

**HOUSE B**

PROPERTY TAXES:  
**\$2,249**

5200 Block NE 20th Avenue, Portland

**Difference in property taxes paid per year: \$3,437**

Tax amounts in this example are from FY 2015-16.

A taxing district wouldn't have to certify the full tax rate, but most do. In short, generally it's really not that tax rates are going up, but the values are going up and the value increase is capped at 3 percent.

**Throughout the state, we have properties in the same city that have similar real market values and sales prices, but often with vastly different taxes. The two main types of inequities are neighborhood-to-neighborhood, and between existing properties and new construction. Can you explain how those two inequities happen, along with some examples?**

**SL:** There are a couple of different ways this can happen. First, you need to look at the neighborhood dynamics when Measure 50 was implemented. It might be a case of comparing a less desirable neighborhood to a very desirable neighborhood. If that's the case, the less desirable neighborhood had much lower market values than the desirable neighborhood, and therefore a much lower maximum assessed value. But then let's say that over time that undesirable neighborhood has been re-gentrified. It's much more desirable now, maybe

even to the exact level as the desirable neighborhood was. The issue is that the newly-gentrified neighborhood will still maintain lower maximum assessed values.

Another example comes from the change property ratio (CPR). It's used when you have new construction, which brings both new lots and new land values onto the tax rolls. Inequities will happen here because to determine value we must use an average over a large area and over a long period of time. So, particularly with the market fluctuations we've experienced in the last 20 years, huge fluctuations in market values have occurred, resulting in assigning greatly differing maximum assessed values on very similar houses.

**If we want to improve the property tax system, what do we have to do?**

**SL:** I've heard it said, and I agree, you can have three things in a taxation. First, you can have uniformity and equity. Second, you can have stability and predictability. And third, you can have transparency and a system that's easy to understand. The catch is you can have two of the three, but you can't have all three. In Oregon, I guess we have some  
*(continued on page 20)*

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## ASK THE EXPERTS: SCOT LANGTON

predictability and stability, but we sure don't have equitability and we sure don't have a transparent uncomplicated system. Since at best Oregon has one of the three, we can definitely do better.

**Do we need to go back to real market value as a basis for assessment, and isn't it true that most states use real market value at least in some part of the equation?**

**SL:** I think it would help because then you have a situation in which similar properties are going to be taxed similar and that similarity would be the real market value. That's historically where everything came from. When you unwind Measure 5 and 50, before we were a straight real market value levy-based system.

**Before Measure 50 we had a levy system, and now we have a rate system. Can you explain the difference and which do you prefer?**

**SL:** A levy system, in its purest simple form, involves a group of citizens deciding what they want for a level of service from a government and what property tax revenues are needed to cover those services. Then, each year the assessor comes up with a levy rate based on the current market value of properties in the jurisdiction to provide the district with the revenues that were approved.

With a rate-based system, a tax is determined by an equation that was based on a need at some point in time in the past. Each taxing district has its own tax rate, which generates revenues by multiplying this rate by the assessed value of the property in their district. The tax rates are usually set by law or by voters. However, the equation may not necessarily translate to meet the needs of today.

When I look at a rate-based system, if tied to a market value, it raises a lot of uncertainty both for the property owner and the taxing district because of market fluctuations. If you had a levy-based system tied to market value, then the taxing district is getting whatever needs based revenue they desire based on their service needs criteria, as it sets their base budget. Under this scenario, similar properties are going to pay very similar taxes. But this creates lack of stability and predictability to property owners unless "circuit breakers" are created to smooth tax swings to individual properties.

So, in short, I would prefer to go back to a needs-based levy system that connects the voters' wishes to those government services they are requesting.

**What do you think is the strongest argument for reforming the system in the upcoming months or years?**

**SL:** I personally think the first step before we reform is that we need to have stakeholder discussions—both the folks that provide the services and the customers paying for them in an open, candid conversation. And this can't be limited just to property taxes. I think it needs to be all forms of taxation—state and local government revenue reform. Our customers are the same customers, whether we're state, county, city or special district. ■

Contact Scot at [Scot.Langton@deschutes.org](mailto:Scot.Langton@deschutes.org).

## Assessing the Property Tax System

**The LOC Board has adopted the following principles for a successfully-reformed property tax system: stability; equitability; adequacy; allows for voter/local options & protects home rule; and provides for a competitive tax environment for business.**

**We asked Deschutes County Assessor Scot Langton to rate the current system in terms of these principles.**

**Is the system stable/predictable?**

**Scot Langton:** If you take out the recession, the system really does provide a lot of predictability for property owners. Of course in the recession, nobody expected that swing, especially when you consider Central Oregon, where a number of properties had assessed values fall below real market value. All of a sudden their taxes weren't predictable both in the recession and the few years following. The other tricky part is new construction. If somebody building a new house today, it's not going to go on the tax roll until next fall. I can't predict what their taxes are going to be with any certainty. So that's a huge flaw in the system, I think.

But if you have an existing house or business and it's growing in value, and the real market value is higher than the maximum assessed value, then it's very stable for the property owner. From the perspective of a taxing district though, they're less stable, but you do have the predictability of that base growth. Generally speaking, the system can be stable, but certain exceptions like new construction and a recession affect its ability to work well.

**How would you rate equitability?**

**SL:** Very poor. Here I would reference the Measure 50 Horizontal Inequities publication<sup>1</sup> put out several years ago by the Legislative Revenue Office. It does an outstanding job of framing the question of the inequities. It really quantifies and measures those inequities, and then offers some potential routes that the Legislature can consider.

**Is it simple?**

**SL:** Absolutely not. The present system is extremely complex to administer and very difficult to explain. When I'm giving educational presentations in town halls, it takes an hour just to give a good 30,000-foot overview of how the system works. It's unfortunate that we have that complex of a system.

**How would you rate adequacy?**

**SL:** It probably depends on your point of view and to me, that's probably a better question for the taxing districts and the property owners.

**Does it allow for voter/local options and protect home rule?**

**SL:** To a certain point, but you still have limitations that are going to come into play like the limits of Measure 5 and compression produced by Measure 5.

**Does the system provide for a competitive tax environment for business?**

**SL:** It's an interesting question, but I'm probably not the one to answer it. I've read reports from respected institutions like Portland State University and the University of Oregon, and the results are mixed—some in the affirmative and some against it. ■

<sup>1</sup> OREGON'S PROPERTY TAX SYSTEM: Horizontal Inequities under Measure 50, RESEARCH REPORT # 4-10, Legislative Revenue Office (Sept. 2010).