AGENDA

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1. Call to Order
2. Additions to the Agenda
3. Presentations to Council/Citizens
   a. Text my Gov Presentation (Pg. 1-5)
4. Consent Calendar
   a. Approve Minutes September 16, 2021 (Pg. 6-12)
   b. Approve Minutes September 23, 2021 (Pg. 13-14)
5. Citizens’ Concerns (Speak Only for Old & New Business Items on the Agenda)
6. Departmental Reports- (All Updates about State of Emergency and Water will be discussed in Old Business)
   a. Public Works (Pg.15-16) b. Administration (Pg. 17) c. Finance (Pg. 18-19) d. Planning e. Liaison
      Fire District- Garratt TLT- Pogwizd Watershed- LaRoche Health- Burns
      Port- Cox Parks- Tidey Emergency Mgmt.- Burns
      School District- Kessler
7. Old Business
   a. Water Infrastructure/ State of Emergency/ Ending/ Adjusting Water Restrictions (Pg.20-22)
   b. Vacation Rentals- Moratorium (Pg.23-30)
   c. ADU’s- Send to Planning?
8. New Business
   a. Seasonal Gas Tax (Pg.31-85)
   b. Parks Commission Appointment- Kelly Bechtel (Pg.86)
   c- Parks Commission Appointment- Clark Kocurek (Pg.87)
   d- Parks Commission Appointment- Aimee Munford (Pg.88)
   e-Right of Way- Cynthia Freeman (Pg. 89-91)
   f- A-Frame Discussion Arts Council/Parks (Pg. 92-97)
9. Considerations
   a. Citizen b. Staff c. Councilor d. Mayor
10. Future Meetings
    Thursday, November 18, 2021, Regular Council Meeting 5:30 Virtual
11. EXECUTIVE SETTION 192.610 (2)(h)- Personnel
12. Adjourn
PUBLIC: When you join the meeting (5-10 min. prior to the meeting)

- If you plan to speak/comment during the meeting (when permissible to do so), please announce your name and “how” you are joining the meeting (i.e. by computer and/or phone). Speak slowly and clearly, so the organizer may “find” you and identify your “caller” location.
- Please wait to be called on to speak, to avoid talking over someone.
- When you are not speaking, please mute yourself (so the organizer doesn’t have to do this).
- Please limit side conversations and multitasking while you are in the meeting.
- Be aware even if you are not on camera, sound can be heard over unmuted phones and will be distracting. And if you are on camera “absences” will be noticeable, and also distracting.
- To minimize feedback noise, we will only have the meeting host, Mayor, and one other speaker unmuted at any time during the meeting.
- Please be aware that if poor etiquette is being observed, it may be called out so you have an opportunity to fix the situation.
TextMyGov

The Simplest Way To Communicate With Citizens

Make It Easy For Citizens To:
Let's Look At The Numbers

Over 70% of Americans prefer text over calling

80-90% of all downloaded apps are used once before being deleted

TextMyGov uses a mobile phone's regular messaging app (no usernames or passwords to remember)

Artificial Intelligence searches for keywords and automatically responds to inquiries, 24 hours a day
TextMyGov makes it easy for residents to find information quickly and easily by simply sending a text.

- **Code Complaint**
- **Animal control**
- **Parking**
- **Pay Utilities**
- **Road damage**
- **Park reservations**

Report Issues
Text in keywords: *Pothole*, *Sign*, *Fall Grass*, *Tree Limbs*, *Street Light*

Get Contact Info for Different Departments
Text in keywords: *Contact*, *PV*, *Code*, *Park*, *Bill Pay*

Find Schedule Information
Text in keywords: *Office Hours*, *FAQ*, *Contact*, *Trash*

Learn More
Click the link to be directed to our informational site

**Less Info**
City employees have access to easy to use software, giving them the ability to send and receive texts, publish updates and keep track of interactions with citizens.

Recent Log

05/14/2020 - +1800000000 - What is the soccer schedule
05/14/2020 - +1800000000 - Bus info
05/14/2020 - +1800000000 - Hi
05/14/2020 - +1800000000 - Attractions
05/14/2020 - +1800000000 - Report
05/14/2020 - +1800000000 - PERMIT INFO

One Response Word

Animal Control

To report a stray animal, text REPORT, to receive a status update text STATUS.

Send Message

Group Name: City Alerts
Message:

[account-name] must be included in your message.

-Contact support to send a message-

Text city1 to ‘91896’
Get Ready To Take Your Agency's Communication Service To The Next Level

Meet high-volume demands, & Reduce incoming phone calls while improving citizen communication.

COMMUNICATE
Textmygov uses smart texting technology to communicate with citizens 24/7. Local government agencies can answer question, send links to their website, and provide details on garbage pickup, utility payment, city news, events, office hours, department locations and more.

ENGAGE
Textmygov uses smart texting technology to engage with citizens. Citizens can easily report code violation, public works issues like potholes, sign down, drainage problems, tree trimming, sewer smell, and more. Agencies can engage citizens, start a workflow, and ask specific guided question regarding location, address, street name and more.

BOOST WEBSITE TRAFFIC
Textmygov uses smart texting technology to maximize a cities website (compatible with any website). Citizens can text in key words like festival, parking, ticketing, and more. The smart texting technology can answer the question, or send a link from the cities website with additional information. Local government agencies spend thousands each year on their website and Textmygov is the best way to benefit from that investment.
City of Port Orford
City Council Meeting Minutes
In the Gable Chambers / Virtual participants
Thursday, September 16, 2021 at 5:30 P.M.

<table>
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Others Present: Cynthia Stetson (Planning Commissioner), Colleen, Connie Hunter, Rhone, Shelia Megson, Rep. David Brock Smith, Marlin Gochnour, Mr. Grim, PennySuess/Dana Gurnee, Tim Rossi, Jason Carman (RCAC), Rowland Willis, Steven Lawton, Linda Tarr (TLT), Jan Nelson.

1. Call to Order
Mayor Cox called to order this Regular Meeting of the Common Council on Thursday, September 16, 2021, at 5:30 p.m. Mayor Cox lead the council in the Pledge of Allegiance.

2. Additions to the Agenda: None.


4. Consent Calendar:
   a. Approve Council Meeting Minutes August 19, 2021: Councilor LaRoche moved to approve the City Council minutes of August 19, 2021 as written with Councilor Kessler as second. Motion carried 6-0.
      Discussion: None.

      | Councilor Garratt | Yes | Councilor LaRoche | Yes | Councilor Burns | Yes |
      | Councilor Kessler | Yes | Councilor Tidey    | Yes | Councilor Pogwizd | Yes |

   b. Approve Special Session Minutes August 27, 2021: Councilor Kessler moved to approve the Special Session minutes of August 27, 2021 with Councilor Burns as second. Motion carried 6-0.
      Discussion: None.

      | Councilor Garratt | Yes | Councilor LaRoche | Yes | Councilor Burns | Yes |
      | Councilor Kessler | Yes | Councilor Tidey    | Yes | Councilor Pogwizd | Yes |

5. Citizen’s Concerns: (Old and New Business on Agenda).
Steve Lawton provided council members with testimony that was factual regarding vacation rentals. He feels facts are critical to consider and stated that too many times cities consider anecdotal information rather than hard facts. Mr. Lawton reported seeing a significant problem on the Oregon Coast. Many cities are struggling with vacation rentals. Last month Coos Bay placed a moratorium on vacation rentals and found that only 10 of the 82 were listed with business licenses and paying TLT. Mr. Lawton listed other coastal cities limiting the number of vacation rentals or in the process of considering limiting vacation rentals. Mr. Lawton stated vacation rentals need limited if the city is serious about affordable housing. Mr. Lawton stated if the city wants the community to live within natural limits and ensure local residents and current tourists have adequate water, the city needs to vote and restrict vacation rentals. He feels the economy will not be harmed. He stated the vast majority of revenue brought in by vacation rentals does not flow into the community. He would like to see the community restrict vacation rentals.

Colleen Eastbonn (sp) introduced herself as managing vacation and long-term rentals in Port Orford for six years. She expressed appreciation for Steve Lawton’s research, but she feels some of it is inaccurate. She manages 21 homes within the city and county, and the garbage bill is over 1500 dollars a month. In the garbage there is a significant amount from the local businesses. Numbers from business owners who have been in business for at least the last ten years, she is sure they will show a significant increase every year along with the vacation rentals. She feels vacation rentals are a huge impact in the economy for the local business owners. Long term rentals and vacation rentals water bills show the long-term rentals use significantly more water than the vacation rentals use. She has documents to show if requested.

John Isadore, as a citizen of Port Orford, feels the city should be careful in regulating what an individual can do with their property. He compared limiting vacation rentals with telling an RV park that they cannot add anymore spaces. He feels vacation rentals are an economical benefit to the city. They spend money in town, buy commodities, use water and sewer. His only concern is if an entire neighborhood is bought up as a vacation rental community bringing in traffic and noise. He reiterates the city should be careful about limiting what people can do with their properties; however, terms can be considered.

6. Departmental Reports
   a. Public Works: John Isadore submitted a written report to the council members. He recapped that there is a little more water in the reservoir than last month, and it is maintaining at a little over two feet. They have seen a reduction of usage due to restrictions. Water intake is higher than water usage. There were leaks that were repaired. Temporary repairs were made to Coast Guard Hills. Wastewater is running smooth and more will be addressed there after the water usage issues are addressed. Councilor Pogwizd addressed the amount of time public works is having to spend at the Battle Rock restrooms. Mr. Isadore stated the time is spent in repairs and unplugging. He would like to put a pressure tank in. The high-flush valves are taking more water pressure than the
system has, thus causing plugs. Mayor Cox addressed water loss. He is concerned that the water in the tank is reported as water loss, which is inaccurate. Mr. Isadore informed that the water made is metered and the water going out is metered. Jason Carman of RCAC was introduced by Mr. Isadore. They feel a good percent of loss rate is due to inaccurate meter reading. They would like to replace the old meters with new electronic meters that detect leaks in quadrants. Jason Carman agreed with changing meters, but he suggested the first step would be an engineering report for a higher-level look. Mayor Cox expressed appreciation to Mr. Isadore for being proactive.

b. Administration: CA Ginsburg submitted a written report in the council packet. City hall building inspector did not approve recent window repairs since it is a firewall. The counter was not fire rated, so it was not approved. CA Ginsburg contacted a new contractor since the current contractor listed on the building permit is not licensed. The new contractor was given the option of rebrickling the wall up or fixing it all and get it to a payment window. The cost of the payment window is about 30,000 dollars. The window will be rebrickled up.

Inactive utility billings were review for collectability. About 55 percent was uncollectable based mostly on age. The collection process on the remainder is underway.

Traffic and ordinance fines were reviewed. There were many collectable fines. Department of Revenue will assist in collecting. Procedure outlined and will be followed.

Patty Clark is retiring at the end of the year. Her job description was reviewed and updated.

Tami reviewed the business licenses and municipal code. She was able to get businesses licensed. Revenue in the budget for licenses was 6,500 and now is 9,162. There are still home businesses that can be collected and are in the process.

Main Street Association showed interest in helping with the outside of the City Hall building and redoing some of the landscaping. CA Ginsburg has a meeting next week regarding the kayak launch in Garrison Lake. CA Ginsburg is working with the Forest Management Planning grant for the watershed project.

c. Finance: See above. Councilor Pogwizd questioned the Parks fund regarding seasonal worker, which is budgeted, and the street fund expenses larger than budget due to 81K bill by Civil West for Ocean View Paving, which was grant money. CA Ginsburg reported there was additional demand in July and August. CA Ginsburg advised that the city has not received 100 percent of the grant money, and once that grant money is received it will offset the deficit. The past/current budget trend was clarified.

e. Liaison

**Port:** Build Back Better funding came out for the Port’s seawater system, buildings and entire project. The Port will be included in a coastwide package. This project will provide living wage jobs and contribute to the coastal economy. Mr. Steve Lawton reiterated the importance of the impact on the city. The Port needs a letter of support from the city.

**School District:** Councilor Kessler reported the high school has 95 students. They are currently working on the track surfacing and new stairs to the track.

**Parks:** Councilor Tidey reported on a Park Commission meeting last Tuesday. They approved a new commissioner for parks, Clark. He hopes the next council meeting will have that on the agenda. The Parks Commission approved 750 dollars for a camera system at the Visitor’s Center. Parks is looking at updating the bike repair station and putting it in the Battle Rock area.

**Watershed:** Councilor LaRoche introduced Linda Tarr for update. Ms. Tarr stated the most important item is the need for the Forest Management Plan. She attended the Oregon Land Trust Conference on source water protection. She spoke with the forestry expert from DEQ who is willing to help with the specific working for the call for proposals. Ms. Tarr spoke with Southcoast Watershed Partnership to include Hubbard Creek in a storm chaser program. There are resources for only two monitoring sites. This might be helpful to monitor where silt is coming into the reservoir. Ongoing work is continuing for gorse control and tree planting in Sorenson parcel. Ms. Tarr expressed her appreciation to the council for their hard work. She stated Port Orford is becoming renowned on the Oregon Coast for being forward thinking and wise in the decision to buy the Wilson parcel.

**Emergency Management:** Councilor Burns reported on a meeting. They are working on an Emergency Information Campaign where they can start working on training everybody in the community on what they should be thinking about for their personal emergency response. The necessity of an Emergency Response Board is still being researched. The community plan is still being discussed.

7. Old Business:

a. **Water Infrastructure / State of Emergency:** CA Ginsburg reported letters were sent out to citizens last week regarding water restrictions. Jason Carman of RCAC (Rural Community Assistance Corporation) and Marlin Gochnour of Civil West toured the water stations with public works. Mr. Carman introduced himself being with RCAC, which is a nonprofit. He is based out of Veneta. They provide no-cost technical assistance to smaller communities for water and wastewater systems. He was called in to assist Port Orford with immediate needs and other water issues. He involved Civil West since they were the circuit writer. They looked at the Hubbard Creek intake. They noted

b. **Vacation rentals:**

| Councilor Garratt | Yes | Councilor LaRoche | Yes | Councilor Burns | Yes | Councilor Kessler | Yes | Councilor Tidey | Yes | Councilor Pogwizd | Yes |
8. New Business:
   a. Approval of Job Description for Utility Accounts Clerk/Receptionist:
   b. Right of Way Usage Permit Approval – Maudie Swanstrom:
      
      Councilor Garratt  Yes  Councilor LaRoche  Yes  Councilor Burns  Yes  
      Councilor Kessler  Yes  Councilor Tidey  Yes  Councilor Pogwizd  Yes  

9. Considerations
   a. Citizens:
      Steve Lawton addressed grant writing. He suggested a county-wide grant writer. Other
      counties and communities have found success in their Emergency Preparedness plans.
      
      Gordon Clay read information updating COVID cases in Curry County. He provided
      information with a chart to councilors. Mr. Clay addressed vacation rentals as related to
      Airbnb. City economy is a positive aspect in that it adds funds to the host to spend in the
      community. Airbnb brings in people to spend money into the community. Many want to
      return.
      
      Linda Tarr addressed the grant topic. She wants the city to be aware that once a grant
      has been granted, staff time is required to be able to utilize the grants effectively. She
      suggested utilizing the resources DEQ has to offer.

   b. Staff: None.

   c. Councilors:
      Councilor Burns suggested moving forward on affordable housing and vacation rentals
      when Planning Commission is finished with building height limits. He suggested a
      possible workshop with Planning Commission.
      
      Councilor Pogwizd stated the importance of posting packets on time, prior to the
      weekend, to enable councilors to prepare. He asked for sign-off sheets for right of ways
      and all reports accompanying the agendas as well as financials and public works reports.
      Councilor Pogwizd expressed his appreciation to CA Ginsburg and Mayor Cox for their
      efforts. CA Ginsburg advised financials are being cleaned up. Once they are cleaned up,
      they will be provided to councilors. Public works has been shorthanded and busy, but CA
      Ginsburg will contact John Isadore.
      
      Councilor Garratt suggested a note at the top of the agenda specifying the typed chat in
      the virtual sessions is not allowed as per an official decision previously made by council.
It would be nice to have documents in the packet in order. Previously, councilors made the decision that packets should have page numbering and numbered/lettered reference to agenda item. Councilor Garratt suggested considering amending council rules. Since virtual sessions are continuing, he suggested public comment pertaining to items occur as each item is brought up after councilors finish discussing the item. Also, items should be introduced by the mayor or person speaking on the topic, motions readily made versus haphazard discussions. Councilor Garratt would like to see gas tax move forward. It was supposed to be on the agenda this meeting. He asked it to be put on the agenda for next meeting. Councilor Garratt addressed city volunteer contribution recognition and asked that City Council recognize the volunteers to encourage more volunteerism.

Councilor Tidey spoke on neighboring communities adopting a State of Oregon ordinance about camping on public property. Councilor Tidey did not find a camping ordinance in Port Orford. At this time, the State of Oregon states that anybody can camp on public-owned property in the city limits. He feels this needs to be put on the agenda at the next meeting before this becomes a city problem.

d. Mayor:

Mayor Cox asked councilors to touch bases with him prior to asking CA Ginsburg to put something on the agenda. If a councilor contacts CA Ginsburg without speaking at a council meeting or contacting the mayor, it is the same as a citizen going to City Hall and telling CA Ginsburg what to do. People are still sending messages to Terri Richards. CA Ginsburg stated those were being forwarded to David Johnson’s email. David Johnson’s email is going directly to Tami. CA Ginsburg will talk with Tami to follow up on the emails.

Mayor Cox recollected that building heights of 45 feet was approved in the marine district. There were a handful of lots above that do not coincide with other districts where heights should be lower. When it went to Planning, commissioners recommended a 35-foot height for the entire marine district. Councilor Garratt believed that the height limit will be put in place, but the Port will have exceptions for what is necessary for Port functionality. This can be reviewed and addressed when the recommendations return from Planning Commission.

10. Future Meetings: Thursday, October 21, Regular meeting of the Common Council at 5:30 p.m.

There being no further business, Mayor Cox Adjourned the meeting at 8:39 p.m.

Attest:
Mayor, Pat Cox

City Recorder, Jessica Ginsburg
City of Port Orford
City Council Special Meeting
In the Gable Chambers / Virtual participants
Thursday, September 23, 2021 at 5:30 P.M.

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Others Present: Rossi, Suess/Gurnee, Steve Lawton, Karen Phips, Travis Ealson, Tom Calvanese, Jen Bailey, Rowland Willis, Lisa Harrison, Tracy Powers

1. Call to Order
Mayor Cox called to order this Special Meeting of the Common Council on Thursday, September 23, 2021, at 5:30 p.m.

2. Vacation Rentals: Lack of public comment was discussed. Public input is in the packet. Councilor Kessler moved that the City of Port Orford immediately put in place a moratorium against allowing the establishment of any new vacation rental businesses (included an explanation) with Councilor Burns as second. Motion rescinded.
Discussion: Councilor Garratt advised councilors that the motion was improperly formed. Motions are not supposed to contain self-explanation or reasoning. Motions are supposed to contain action and pertinent details of the action only. Councilor Garratt requested the motion be restated due to the explanation. He also would like a time frame for expiration of the moratorium and start time of the moratorium be included in the motion clearly defined. This motion would start the moratorium immediately, and that is not possible. Councilor Kessler withdrew his motion and Councilor Burns withdrew his second.
Councilor Kessler moved for the City of Port Orford begin the process to put in place a moratorium against allowing the establishment of any new vacation rental businesses with councilor Burns as second. Motion carried 5-0.
Discussion: Process is discussed. Legal Counsel will be consulted after the meeting.
Councilor Pogwizd received suggestions from the community of possibly contacting businesses that benefit from tourism and also need housing for employees for their opinion. He also suggested reaching out to vacation rentals that are already in Port Orford to make them aware of this process so they can be involved. Mayor Cox advised there will be a process with public hearings and meetings that will involve the public. The process will be with proper notifications. This meeting is to consider moving forward with the process.
Councilor Burns clarified to the council that the consideration is not necessarily to eliminate vacation rentals but to possibly limit the number of vacation rentals to balance the benefits of vacation rentals and still maintain the livability of the community.

Councilor Pogwizd stated the importance of defining vacation rentals. Motel rooms are short-term rental just as a vacation rental is.

Councilor Garratt clarified this motion in an attempt to alleviate confusion. This motion is not putting a moratorium in place today. This motion is to begin the procedure. He is impatient with getting the gas tax on the agenda and feels the water issue is higher priority.

Councilor Garratt suggested this might be a land-use process. Legal Counsel Kudlac will be contacted for clarification.

A mediator might be considered to attend meetings. There might have to be a workshop with the Planning Commission.

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3. **Adjourn:** There being no further business, Mayor Cox Adjourned the meeting at 6:03 p.m.

Attest:

__________________________
Mayor, Pat Cox

__________________________
City Recorder, Jessica Ginsburg
Public Works report for the month of September 2021

Water Plant: Op’s - NO Run Days 2

Raw water into plant 7,267,00 Treated water 5,123,00.

Immediate Major Issues Water

Hubbard’s, Raw Water Pump #1 / Reservoir Dredging / Dam leakage

1. Hubbard’s raw water pump arrived on site and scheduled to be installed.
2. Dredging waiting quote and permitting.
3. Dam leakage, Civil West Engineering was on site twice to confirm dimensions and elevations for temp repair.

Water Treatment plant, Finished Water Pump Replacement / Pressure relief valve on raw water

1. Finished water pump replacement, waiting on delivery of new pump / electrical parts were delivered and are on site.
2. Pressure relief valve repairs, still needs to be addressed.

Coast Guard Hill Pump Station, Complete Skid Controls / pumps and piping replacement

1. Coast guard hill pump station, one vender is working on quote, waiting on second vender also.

Main & Branch line leaks average water is 50%, we should around 15% or less

Non- Permitted use of ride-away on Pinehurst, the home owner has spread gravel and made a parking area for a large RV. We have city utilities in the ride-away, if there’s a leak this will be an issue.

Water leaks Repaired:

- Coast Guard pump station
- 1” Tichnor St.
- 1” Doug Johnson Ln.
- 1 ½” Jefferson pump shack multiple leaks, pressure switch / piping etc.
- 2” @ the Port.

New Services in September 2021

- 1840 Oregon St.
- 2225 Jackson

Meter Swop out’s

- 1” @ 1870 Oregon
- 2” @ Driftwood
Public Works report for the month of September 2021

**Waste Water plant: Op’s:**

Grit system and classifier replacement on going.

Repairs & maintenance plant / collections.

- **Grit removal system**, waiting on part to be delivered in order to continue work.
- **Idaho Lift Station Controls**, electrical components replaced, need to order additional parts.
- **Blower #1**, Serviced still needs to be run to determine if its operational will be switching over in October.
- **Pending Influent Flow Meter**, update meter no longer supported will need to be replaced and updated.

**Streets Maintenance:**

- **Continue summer time maintenance**, mowing and trimming of road shoulders, summer hire to be laid off on 10/15/2021 for the season.
- **Fire Hydrant Main.** Started annual hydrant maintenance on going.
- **ODOT** conflicts, waiting on ODOT to confirm there’s no other work needed by the city.

**Parks**

- Battle Rock bench’s, need replaced several are in very poor shape.
- Pick up and disposal of trash and debris in parks.
- Un-clog & clean 12th St & Battle Rock bathrooms (28 time’s)
- Continue summer time mowing and trimming.
- (Still pending) Researching new swings & hardware to replace missing and worn-out equipment.

**PW Works Equipment PM**

- Vac-con needs replacement, hydraulic / electric issues / tank is rusted out.
- Replaced brakes / changed oil & filters on truck 29 & 31.
- Repaired fuel leak and alternator on truck # 3
- Run and Pm generators monthly
- Run and Pm pumps / small equipment monthly
- (work in progress) Continue working on Public Works shop cleanup and organize
- (work in progress) Continue disposal of old junk and garbage.
City Administrator Report for October 21, 2021

In July we completed the following projects:
1- Union Contract- Approved and Signed
2- OceanView has been paved. Working on getting Cross walk completed.
3- Hired a new WasteWater Treatment Plant Operator starting in September

In August the following projects were addressed:
1- New Contractor hired for City Hall Repair
2- Utility Accounts Receivable Were Reviewed and Collection letters sent
   a. Write off’s list was completed.
3- Volunteers to Clean up outside of city hall were contacted
4- Business License project/review started.

In September/October the following projects were addressed:
1- New Contractor hired for City Hall Repair- Received quote to fix just under $5,000. Contractor should be in within the next month to complete project.
2- Utility Accounts Receivable Were Reviewed and Collection letters sent.
   a. Write off’s list was completed and entered as of June 2020 for Audit
   b. As we receive letters back new address is found and re-sent.
3- Volunteers to Clean up outside of city hall were contacted- Main Street has taken on the outside of City Hall as a project. Meeting 1st. week in November to Discuss.
4- Business License project is ongoing. We have almost hit $10,000 in revenue.
5- Citation Cleanup for Audit. – Discussions with Auditors deadline for cleanup is October 25th the 1st day of the Audit.
6- Writing Water Ordnances from Water Master Plan in 2014.
7- Human Resources Clean up- HR Files need to be updated with new HR standards.
8- Job Description for Utility clerk. Sent to Teamsters. If no Response by October 15th Job will be posted. (Per Conversation with Shala)
9- Water Infrastructure- Continuing project with multiple meetings. Temp. Dam fix project scope has been signed and shooting for install by the end of October.
City of Port Orford
Financial Report of Unusual Revenue and Expenses

SEPTEMBER 30, 2021

General Fund
- Revenue represents Planning Fees, Business Licenses, Property and Liquor Taxes, and Citations
- 42% of this month’s expenses are payroll related – no overtime

Parks Fund
- Revenue is from American Legion Hall Rentals
- Seasonal custodial services and restroom supplies make up most of this month’s expenses

Public Safety Fund
- Revenues are from Property Taxes
- 96% of this month’s expenses are payroll related
- $900 in overtime

Water Enterprise Fund
- Revenue represents the monthly water billing to City residents
- 81% of this month’s expenses are payroll related
- $2.5K in overtime pay

Sewer Enterprise Fund
- Revenue represents the monthly sewer billing to City residents
- 50% of this month’s expenses are payroll related – no overtime

Street Fund
- Revenue represents the monthly sewer billing to City residents
- 84% of this month’s expenses are payroll related – no overtime

Sewer System Development
- Revenue represents SDC Fees

Overall Notes:
1) Seasonal worker and parks supplies will go down in October as the tourist head home
2) Admin & Public Safety will see an uptick in Property Tax revenues in November
3) We should get payback from the State for the Oceanview paving by December
4) Crystal Roy joined Sewer Enterprise Fund as a full time sewer devoted employee
5) With Levi Easlon joining Public Safety we have 4.5 active PS employees

October 11, 2021
Port Orford, Oregon
## Income Statement
### Group Summary

For Fiscal: 2021-2022 Period Ending: 09/30/2021

<table>
<thead>
<tr>
<th>Account Type</th>
<th>Original Total Budget</th>
<th>Current Total Budget</th>
<th>MTD Activity</th>
<th>YTD Activity</th>
<th>Budget Remaining</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fund: 010 - GENERAL FUND</strong></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Revenue</td>
<td>929,383.00</td>
<td>929,383.00</td>
<td>24,680.75</td>
<td>203,627.95</td>
<td>726,755.05</td>
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<tr>
<td>Expense</td>
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<td>0.00</td>
<td>11,918.04</td>
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<td><strong>Fund: 014 - PARKS FUND</strong></td>
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<td>260,516.00</td>
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<td><strong>Fund: 020 - PUBLIC SAFETY</strong></td>
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<tr>
<td>Revenue</td>
<td>588,755.00</td>
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<td>0.00</td>
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<td>95,128.93</td>
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<td><strong>Fund: 030 - WATER ENTERPRISE FUND</strong></td>
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<td></td>
</tr>
<tr>
<td>Revenue</td>
<td>1,075,142.00</td>
<td>1,075,142.00</td>
<td>52,731.97</td>
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<td>0.00</td>
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<td><strong>Fund: 031 - WATER CAPITAL RESERVES</strong></td>
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<tr>
<td>Revenue</td>
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<td>82.79</td>
<td>264.76</td>
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<td>82.79</td>
<td>264.76</td>
<td>-264.76</td>
</tr>
<tr>
<td><strong>Fund: 035 - SEWER ENTERPRISE FUND</strong></td>
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<td>Revenue</td>
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<td><strong>Fund: 036 - SEWER CAPITAL RESERVES</strong></td>
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<td>Revenue</td>
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<td>0.00</td>
<td>255,359.00</td>
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<tr>
<td><strong>Fund: 036 - SEWER CAPITAL RESERVES Surplus (Deficit):</strong></td>
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<td>0.00</td>
<td>82.79</td>
<td>257.19</td>
<td>-257.19</td>
</tr>
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<td><strong>Fund: 040 - STREET FUND</strong></td>
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<td>Revenue</td>
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<td>95,010.22</td>
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<td>0.00</td>
<td>256.76</td>
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<td>72,515.65</td>
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<td></td>
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<tr>
<td>Revenue</td>
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<td>0.00</td>
<td>32,451.00</td>
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<tr>
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<td>0.00</td>
<td>9.19</td>
<td>12.95</td>
<td>-12.95</td>
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<td>0.00</td>
<td>113,884.00</td>
</tr>
<tr>
<td><strong>Fund: 045 - EQUIPMENT REPLACEMENT FUND Surplus (Deficit):</strong></td>
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<td>0.00</td>
<td>36.80</td>
<td>115.90</td>
<td>-115.90</td>
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<td><strong>Fund: 061 - WATER SYSTEM DEVELOPMENT</strong></td>
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<td></td>
</tr>
<tr>
<td>Revenue</td>
<td>516,563.00</td>
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<td>9,726.58</td>
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<td>516,563.00</td>
</tr>
<tr>
<td><strong>Fund: 061 - WATER SYSTEM DEVELOPMENT Surplus (Deficit):</strong></td>
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<td>0.00</td>
<td>202.38</td>
<td>9,726.58</td>
<td>-9,726.58</td>
</tr>
<tr>
<td><strong>Fund: 062 - SEWER SYSTEM DEVELOPMENT</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Revenue</td>
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<td>339,889.00</td>
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<td>0.00</td>
<td>339,889.00</td>
</tr>
<tr>
<td><strong>Fund: 062 - SEWER SYSTEM DEVELOPMENT Surplus (Deficit):</strong></td>
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<td>0.00</td>
<td>5,188.79</td>
<td>10,531.74</td>
<td>-10,531.74</td>
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<tr>
<td><strong>Total Surplus (Deficit):</strong></td>
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<td>0.00</td>
<td>39,312.88</td>
<td>150,906.49</td>
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</tr>
</tbody>
</table>
ENGINEERING SCOPE OF SERVICES

Date: September 2, 2021

Work Order Number:

To: Jessica Ginsburg, City Administrator – City of Port Orford

From: Marlin Gochnour, President – Civil West Engineering Services, Inc.

RE: City of Port Orford: Hubbard Creek Raw Water Reservoir Emergency Repair Project
Civil West Project Number: 2510 -

The purpose of this scope of services is to describe the proposed approach and costs that Civil West will encounter to support the City of Port Orford as they undertake emergency repairs to the existing stoplogs structure at the City’s raw water storage facility located on Hubbard Creek.

Background Summary

The City of Port Orford contacted Civil West and requested a meeting to discuss a state of emergency related to the City’s water system. A site meeting occurred on 8/31/2021 that included City officials, an RCAC representative, and a Civil West representative. During this meeting several critical concerns were identified but this Scope of Work is limited to supporting the City as they work to address the potential failure of the stoplogs at the raw water storage reservoir located on Hubbard Creek. Additional support on other water system infrastructure issues is available upon request.

During the field inspection on the raw water reservoir significant leakage was identified with water jetting from multiple locations where the existing stoplogs have deteriorated. Directly below the stoplogs we observed board fragments which according to City Staff were not there when they attempted to plug the leaks several days earlier. The leaks observed appeared to have an approximate flow of between 80 to 100 GPM which with the low incoming stream flow and current low water storage level the City may potentially lose the ability to draw water from this source, leaving the City with no access to raw water for their water treatment plant. During the meeting we discussed potential solutions and it was determined that due to the poor condition of the existing stop logs a new temporary stoplog system should be installed within the existing concrete structure but as far downstream from the current stoplogs as possible.

This Scope of Work has been prepared to outline the process that Civil West will follow to develop and then install a temporary facility within the existing concrete structure to alleviate the concerns related to the eventual failure of the existing stoplogs which would result in the loss of the City’s only active raw water source. It is important to recognize that the solution presented in this Scope is only a temporary solution and a more permanent solution should be identified and implemented as soon as possible.
Part A: Scope of Work

The following scope of work describes the tasks, activities, and work that will take place to complete the design. Each task will be assigned a certain number of engineering hours for completion. The description of each task below is a summary of the estimated process, steps, and procedures that will be required for completion of the work. While there may be many subtasks included within these major task areas, only the major tasks are discussed below.

Hubbard Creek Raw Water Reservoir Emergency Repair Project – Scope of Services

1. Task 1 – Project Management and Administrative Services – This task includes administrative and project management efforts related to the management of this project. This shall include processing of paperwork and correspondence between Civil West and the City, coordination on financial matters, directing resources internally, and meeting with staff on routine issues.

2. Task 2 – Data Collection and Review – Under this task, we will work with the City to review all available plans and documents pertaining to the raw water reservoir. We will complete a detailed field data collection effort to ensure the design prepared will mesh with the existing site features. If during the review of the available archived data design files for the stop log structure are located the field efforts can be reduced helping to lower the cost of this task by $1,000 and accelerating the design phase.

3. Task 3 – Emergency Design Services, Calculations & Document Creation – Under this task, we will develop a temporary assembly that can be installed within the existing concrete structure to protect the City’s raw water supply. This task includes structural design and calculations that will result in the preparation of a set of project design plans, specifications, calculations, and documents to directly procure construction phase support from a contractor. Due to the emergency nature, we are assuming that this work is being done as a maintenance effort and no regulatory agency coordination, permitting, and/or structural/geotechnical testing of the existing site infrastructure is included in this scope of work. If it is determined that additional support not included is needed, we can provide that support on a time and material basis upon client approval.

4. Task 4 – Contract and Construction Phase Support – Under this task we will assist the City to identify a contractor and establish a contract with said contractor to construct the proposed temporary improvements. We will then provide construction observation during the construction process. All support on this task will be billed on a time and material basis.

5. Task 5 – Reimbursable – This task will cover direct reimbursable expenses anticipated for the project. These include travel and per diem costs, reproduction and office expenses, and other reimbursable costs.

Part B: Project Fee Proposal

A summary of the proposed fee schedule is provided below:

<table>
<thead>
<tr>
<th>Task No.</th>
<th>Task Description</th>
<th>Proposed Total Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Project Management &amp; Administration</td>
<td>$2,336.00</td>
</tr>
<tr>
<td>2</td>
<td>Data Collection and Review</td>
<td>$4,124.00</td>
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<tr>
<td>3</td>
<td>Emergency Design Services, Calculations &amp; Document Creation</td>
<td>$3,922.00</td>
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<tr>
<td>4</td>
<td>Contract and Construction Phase Support</td>
<td>T&amp;M</td>
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<td>5</td>
<td>Reimbursable</td>
<td>$400.00</td>
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<td></td>
<td>Total Proposed Project Budget</td>
<td>$15,782.00</td>
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</tbody>
</table>
City of Port Orford – Hubbard Creek Raw Water Reservoir Emergency Repair Project – Engineering Scope of Services

The above budget is considered as a not-to-exceed maximum for the scope of work described and will be billed on a time and materials basis to a maximum. Civil West reserves the right to alter distribution of compensation between individual tasks of the work noted herein to be consistent with services rendered but shall not exceed the total estimated compensation amount unless approved in writing by owner. If budget funds go unused, the City will realize the savings.

Part C: Project Schedule

The is a critical project for the City so we have prepared the following schedule, while flexible, is provided as a preliminary schedule for the City to consider.

Proposed Schedule:

1. Authorization to begin work: ......................... September 3, 2021
2. Data Collection and Design Services................ September 7 to 17, 2021
3. Contract and Construction Phase (Estimates) ..... September 20 to October 18, 2021

The schedule shown above is preliminary in nature and may vary depending on multiple issues. This schedule can be modified to meet budgetary and scheduling constraints of the City and their other projects.

We are grateful for this opportunity to provide these services to the City of Port Orford. We are prepared to begin work on this important project as soon as we are authorized to do so. Please let me know if you have any questions or if you wish to see any alterations to our proposed approach. If this proposed approach is acceptable, please sign below and return a copy to our office for our records.

Sincerely,

Civil West Engineering Services, Inc.

[Signature]

Marlin Gochnour, PE
President

Authorized Representative Signature Accepting Scope of Services

Date
ATTACHMENT 1
Supplemental staff report

I. Vacation Rentals in Coos Bay. The Development Code defines a Vacation rental as:
A residential structure being rented for compensation for less than 30 days without concurrent occupation by the owner/operator.

A. Authorized rentals. The chart below identifies known vacation rental authorized land use applications, business licenses and registration for Transient room tax. Totaling eleven, four are located in commercial zones, six are located in low density residential zones, and one is located in a medium density residential zone. A four-unit apartment complex in the commercial zone is pending approval and was not subject to the moratorium. A map identifying the City’s zoning districts and locations of city authorized vacation rentals can be found on page 2.

<table>
<thead>
<tr>
<th>Property address/Property zoning</th>
<th>Year of application/authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>1856 Southwest Blvd/LDR</td>
<td>2012</td>
</tr>
<tr>
<td>489 Nicholls Ave/C</td>
<td></td>
</tr>
<tr>
<td>903 N 8th St/LDR</td>
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</tr>
<tr>
<td>273 N 11th St/LDR</td>
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</tr>
<tr>
<td>1230 Seagate Ave LDR overlay</td>
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<tr>
<td>1043 Commercial Ave LDR</td>
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</tr>
<tr>
<td>842 S Empire Blvd/C</td>
<td>2019</td>
</tr>
<tr>
<td>765 Kentucky Ave/LDR</td>
<td>2020</td>
</tr>
<tr>
<td>536 Market/MX</td>
<td></td>
</tr>
<tr>
<td>1056 Michigan/MDR</td>
<td></td>
</tr>
<tr>
<td>1053 S 4th St/MX</td>
<td></td>
</tr>
<tr>
<td>760 Eirod Ave/C 4 apartments</td>
<td>pending</td>
</tr>
</tbody>
</table>

B. Unauthorized Rentals. The number of unauthorized rentals in the City is unknown, however efforts; however, information on this topic was gathered from Granicus, an online government service provider of a variety of services, including but not limited to website design, digital communication strategies, public meeting and records management. Granicus provided information estimating 60-70 vacation rental units in the City after an assessment of multiple online rental platforms.
C. **Current Coos Bay and Oregon vacation rental requirements.**

A. **Type 2 land use permit.** A Type 2 land use permit requires a $350 application fee, a land use application describing the vacation rental use and a written notice of the application to property owners within 150’ of the application site twenty days prior to an administrative decision on the application. The project applicant is provided with any comments on the application. Within seven calendar days after issuing a decision, the city mails the notice of decision to property owners within 150 feet of the subject application area. Unless there is an appeal of the decision within fifteen calendar days of the decision being issued, the project is approved by City staff. Alternatively, the Director has the authority to require review of the application beyond the 150’ noted in the regulations or transmit the application to the Planning Commission for a Type 3 land use review and action.

There are currently no specified standards in the City’s Development Code for Vacation rentals; however, like any land use, vacation rental projects are required to comply with all City regulations. These include but are not limited to Title 8 Health and Safety Code requirements such as unlawful disposal of solid waste, littering, discarding vehicles, Title 9 Public Peace Morals requirements regarding discharge of weapons, public decency, public peace, noise or inhaling toxic vapors or shooting off fireworks, Title 15, Buildings and Construction, Title 3 regarding Transient Room Tax, and Title 5 regarding Business License registration.

A Type 2 Permit can be revoked by the Director with a 60-day notification by mail to a property owner that the permit requirements are not being satisfied. Notification to surrounding property owners would be provided consistent with the original Type 2 permit to the surrounding neighborhood. The Director can revoke the Type 2 permit the vacation rental use is not consistent with its authorization or the applicant has failed to remedy the alleged violation within 60 calendar days after the Director mails notice of the alleged violation.

B. **Building Department review.** Before a business license can be issued for a vacation rental, the structure must comply with current applicable building and fire code regulations, including fire and safety regulations in CBMC Chapter 15 (Buildings and Construction). This responsibility to assure compliance falls to the Building department before a change of use permit for the vacation rental occupancy can be authorized.

C. **Business license registration.** Property owners must comply with CBMC Chapter 5 (Business Licenses and Regulations) and register for a business license annually.

D. **Registration and payment of Transient Room Tax.** Property owners are required to comply with CBMC Chapter 3.55 (Transient Room Tax). This tax is required of lodging establishment operators at the time the rent is paid.

II. **Planning Commission/City Council previously reviewed draft vacation rental regulations.** In October of 2019, the Planning Commission the Vacation rental regulations below and recommended City Council approval. Draft vacation rental regulations previously recommended by the Planning Commission are noted at the end of this report.

The City Council reviewed the draft regulations and after receiving public comments, reached consensus for the Planning Commission to further review the proposed regulations and compare them with vacation rental regulations in other municipalities. The chart below identifies key draft regulations components and how they compare to the vacation rental regulations of Warrenton and Bandon.
<table>
<thead>
<tr>
<th>Draft regs previously recommended by Planning Commission</th>
<th>City of Warrenton on the Oregon North coast near Astoria</th>
<th>City of Bandon</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Commercial areas</td>
<td>Controlled Development Zone (mixed use) along &amp; adjacent to ocean front; permitted and conditionally permitted.</td>
</tr>
</tbody>
</table>
| Authorization                                            | -Allowed in Commercial areas w/Conditional Use Permit. (Type 3)  
   -Homestays allowed with a Type 2 administrative permit in residential areas.  
   (Homestay definition: A short-term rental in an owner-occupied, single-family detached dwelling unit using up to five bedrooms, including bedrooms in accessory dwellings)  
   -Unit must be at least 3 years old. Not permitted in Accessory dwellings.  
   -Planning Commission Type 3 Conditional Use Permit  
   Applicant to address the surrounding neighborhood & how rental is appropriate given specific neighborhood characteristics. |
| Business license & transient room tax registration & payment | Required                                             | Required |
| Other requirements                                       | -Post tsunami evacuation map in a visible location.  
   -A NOAA weather radio with alert capabilities, shall be permanently displayed in a visible location. |
| Annual verification or contact information.              | Annual verification of name, address, phone number contact if owner does not live in the rental. | Annual report to Planning Dept showing conditions & ordinance compliance  
   Failure to provide results in permit revocation. |

October 12, 2021 Planning Commission supplemental staff report – Vacation rentals
<table>
<thead>
<tr>
<th>Compliance with all City codes and requirements.</th>
<th>Draft regs previously recommended by Planning Commission</th>
<th>City of Warrenton on the Oregon North coast near Astoria</th>
<th>City of Bandon</th>
</tr>
</thead>
<tbody>
<tr>
<td>Includes but not limited to Title 8, Health &amp; Safety; Title 9, Peace, Morals &amp; Welfare; Title 15, Buildings &amp; Construction; all environmental health regulations.</td>
<td>-Building code references for compliance: GFCI rated electrical outlets in kitchen or bathroom, label Circuit breaker box, bedroom emergency egress, handrails shall comply with state building code, Garbage &amp; recycling service is required -No permit without onsite inspection &amp; all outstanding code violations on record &amp; any visible violations are recorded and mitigated.</td>
<td>-No more objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor is emitted from the rental than a normal neighborhood dwelling. - maintenance of property at or above level of surrounding homes, including landscaping and exterior maintenance. -evidence provided ensuring regular garbage removal. -smoke detectors required.</td>
<td></td>
</tr>
<tr>
<td>Contact requirements</td>
<td>If property owner/operator doesn’t live in rental, contact person/entity w/in 15-minute drive of property required &amp; available by phone 24/7 for response within 3 hours between 7 AM and 9 PM &amp; within a half hour from 9 PM-7 AM.</td>
<td>Owner or representative available by phone 24/7 &amp; response w/in 30 minutes, &amp; if requested must respond.</td>
<td>Owner/designated local manager immediately available to handle complaints 24/7 basis by phone &amp; respond to complaints within a reasonable time period.</td>
</tr>
<tr>
<td>Advertising on site</td>
<td>Prohibited.</td>
<td>Not addressed</td>
<td>Not addressed.</td>
</tr>
<tr>
<td>Occupant limit</td>
<td>2 persons/ bedroom &amp; two additional persons. bedroom to meet the min. size requirements defined in CBMC Title 15 (Building Code).</td>
<td>Not addressed</td>
<td>3 people/ bedroom up to a max of 10 people. Occupancy may be determined by bedrooms, parking, overall home floor plan and site plan and other neighborhood characteristics. Occupancy authorized may be less than the maximum allowed.</td>
</tr>
<tr>
<td>Location limit</td>
<td>Vacation rental cannot be closer than three hundred (300) feet of an existing vacation rental.</td>
<td>Not addressed</td>
<td>&lt; 30% of the single unit detached dwellings within 250' of property and located in zone where vacation rentals are allowed, are vacation rentals.</td>
</tr>
<tr>
<td>Parking requirement</td>
<td>Draft regs previously recommended by Planning Commission</td>
<td>City of Warrenton on the Oregon North coast near Astoria</td>
<td>City of Bandon</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------------------------------------</td>
<td>------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>1 hard surfaced off-street space/guest room exclusive of 2-space requirement for property owner shall s/he be on site during vacation rental period. Parking areas not to be located in front yard but may be located on the property’s paved driveway. If owner/operator lives on site, required residential parking shall not be displaced by the vacation rental.</td>
<td>Provide 1 off-street parking space/guest bedroom. Parking diagram to be posted on site &amp; made available for renters. Parking size to comply with city regulations.</td>
<td>1 off-street space/each bedroom but no &lt; than 2 spaces. Approved off-street parking areas to be available to accommodate full occupancy without use of on-street parking.</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>- Install carbon monoxide (CO) and smoke detector devices in each bedroom for rent. - Address numbers visible from the street - Homeowners are required to maintain a complaint registry and report problems to Community Development Director.</td>
<td>- Permit is not tied to the property but to the individual who secured permit. Sale or transfer to another entity invalidates permits. - If a joint access is to be used, all other property owners using the same private access must agree to the VRB use.</td>
<td></td>
</tr>
</tbody>
</table>
DRAFT

17.370. VACATION RENTALS

Sections:
17.370.010 Purpose and Intent.
17.370.020 Applicability.
17.370.030 Performance Standards and Requirements for Vacation Rentals.
17.370.040 Violations

17.370.010 Purpose and Intent. The purpose of these regulations is to ensure that vacation rentals conform to and are compatible with the existing character of the area in which they are located and do not create an adverse impact on adjacent properties.

17.370.020 Applicability. Vacation rentals may be permitted in the LDR-6 and LDR-8 zoning districts and in existing residential structures in the C, MX and I-C and WH zoning districts in compliance with underlying zoning district development and use standards and subsection 17.370.030.

17.370.030 Performance Standards and Requirements for Vacation Rentals.

1) Authorization. A Vacation Rental is a City authorized residential structure being rented for compensation for less than thirty (30) days. Recreational vehicles, travel trailers, tents, other temporary shelters, garages used to comply with City parking requirements, accessory structures (including Accessory dwelling units) are not permitted for use as vacation rentals.

2) Licensing and Taxes. Owners and Operators of vacation rentals are required to obtain a business license pursuant to the requirements of CBMC Chapter 5.05 and the payment of Transient Lodging taxes pursuant to the requirements of CBMC Section 3.55.

3) Additional Requirements. Each vacation rental owner/operator must submit with their business license application the following:
   (a) A building safety inspection safety report prepared by a licensed home inspector for Building Official review and approval;
   (b) For Director approval a written notice that will be conspicuously posted inside each vacation rental unit setting forth the name, address and telephone number of the contact person required in 17.370.030(6) if the property owner/operator does not live in the residential structure utilized as a vacation rental. The notice shall also set forth the address of the vacation rental, the maximum number of occupants permitted to stay overnight in the unit, the maximum number of vehicles allowed to be parked on-site, the day(s) established for garbage collection, a City approved tsunami evacuation map and a non-emergency number of the Coos Bay Police Department.

4) Annual verification of contact information. The owner/operator of the vacation rental shall annually, at the time of renewal of the business license, verify the name, address and telephone number of the contact person required in 17.370.030(6) if the property owner or his/her operator does not live in the residential structure utilized as a vacation rental.

5) Coos Bay Municipal Code Compliance. Compliance is required with all CBMC regulations, including, but not limited to Title 8, Health and Safety; Title 9, Peace, Morals and Welfare; and Title 15, Buildings and Construction. All environmental health regulations shall be met.
6) **Contact Requirements.** If the property owner and/or his/her operator does not live in the residential structure utilized as a vacation rental, the owner and/or operator shall, at all times while the property is being used as a vacation rental, maintain a contact person/entity within a fifteen-minute drive of the property. The contact person or entity must be available via telephone twenty-four (24) hours a day, seven days a week, to respond to complaints regarding the use of the vacation rental. The contact person or entity shall respond, either in person or by return telephone call, with a proposed resolution to the complaint within three hours between seven a.m. and nine p.m., and within thirty (30) minutes between nine p.m. and seven a.m.

7) **Advertising.** On-site advertising of the vacation rental is prohibited.

8) **Limit of Occupants.** The number of overnight occupants shall be limited to two persons per bedroom and two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons. A bedroom shall meet the minimum size requirements as defined in CBMC Title 15 (Building Code).

9) **Location limit.** Establishment of a vacation rental within three hundred (300) feet of an existing vacation rental shall not be permitted.

10) **Parking Requirement.** One (1) hard surfaced off-street parking space shall be provided for every guest room exclusive of the two-parking space requirement for the property owner should s/he be on site during the vacation rental period. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard but may be located on the property’s paved driveway. If the vacation rental property owner/operator lives on site, the required residential parking shall not be displaced by the vacation rental.

**17.370.040 Violations.**
Violation of the requirements specified in Section 17.370.030 shall constitute grounds for revocation of the Type II permit required for a vacation rental pursuant to Section 17.130.150.
Implementing a Local Gas Tax

A Survey on City Gas Tax Ordinances
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For questions about this report please contact:

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Research Associate
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PO Box 928, Salem, OR 97308
(503) 588-6550
INTRODUCTION

Streets and roads are critical assets for local communities. In many cities, the State Highway Fund is the primary source of street funding. The street networks in Oregon cities are deteriorating, and the cost to maintain and improve this asset has increased dramatically. Since there has been no increase in the state gas tax rate since 1993, the effects of inflation have decreased the purchasing power of highway fund dollars. For more information on the municipal transportation funding gap, see LOC’s 2007 report, “City Streets: Investing in a Neglected Asset.”

The federal government and State of Oregon levy gas taxes as a source of revenue for federal, state, and local roads and highways. These gas taxes assess a certain number of cents per gallon of fuel. Oregon’s gas tax is currently at 24 cents per gallon.

In an effort to alleviate the backlog of street projects, cities have looked to new local funding options, such as local fuel dealer license taxes, or “local gas taxes.” Local gas taxes were first implemented in a few Oregon cities in the 1980’s. Since then, more cities have been adopting these taxes as a way to bridge the growing gap in local transportation funding. Currently, there are 17 cities with local gas taxes, and several more considering this funding mechanism. In Oregon, local gas tax ordinances levy a business license tax on fuel dealers. The amount of tax levied is set as a certain number of cents per gallon of motor vehicle fuel sold by the dealer.

Despite the success of local gas taxes for several Oregon cities, these taxes have also brought controversy and political tension as well. Several city councils have passed local gas tax ordinances, but petition drives have left the final word with the voters. The purpose of this study is to analyze the experiences of those cities that have pursued local gas taxes as a source of transportation funding.

IDENTIFY THE PROBLEM

Many cities have begun by conducting a major inventory and analysis of their street network before exploring additional revenue options, and bringing solutions forward to the public. Some cities hired private consultants to conduct this analysis of city streets. Review by an outside source can help illustrate the severity of the problem to the council, local businesses and the public.

Several cities have formed transportation funding committees and task forces. These groups, often comprised of both elected officials and private citizens, work together to analyze the challenges and propose solutions. For example, the city of Tigard has a Transportation Financing Strategies Task Force, which proposed a street maintenance fee, and later a three cent gas tax (see p.14).

Cities also worked to educate the public on the deteriorating condition of city streets, the benefits of preventative maintenance, and the need for new transportation revenue. If the public understands the problem, they may be more open to the solutions adopted by the council.
**Choose a Solution**

Once cities have identified the severity of the transportation funding problem, they must then explore various revenue options. One of the main reasons cities have chosen local gas taxes is because all users of the city network pay, not just local residents. This aspect of a local gas tax is appealing to tourist areas such as Astoria/Warrenton, or economic hubs such as Eugene/Springfield.

Local gas taxes are fairly easy to implement, and have been an excellent sources of revenue for many cities. For the city of Stanfield, the one cent gas tax has brought in almost 50 percent more revenue than the city’s share of the State Highway Fund (see p. 27). Most of the cities implementing gas taxes use the Oregon Department of Transportation (ODOT) for revenue collection. These cities are members of the ODOT Fuels Tax Groups. However, Dundee, Oakridge, Sandy, Stanfield, Tillamook, and The Dalles collect their own gas tax revenue directly from the gas station owners. See p. 28 for more information on collection.

One difficult task with implementing a new local gas tax is estimating the amount of revenue the city will collect. The way the state gas tax is assessed and collected makes it impossible for ODOT to track how much fuel is sold in individual jurisdictions. ODOT only has fuel sales data for the local jurisdictions who have passed local gas taxes, and joined the ODOT Fuels Tax Group (see p. 28).

For the cities who are currently implementing gas taxes, several different methods were used to estimate gas tax collections for the first fiscal year. Several of the cities’ calculations used fuel sale per capita data from other gas tax cities. There are many variables that influence fuel sales: location, economy, number of gas stations, etc. Cottage Grove has a high per capita gas tax revenue due to the location of the gas stations along Interstate 5. Astoria and Warrenton are tourist towns, so a gas tax captures revenue from many visitors. If using a per capita estimate, cities considering a gas tax should use data from gas tax cities that are comparable to their community.

Another way to acquire an estimate on potential gas tax revenue is to hire a private consultant. Astoria and Warrenton hired a consultant to conduct a market analysis on a local gas tax. This report collected data for Astoria/Warrenton, and made comparisons to neighboring cities, as well as other gas tax cities. Astoria and Warrenton wanted an outside source to determine the impact of a local gas tax. The total cost of the study was $3,000, which was shared by both cities.

Due to many of the variables listed above, a local gas tax may not be the best solution for every community. For some cities, a gas tax may not receive community support, a lack of through traffic may limit the revenue to local users, or there may be a threshold for gas prices and tax rates. A city considering a gas tax should evaluate whether or not this is the best mechanism to achieve desired funding goals, as well as assess the political environment of the community and the attitude of citizens towards fees and taxes.
IMPLEMENTING A LOCAL GAS TAX

The League of Oregon Cities informally surveyed and interviewed each of the cities currently implementing a local gas tax, and the few cities that tried but were defeated at the ballot. There are unique experiences for each of the cities, but there are many similarities as well.

Below is a list of actions taken by the cities surveyed. Please note that these are experiences from a select number of cities. Neither the League of Oregon Cities, nor any of the cities discussed in the report, are suggesting these examples as an action plan for another city. A city considering a local gas tax must evaluate the political environment of their community, and the city’s need for transportation funding. For more information on specific city experiences, see page 10.

- **Outside Data and Information:** Some cities hired private consultants to collect data, varying from an assessment of the street network, a market analysis of a gas tax, or a public opinion poll on transportation funding options. These outside resources provide the council with hard data on the condition of city streets and the various funding options.

- **Present the Problem and Propose Solutions:** For some cities, the path to a gas tax began with general discussions about street funding options, and eventually the proposal of a local gas tax. Many of the cities worked to inform the public of the deteriorating condition of local streets, the cost benefits of preventative maintenance, and the need for new transportation revenue. For many of the cities, the discussion began months before taking formal action. If the public understands the problem, they may be more open to local revenue options, such as a gas tax.

- **Proposal Comes from a Committee/Board:** Several cities found that the city council and the public were more responsive to a gas tax proposal if it came from a committee that had citizen members. For example, Tigard has a Transportation Financing Strategies Task Force, and it proposed a street maintenance fee, and later a three cent gas tax (see p.14).

- **The Council on Board:** Cities found that if a gas tax is adopted, the council should be well educated on the issues, and in support of the gas tax. If the public still has questions and concerns about the gas tax, it will be helpful if the council members can accurately answer the questions and alleviate concerns. If the ordinance is referred to the voters, council members may be the only city officials who can advocate for the gas tax.

- **Accountability and Credibility:** The city has to have a good track record of using money efficiently and appropriately. For several of the cities, one major public concern was that gas tax revenues would not be used for street projects. To alleviate this concern, Milwaukie went as far as to put a very specific provision in the ordinance on the use of gas tax revenues.

- **Public Education:** Many of the cities that successfully implemented local gas taxes had engaged in public information campaigns. Beyond the standard public hearings, many cities hosted town hall meetings, did presentations to civic groups, published newsletter articles and
fliers, etc. If the public is fully informed as to what the tax is, why the city is levying it, and what it will be used for, the voters may be more receptive. In Tigard, the citizens understood the purpose of the gas tax, and that revenues would remain in the city. Tigard’s gas tax was not referred to the voters. The city of Florence, however, had its gas tax referred to the voters in 2005. The city held public hearings on the gas tax, but had not done much public outreach. After the gas tax failed on the ballot, the city learned that some voters thought the gas tax revenue would go into the general fund and be used on other services. If a gas tax is placed on the ballot, a city is then limited on the role it can play and the information it can produce due to election laws. If the public is well informed during the ordinance phase, they may choose not to sign the referral petitions, or will vote in favor of the gas tax if it is placed on the ballot.

- **Negotiate with Opponents:** Despite a major public education effort, there may still be strong opponents. For many cities, it is the gas station dealers and the Oregon Petroleum Association backing referral petitions. If possible, work to educate these groups specifically, and negotiate if necessary. In the city of Oakridge, a gas station owner and a soon-to-be cardlock station owner wanted diesel fuel to be exempted (cardlock stations use a special card, similar to a credit card, to purchase fuel, primarily diesel - e.g. Pacific Pride). The city, however, found that not all diesel fuel sold is for semi-trucks. Therefore, the two parties agreed to the cardlock station paying three cents per gallon on 5 percent of the diesel fuel sold (an average percent of diesel fuel sold to non-semi trucks). All other stations pay the three cent tax on all fuel sales. Other cities make similar concessions for diesel. For example, Coburg decided to exempt diesel fuel from the city gas tax.

- **Specificity:** Several cities have had success implementing gas taxes by identifying specific projects, raising a fixed amount, and adopting a sunset clause for the tax. Pendleton had success with this in 1999. The city’s gas tax was implemented to raise money for a major bridge project and contained a sunset clause for when the project was completed. For most of the cities, gas tax revenue is used to fund more than one project, and may not have a sunset clause, but the ordinances are still specific regarding use of funds. Eugene’s ordinance prohibits the use of gas tax revenue for capacity-enhancing street improvements, and Milwaukie’s states that revenues will go towards the city’s street surface maintenance program.

**What if the Gas Tax is Referred to the Ballot?**

- **Remember State Laws Regarding Political Campaigns:** If a gas tax ordinance is referred to the ballot, the city’s efforts become more limited by state elections laws. For more information, the Secretary of State, Elections Division has a publication, “Restriction on Political Campaigning by Public Employees,” which is available online.

- **Petitions Require Signatures from 10 Percent of Registered Voters:** Referral petitions need signatures from 10 percent of the electors registered in the city (ORS 250.305). Only 125 signatures would have been needed to place Junction City’s newly passed gas tax on the
ballot. If a city has worked hard to educate the public and promote the gas tax before it is referred, hopefully the voters will remember all of these facts.

- **Elected Officials Can Campaign:** In order to help remind people about the benefits of the gas tax, several cities relied on elected officials. By law, elected officials can advocate for or against ballot measures. So once again, be sure the council is informed on all the nuances of the gas tax, and are willing to support the tax despite political pressure.

- **Use Local Volunteers:** For several of the cities whose gas taxes were referred to the voters, local volunteer groups played a key role. There may be groups of citizens that are concerned about city streets and want to help. It may be citizen members of committees, business owners who want better streets, etc. Through volunteers and local contributions, some cities have had true “campaigns” in support of the gas tax. In 2003, with the help of a local group – E-Pay, “Every User Pays for Tillamook Streets” - the Tillamook City Council published a flier in support of the one cent gas tax increase (see p. 29).

- **Don’t Stop Campaigning Until the End:** If gas station owners and/or the Oregon Petroleum Association is backing the effort against the local gas tax, there may be a well-funded local campaign. Campaigns hit their message the hardest right before an election - city elected officials and volunteers will have to do the same. During Tillamook’s campaign for a one cent gas tax increase, council members went door to door talking to the public and handing out fliers. The council was hearing positive voter feedback, so they eased up on the campaigning a couple of weeks before the election. The gas tax increase was defeated by 89 votes.

**Maintaining Community Support**

Even if a local gas tax is implemented without much opposition, that does not mean that controversy will not arise later. Furthermore, if a city wants to raise an existing gas tax, community support will once again be needed. Here are methods used by cities to maintain public support for a gas tax:

- **Maintain Accountability and Credibility:** Once a city has passed a gas tax to collect revenue for street projects, the city must use the revenue efficiently and for the purpose for which it was raised.

- **Show the Public Results:** In order to illustrate the city’s accountability and credibility, many cities make a strong effort to show the public the positive results of the local gas tax. Several cities post signs at gas tax-funded project sites, or publish projects lists in a newsletter or online (see p. 29). Seeing the positive impact on city streets can help preserve public support for this local funding source.
Take a Regional Approach

Some cities have had success implementing local gas taxes when multiple cities are involved. If two or three neighboring cities decide to adopt gas taxes, gas station owners may be less concerned about competitive disadvantages.

Even with a regional approach, however, there may be some communities that are not receptive to a local gas tax, or there may be a threshold at which gas prices and tax rates are deemed too high. The current attitude of a community and proximity to its neighbors may affect the success of a "regional approach."

Astoria and Warrenton

Astoria and Warrenton both passed local gas taxes in 2007. The two ordinances are identical and establish three cents per gallon fuel dealer license taxes and sunset clauses for 2017.

The cities first conducted a joint market analysis on the implementation of a gas tax in the Astoria/Warrenton area. The analysis found that a gas tax would result in 80 percent of the revenues collected coming from non-residents (tourists).

Astoria began discussing the gas tax several months before its passage in order to get the public acquainted with the idea. Astoria also held a public hearing in order to get feedback from citizens. In lieu of a formal public hearing, Warrenton had a community forum that included a presentation on the need for street improvements and funding options, a break out session wherein the city commissioners met with residents in separate groups, and a session where each commissioner presented the feedback from the small groups. The notion behind this approach was to give every resident attending the meeting an opportunity to be heard in an informal and less intimidating manner.

Neither city experienced much controversy over the gas taxes proposals. For Astoria, the only major concern was that the revenue be used for streets - no administrative charges that get moved to another fund. None of the local gas stations were in heated opposition to the gas taxes, and neither city has heard from statewide associations.

Astoria and Warrenton are in close proximity to each other, but several miles away from other cities. For these two medium-sized communities, passing a local gas tax without the cooperation of the other may have been a difficult task. Due to collective efforts, both cities will begin collecting much needed revenue for city streets starting November 1, 2007.

See p. 19 for more detailed information on these cities’ gas taxes.
**Lane County Cities**

As of September, 2007, six cities in Lane County have adopted local gas taxes as a means to fund needed street projects. If Junction City’s gas tax is approved by the voters in November 2007 (see p. 16), the count will rise to seven.

Five out of six of the gas tax cities in Lane County passed ordinances in 2003 and 2004. The first two cities were Eugene and Springfield. The two cities did not officially partner in this endeavor, but there was cooperation between the two cities to assist in a smooth passage of these two ordinances, and both ordinances were passed within months of each other with little controversy.

Cottage Grove was the next city in Lane County to pass a local gas tax, following Eugene and Springfield by just a few months. Over a year later, Oakridge and Veneta implemented their gas taxes. At this point, all five of the local gas taxes in Lane County were set at three cents per gallon, passed with little controversy, and were not referred to the voters.

This track record ended in 2005. The city of Florence tried to pass a three cent gas tax, which was immediately referred to the voters, and heavily defeated 66 percent to 34 percent. Florence had not done a lot of public education, and was not able to campaign once the measure was placed on the ballot. There was public misconception about what the gas tax was, and how it could be used. Furthermore, Florence is not located near the Eugene/Springfield metropolitan area, so Florence may not have been “regional” enough.

Most recently, both Junction City and Coburg passed local gas taxes: Junction City at five cents per gallon, Coburg at three cents. Coburg’s ordinance has not been petitioned for referral, but Junction City has placed a new gas tax measure on the November 2007 ballot in-lieu-of waiting for signed petitions to be filed for the March 2008 election.

Eugene will also have a gas tax measure on the November 2007 ballot. Earlier this year, the city passed its second gas tax increase, making a total gas tax of eight cents per gallon. Petitions were circulated to refer the ordinance to the voters, and the council decided to repeal the original ordinance and pass another one with a referral to the November ballot.

Many Lane County cities have had excellent experiences passing and implementing local gas taxes. There has also been discussions about a county-wide gas tax. The failure of Florence’s gas tax, and the referral of Junction City’s new tax and Eugene’s three cent increase has caused many of the other cities to wait and see what happens in November ballots before considering a new or increased gas tax.

See p. 19 for more detailed information on these cities’ gas taxes.
IMPLEMENTING LOCAL GAS TAXES

EXPERIENCES FROM OREGON CITIES
OREGON CITIES CURRENTLY IMPLEMENTING LOCAL GAS TAXES
CITY OF EUGENE

<table>
<thead>
<tr>
<th>GAS TAX QUICK FACTS</th>
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<tr>
<td>Population: 148,595</td>
</tr>
<tr>
<td>Date Passed: 2003 (original 3 cents)</td>
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<tr>
<td>Gas Tax Rate: 5 cents/gallon</td>
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<tr>
<td>Voter Approval: No</td>
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<td>Revenue '06-07: $3,359,536</td>
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<tr>
<td>Sunset Clause: Yes (2 cent increase sunsets in 2008)</td>
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<td>Revenue Projects: Street projects - no capital-enhancing projects.</td>
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<tr>
<td>Gas Stations: 62</td>
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The Eugene Experience

In 2001, Eugene was struggling with a backlog of pavement preservation projects. The city convened a citizen committee to explore street funding options for the city. The committee’s proposal included a three cent gas tax and a transportation system maintenance fee (TSMF). The council approved the TSMF in late 2002, and the gas tax in early 2003.

In order to inform the public about these two new revenue sources - what they are, what they fund, etc. - the city conducted public hearings, produced newsletters articles, and held neighborhood/civic group presentations. There was considerable resistance to the TSMF, and in September 2003 the council repealed the ordinance, citing concerns about equity between Eugene and Springfield as well as concerns about the impact of the TSMF on local business. The three cent gas tax, however, was implemented without much opposition.

The repeal of the TSMF meant a loss of potential revenue to the city. In 2005, the city council increased the gas tax to five cents. The two cent increase had a three year sunset, which ends in February 2008. Once again, there was little controversy over the gas tax increase.

In 2006, due to continuing growth in the maintenance backlog and the potential loss of county revenue sharing through the Secure Rural Schools Act, a council sub-committee was formed to once again look at transportation funding. In 2007, the council put together a five-part transportation funding proposal that included a three cent increase in the gas tax (making it eight cents per gallon total). The Oregon Petroleum Association circulated a petition to refer the gas tax increase. After a legal dispute regarding the petition signatures, the city decided to repeal the original ordinance and pass another one with referral to the voters in November 2007. The city hopes that its previous public education efforts on the state of Eugene’s streets, and the city’s track record with the gas tax these last four years will result in an affirmative vote of the people.
CITY OF MILWAUKIE

<table>
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<th>GAS TAX QUICK FACTS</th>
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<tbody>
<tr>
<td>Population: 20,835</td>
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<td>Date Passed: 2007</td>
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<td>Gas Tax Rate: 2 cents/gallon</td>
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<tr>
<td>Voter Approval: No</td>
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<tr>
<td>Revenue '06-07: N/A</td>
</tr>
<tr>
<td>Sunset Clause: No</td>
</tr>
<tr>
<td>Revenue Projects: Only pavement preservation and maintenance.</td>
</tr>
<tr>
<td>Gas Stations: 5</td>
</tr>
</tbody>
</table>

The Milwaukie Experience

In April, 2007, Milwaukie passed a two cents per gallon local fuel dealers license tax. This new tax was part of a funding package the city assembled with the support of the budget committee and a citizens advisory committee.

In 2004, a private consulting firm visually inspected Milwaukie’s streets, and found that the city streets were rapidly deteriorating and passing the point of effective maintenance and preservation. The research done by an outside consultant was an important tool in educating the city council on Milwaukie’s street funding problem.

The city had considered street funding options in the past without success. This time, the push came from the budget committee and a citizens utility advisory committee. The city council passed a resolution in favor of a Street Surface Maintenance Program in July 2006, calling for the development of new, local revenue sources to help fill the funding gap in backlogged maintenance and preservation projects. The first two new funding sources were adopted by the council in 2006: a trip-based street maintenance fee; and a 1.5 percent privilege tax on Portland General Electric. The two cent gas tax followed in April 2007.

While considering various funding options, the city worked to get public input and involvement. In their public outreach work, the city heard loud and clear from the citizens that they wanted accountability – any new revenues must be used for street repair only. In response, the establishing ordinances are very specific about the use of revenue.

Neither the local gas tax, nor the other two street funding options, were voted on by the public. The Oregon Petroleum Association did circulate a petition to refer the gas tax to the voters, but no signed petitions were ever submitted. Now, these three revenue sources will allow the city to fully implement the street maintenance program that the community has worked together to create.
CITY OF SANDY

GAS TAX QUICK FACTS

<table>
<thead>
<tr>
<th>Population:</th>
<th>7,070</th>
<th>Date Passed:</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gas Tax Rate:</td>
<td>1 cent/gallon</td>
<td>Voter Approval:</td>
<td>Yes</td>
</tr>
<tr>
<td>Revenue '06-07:</td>
<td>$126,850</td>
<td>Sunset Clause:</td>
<td>No</td>
</tr>
<tr>
<td>Revenue Projects: Streets, street lighting, and stormwater projects.</td>
<td>Gas Stations:</td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>

The Sandy Experience

The city of Sandy has made several attempts in the last two decades to implement a local gas tax. The first council-approved ordinance was referred to the voters by petition and defeated at the ballot. After that, the city decided to place any gas tax measure before the voters.

After another narrow defeat by voters in May 2000, despite door-to-door efforts of elected officials and a citizen group, the city decided to abandon a gas tax and pass a street maintenance fee instead. This fee was also controversial with the public and was referred to the voters in September 2002 by petition. The city decided to place a gas tax on the same ballot, in order to give the voters options. The city found that the gas tax would cost voters an average of $18 per year, while a street utility fee would be $60 per year. With only a voters’ pamphlet statement in support of the gas tax, 65 percent of the voters approved it, while 75 percent rejected the street maintenance fee.

Sandy’s gas tax revenues are used to fund city streets, but can also be used for street fund projects such as street lights and stormwater. The city keeps the public informed on the use of gas tax revenue by publishing a list of projects in the newsletter with a “paid by gas tax” type message. The city also posts a sign at gas tax-funded project sites. The city hopes these efforts will pay off when the citizens vote on a 1.9 cent gas tax increase at the November 2007 election. There is not as strong of a volunteer campaign, so the outcome of this measure is very uncertain.
CITY OF SPRINGFIELD

<table>
<thead>
<tr>
<th>GAS TAX QUICK FACTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population: 57,065</td>
</tr>
<tr>
<td>Date Passed: 2003</td>
</tr>
<tr>
<td>Gas Tax Rate: 3 cents/gallon</td>
</tr>
<tr>
<td>Voter Approval: No</td>
</tr>
<tr>
<td>Revenue '06-07: $1,082,674</td>
</tr>
<tr>
<td>Sunset Clause: No</td>
</tr>
<tr>
<td>Revenue Projects: Street reconstruction, preservation, maintenance.</td>
</tr>
<tr>
<td>Gas Stations: 21</td>
</tr>
</tbody>
</table>

The Springfield Experience

As early as 2000, Springfield’s long term financial planning for its street fund indicated that the city would face severe funding challenges for street infrastructure. A fund reserve accumulated in the late 1980s and early 1990s was rapidly diminishing as Lane County began to cut back on timber revenue sharing in the wake of threats to this source of federal funding. The city began a program of expenditure reduction which involved budget cuts of more than 10 percent per year.

At the same time, Springfield added clarity to transportation funding questions by making a policy decision that state highway fund revenue would be used only for street preservation and maintenance. New construction would be funded by system development charges (SDCs), assessments, or intergovernmental revenues.

In March 2001, the council reviewed the state of the street fund and concluded that spending cuts would not be adequate to address the forecasted problem of a depleted street fund balance by fiscal year 2004. The council reviewed several street revenue options, with staff briefings every three to six months. With each review, the council would focus on issues and solutions more sharply. Because of the city’s close proximity to Eugene, staff also worked consistently with Eugene staff to keep both cities on a common track of revenue alternatives.

This long term effort resulted in the council adopting a transportation system maintenance fee (TSMF) in February 2003, quickly followed by a three cent local fuel tax in March. Because of the extensive involvement of the council in the process of developing the revenue alternatives, the adoption of the local fuel tax was not controversial. The TSMF was sharply criticized and a petition campaign collected sufficient signatures to refer the fee to the voters. At that point the city council chose to repeal the TSMF. The local gas tax, however, was implemented without controversy, and has been an excellent source of revenue for the city during the last four years.

Although the gas tax has brought in new revenue to the street fund, the repeal of the TSMF, and continued escalation in the cost of construction materials has created concerns that the city’s revenues will be inadequate to maintain the current level of service past 2009. As a result, staff is now beginning to explore alternatives for council consideration later this year.
CITY OF TIGARD

GAS TAX QUICK FACTS

<table>
<thead>
<tr>
<th>Population:</th>
<th>46,300</th>
<th>Date Passed:</th>
<th>2006 (began collecting in 4/07)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gas Tax Rate:</td>
<td>3 cents/gallon</td>
<td>Voter Approval:</td>
<td>No</td>
</tr>
<tr>
<td>Revenue '06-07:</td>
<td>N/A</td>
<td>Sunset Clause:</td>
<td>Yes - 2011</td>
</tr>
<tr>
<td>Revenue Projects:</td>
<td>Greenburg Rd / Hwy 99W / Main St. intersection improvements.</td>
<td>Gas Stations:</td>
<td>13</td>
</tr>
</tbody>
</table>

The Tigard Experience

Tigard passed a three cent gas tax in 2006, and began collecting revenue in April 2007. The tax was levied for a specific project (Greenburg Road and Highway 99 improvements) and for a specific amount of time (sunsets in 2011).

Washington County had revenue to improve a neighboring intersection, but both intersections need to be upgraded in order to alleviate a larger traffic congestion problem. The gas tax proposal was made by the Transportation Financing Strategies Task Force as a way to fund the second Highway 99 intersection project.

The city held public hearings and published information pieces in the city newsletter (see p. 33). The gas stations/dealers tried to defeat the gas tax ordinance twice - one attempt was a referral to the voters, the other an initiative to repeal the gas tax.

Some of the petition posts were at the gas stations located on Highway 99. Therefore, the people being asked to sign the petitions were the ones who were experiencing the traffic delays in these two intersections. The city of Tigard worked hard to be sure the public understood the provisions and purpose of the gas tax. The gas tax was never referred to the voters, and the city is now collecting a three cent gas tax and working on plans for the intersection improvements.


CITY OF TILLAMOOK

<table>
<thead>
<tr>
<th>GAS TAX QUICK FACTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population: 4,675</td>
</tr>
<tr>
<td>Gas Tax Rate: 1.5 cents/gallon</td>
</tr>
<tr>
<td>Revenue '06-07: $121,805</td>
</tr>
<tr>
<td>Revenue Projects: Street maintenance, capital projects; street lighting.</td>
</tr>
<tr>
<td>Date Passed: 1982</td>
</tr>
<tr>
<td>Voter Approval: Yes</td>
</tr>
<tr>
<td>Sunset Clause: No</td>
</tr>
<tr>
<td>Gas Stations: 9</td>
</tr>
</tbody>
</table>

The Tillamook Experience

The Tillamook City Council passed a 1.5 cents per gallon fuel dealers license tax in 1982. The Oregon Petroleum Association successfully circulated a petition, and the gas tax was referred to the voters. Elected officials conducted a door-to-door campaign and the voters approved the 1.5 cent gas tax.

In 2003, the Tillamook City Council passed a one cent increase, and again, a petition led to a referendum. With the help of a local group - E-Pay, “Every User Pays for Tillamook Streets” - council members were able to launch another door-to-door campaign in support of the gas tax increase (see p. 33). The council was hearing positive feedback from citizens, so the campaign eased up a couple of weeks prior to the election. The gas tax increase was defeated by 89 votes.

In 2007, the city is again considering a gas tax increase, this time an increase of 1.5 cents. The city conducted a straw poll, and feel there is strong support at this time. If the measure is referred to the ballot once again, the city plans to conduct a similar grass roots campaign.
PENDING AND REPEALED GAS TAXES

Note: This is not a comprehensive list. Other gas taxes in these categories may not be listed.

Gas Taxes - Election Pending

Junction City: Junction City passed a local gas tax in August, 2007. The city, finding that a five cent gas tax was needed in order to fill the funding gap for city street projects, passed an ordinance for a five cents per gallon gas tax. The city published articles in the newspaper and city newsletter, and held public hearings on the ordinance. However, the public hearings were not well attended, and after the ordinance was passed, a few people stated they were not aware this was even being considered. An informal petition opposing the ordinance was presented to the council which showed 170 signatures. Only 125 signatures were needed on an official petition to refer this issue to the voters. The Oregon Petroleum Association’s plan was to gather enough signatures to place this issue on the March 2008 ballot. The city decided to rescind the ordinance, and pass a new one with a referral to the voters in November 2007.

Gas Taxes - Repealed by Election

Florence: The city council passed a three cent gas tax, which was then referred to the voters by petition and lost 66 percent to 34 percent. After the election, the city heard that some of the voters were misinformed and thought that gas tax revenue would go into the General Fund. The city council may consider a gas tax again, but will go out for a vote automatically, and will work harder to inform the public of the use of gas tax revenues and the need for local transportation improvements. The city also plans to update the street condition survey so current data is available to support the need for a gas tax.

Cornelius: In 2006, the Cornelius City Council passed a two cent gas tax. The ordinance was referred to the November 2006 ballot by petition. The city made an extensive public education effort regarding the measure but there was no organized political action committee formed to support it once it was placed on the ballot. The gas tax was defeated by the voters 67.5 percent to 32.5 percent.

King City: The King City Council first adopted a one cent per gallon gas tax ordinance in early 2002. Local gas station owners and the Oregon Petroleum Association were opposed to the tax, and secured enough signatures to refer the issue to the voters. The measure was defeated 51 percent to 49 percent. In November 2005, the city decided once again to consider a gas tax, but this time went straight to the voters. The council campaigned around the city and received positive feedback about the gas tax. The campaign effort lessened the last few weeks before the election, and the measure failed again, 55 percent to 45 percent.
Gas Taxes - Repealed by Sunset

Pendleton: The city first passed a two cent gas tax in 1999. This tax was used to raise revenue for a $1.2 million grant match to fund a bridge project. There was a lot of community support for the project, and the gas tax was never referred to the voters. There was a sunset on the tax, and once the needed revenue was raised the city stopped collecting the gas tax. Shortly thereafter, city staff started working on reeducating the council on the overall condition and value of the street network. The city hired a consultant to conduct a pavement management assessment, and report its findings. This assessment led the council to identify new funding options. The city looked at different types of revenue sources: transportation utility fees (trip-generated or flat fee); a new three cent gas tax; and street frontage fees. In demonstrating that 40 percent of gas is purchased by non-Pendleton residents, the council approved the three cent gas tax. City staff collected information and made community presentations in order to inform the public of the need for this revenue. However, opponents successfully gathered signatures for a petition to refer the ordinance to the March 2006 ballot. The anti-gas tax campaign was well funded, which the city could not match due to election laws. The gas tax was defeated 70 percent to 30 percent.
APPENDICES

SPECIFIC INFORMATION ON OREGON CITY GAS TAXES
APPENDIX A

City Gas Tax Ordinances

<table>
<thead>
<tr>
<th>City</th>
<th>Population</th>
<th>Year Passed</th>
<th>Cents / Gallon</th>
<th># of Gas Stations</th>
<th>Revenue 2006-07</th>
</tr>
</thead>
<tbody>
<tr>
<td>Astoria</td>
<td>9,970</td>
<td>2007</td>
<td>3</td>
<td>10</td>
<td>N/A</td>
</tr>
<tr>
<td>Coburg</td>
<td>1,075</td>
<td>2007</td>
<td>3</td>
<td>2</td>
<td>N/A</td>
</tr>
<tr>
<td>Coquille</td>
<td>4,210</td>
<td>2007</td>
<td>3</td>
<td>4</td>
<td>N/A</td>
</tr>
<tr>
<td>Cottage Grove</td>
<td>9,275</td>
<td>2003</td>
<td>3</td>
<td>6</td>
<td>$335,905</td>
</tr>
<tr>
<td>Dundee</td>
<td>3,010</td>
<td>2003</td>
<td>2</td>
<td>1</td>
<td>$47,071</td>
</tr>
<tr>
<td>Eugene</td>
<td>148,595</td>
<td>2003</td>
<td>5</td>
<td>62</td>
<td>$3,359,536</td>
</tr>
<tr>
<td>Milwaukie</td>
<td>20,835</td>
<td>2007</td>
<td>2</td>
<td>5</td>
<td>N/A</td>
</tr>
<tr>
<td>Oakridge</td>
<td>3,700</td>
<td>2004</td>
<td>3</td>
<td>2</td>
<td>$44,260</td>
</tr>
<tr>
<td>Sandy</td>
<td>7,070</td>
<td>2002</td>
<td>1</td>
<td>6</td>
<td>$126,850</td>
</tr>
<tr>
<td>Springfield</td>
<td>57,065</td>
<td>2003</td>
<td>3</td>
<td>21</td>
<td>$1,082,674</td>
</tr>
<tr>
<td>Stanfield</td>
<td>2,155</td>
<td>1999</td>
<td>1</td>
<td>2</td>
<td>$148,187</td>
</tr>
<tr>
<td>The Dalles</td>
<td>12,520</td>
<td>1980</td>
<td>3</td>
<td>10</td>
<td>$320,000 (budgeted)</td>
</tr>
<tr>
<td>Tigard</td>
<td>46,300</td>
<td>2006</td>
<td>3</td>
<td>13</td>
<td>$170,000</td>
</tr>
<tr>
<td>Tillamook</td>
<td>4,675</td>
<td>1982</td>
<td>1.5</td>
<td>9</td>
<td>$121,805</td>
</tr>
<tr>
<td>Veneta</td>
<td>4,240</td>
<td>2004</td>
<td>3</td>
<td>4</td>
<td>$112,885</td>
</tr>
<tr>
<td>Warrenton</td>
<td>4,460</td>
<td>2007</td>
<td>3</td>
<td>5</td>
<td>N/A</td>
</tr>
<tr>
<td>Woodburn</td>
<td>22,615</td>
<td>1989</td>
<td>1</td>
<td>9</td>
<td>$223,713</td>
</tr>
</tbody>
</table>

Notes:
1. To view the city ordinances, visit www.orcities.org (A-Z Index - "G" for Gas Tax, Local)
# APPENDIX B

City Gas Tax Ordinances - Voter Approval & Sunset Clauses

<table>
<thead>
<tr>
<th>City</th>
<th>Council or Voter Approval</th>
<th>Sunset Clause</th>
</tr>
</thead>
<tbody>
<tr>
<td>Astoria</td>
<td>Council</td>
<td>Yes - 2017</td>
</tr>
<tr>
<td>Coburg</td>
<td>Council</td>
<td>No</td>
</tr>
<tr>
<td>Coquille</td>
<td>Council 1</td>
<td>No</td>
</tr>
<tr>
<td>Cottage Grove</td>
<td>Council</td>
<td>No</td>
</tr>
<tr>
<td>Dundee</td>
<td>Council</td>
<td>No</td>
</tr>
<tr>
<td>Eugene</td>
<td>Council</td>
<td>Yes - 2008 2</td>
</tr>
<tr>
<td>Milwaukie</td>
<td>Council</td>
<td>No</td>
</tr>
<tr>
<td>Oakridge</td>
<td>Council</td>
<td>No</td>
</tr>
<tr>
<td>Sandy</td>
<td>Voter</td>
<td>No</td>
</tr>
<tr>
<td>Springfield</td>
<td>Council</td>
<td>No</td>
</tr>
<tr>
<td>Stanfield</td>
<td>Voter</td>
<td>No</td>
</tr>
<tr>
<td>The Dalles</td>
<td>Voter 3</td>
<td>No</td>
</tr>
<tr>
<td>Tigard</td>
<td>Council</td>
<td>Yes - 2011</td>
</tr>
<tr>
<td>Tillamook</td>
<td>Voter</td>
<td>No</td>
</tr>
<tr>
<td>Veneta</td>
<td>Council</td>
<td>No</td>
</tr>
<tr>
<td>Warrenton</td>
<td>Council</td>
<td>Yes - 2017</td>
</tr>
<tr>
<td>Woodburn</td>
<td>Voter</td>
<td>No</td>
</tr>
</tbody>
</table>

**Notes:**

1. A petition to repeal the gas tax is circulating for the March 2008 ballot.
2. The original three cents has no sunset, but the 2005 two cent increase sunsets in 2008.
3. The two cent tax was only approved by council. The one cent increase was voter-approved.
APPENDIX C

City Gas Tax Ordinances - Fuels Specifically Defined in "Motor Vehicle Fuel"

<table>
<thead>
<tr>
<th>City</th>
<th>Gasoline</th>
<th>Diesel</th>
<th>Mogas</th>
<th>Methanol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Astoria</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Coburg 3</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Coquille</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Cottage Grove</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Dundee</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Eugene</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Milwaukie 4</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Oakridge</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Sandy</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Springfield</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Stanfield 5</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>The Dalles 5</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Tigard</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Tillamook</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Veneta</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Warrenton</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Woodburn</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
</tbody>
</table>

Notes:

1. All of the ordinances have a general statement such as: "...and any other flammable or combustible gaseous, liquid, or solid substance, by whatever name such substance is known or sold, usable as fuel for the operation of motor vehicles."
   (Sample language from Sect. 1(6) of Veneta Ordinance 453)


3. Coburg specifically excludes diesel and bio-diesel from the city's fuel tax.

4. Milwaukie is the only city that does not have specific language excluding fuel that is not for the "propulsion of motor vehicles."

5. Stanfield and The Dalles do not specifically include diesel fuel in the definition, but does not specifically exclude it either.
APPENDIX D

City Gas Tax Ordinances - Use of Revenues Specifically Listed

Please note, an item not specifically listed in the ordinance does not mean it is specifically excluded.

<table>
<thead>
<tr>
<th>City</th>
<th>Construction</th>
<th>Reconstruction</th>
<th>Improvement</th>
<th>Repair</th>
<th>Maintenance</th>
<th>Preservation</th>
<th>Operations</th>
<th>Sidewalks</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Astoria</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coburg</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coquille</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cottage Grove</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dundee</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eugene</td>
<td></td>
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<td>✓</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>Note 2</td>
</tr>
<tr>
<td>Oakridge</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sandy</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>Street Lights &amp; Stormwater</td>
</tr>
<tr>
<td>Springfield</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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</tr>
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<td>✓</td>
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<td>✓</td>
<td></td>
<td></td>
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<tr>
<td>The Dalles</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Tigard</td>
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<td>✓</td>
<td>✓</td>
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<td>✓</td>
<td></td>
<td>Note 4</td>
</tr>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>Street Lights 5</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<td></td>
</tr>
<tr>
<td>Warrenton</td>
<td>✓</td>
<td>✓</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woodburn</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>Note 6</td>
</tr>
</tbody>
</table>

Notes:

1. Eugene’s ordinance specifically states that gas tax revenues shall not be used for capacity-enhancing street projects.
2. Milwaukie’s ordinance states that gas tax revenues shall be used for the street surface maintenance program.
3. Despite the authority granted in its ordinance, Springfield does not use gas tax revenue for new construction.
4. The types of uses listed for Tigard are exclusively for projects in one particular intersection.
5. Tillamook’s revenue formula is: 1/2 cent for street lights and road repair; 1 cent for major road improvements.
6. By ordinance, no more than 10 percent of Woodburn’s gas tax revenue may be used to cover administrative costs.
APPENDIX E

City Gas Tax Ordinances - Penalty for Failure to Secure Fuel Tax License

Example: A fuel dealer in a gas-tax city has not secured a fuel dealers' license. The tax administrator finds that $5,000 is due. The dealer must pay a certain percentage of the tax as an additional penalty fee. So for the 100 percent cities: $5,000 penalty is added to the $5,000 license tax = $10,000 due to the city.

<table>
<thead>
<tr>
<th>City</th>
<th>Penalty = % of Tax Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Astoria</td>
<td>100%</td>
</tr>
<tr>
<td>Coburg</td>
<td>100%</td>
</tr>
<tr>
<td>Coquille</td>
<td>100%</td>
</tr>
<tr>
<td>Cottage Grove</td>
<td>100%</td>
</tr>
<tr>
<td>Dundee</td>
<td>25%</td>
</tr>
<tr>
<td>Eugene</td>
<td>100%</td>
</tr>
<tr>
<td>Milwaukie</td>
<td>200%</td>
</tr>
<tr>
<td>Oakridge</td>
<td>100%</td>
</tr>
<tr>
<td>Sandy</td>
<td>100%</td>
</tr>
<tr>
<td>Springfield</td>
<td>100%</td>
</tr>
<tr>
<td>Stanfield</td>
<td>100%</td>
</tr>
<tr>
<td>The Dalles</td>
<td>100%</td>
</tr>
<tr>
<td>Tigard</td>
<td>100%</td>
</tr>
<tr>
<td>Tillamook</td>
<td>100%</td>
</tr>
<tr>
<td>Veneta</td>
<td>100%</td>
</tr>
<tr>
<td>Warrenton</td>
<td>100%</td>
</tr>
<tr>
<td>Woodburn</td>
<td>200%</td>
</tr>
</tbody>
</table>
APPENDIX F

City Gas Tax Ordinances - Standard Fuel Tax Exemptions

"Fuel exported from the city by a dealer"

"Sold by a dealer in individual quantities of 500 gallons or less for export by the purchaser to an area or areas outside the city in containers other than the fuel tank of a motor vehicle, but every dealer shall be required to report such exports and sales to the city in such detail as may be required."
Note: Tillamook does not have this provision. Astoria, Eugene and Warrenton do not specify "in individual quantities of 500 gallons or less."

"Sales to armed forces"
Note: Sandy does not have this provision. Tillamook exempts "all publicly-owned bodies - PUD, state highway, armed forces and police agencies" - Ord. 1014 Section 16(2)(b)

"Fuel in vehicles coming into city"

"Fuel sold or delivered to dealers"
Note: Only Dundee, Sandy, Stanfield, The Dalles and Tigard ordinances have this provision.

City Gas Tax Ordinances - Refunds

Most of the ordinances cite ORS 319.280 - 319.320.

Eugene, Astoria, Warrenton have gas tax refund language that is different than most of the other ordinances: "All claims for refund under subsection (2) of this section shall be filed within 15 months of the date that the fuel was purchased and may not be filed more frequently than quarterly. The minimum claim for refund filed under subsection (2) of this section shall be not less than $25.00."
(Section 8.138(3) of the Astoria City Code)

Tillamook has several provisions regarding refunds, including the following: making refund claims; fuel used in operation of vehicles over certain roads or private property; purchasers of fuel aircraft; fuel used in transportation of rural free delivery or special delivery mail.
APPENDIX G

City Gas Tax Ordinances - Weight Mile Tax

Refunds

Eugene City Code Section 3.483(2) - Refunds: "...a holder of a weight receipt that certifies to the city that the motor vehicle fuel upon which the tax was imposed will be used only for fueling vehicles subject to the State of Oregon's weight-mile tax, may apply for a refund of 80 percent of the tax imposed in Section 3.467 of this code on motor vehicle fuel purchased in bulk for distribution at the weight receipt holder's facility located within the city. This subsection applies only to motor vehicle fuel purchased by the weight receipt holder on or after February 23, 2005. " (Same language in Astoria and Warrenton's ordinances)

Springfield City Code Section 7.536(2)(a)(b) - Refunds: "(a) As an alternative to refunds provided under subdivision (1), holders of a weight receipt as defined in Section 7.500, may, not more frequently than quarterly, receive a refund of 80 percent of the tax imposed hereunder on motor vehicle fuel purchased on or after September 1, 2004, in bulk for distribution at the holder's own facility located within the city. (b) Upon application by the holder of a weight receipt, the city shall certify that a holder of a weight receipt is qualified for the refund provided herein. Such certificate shall identify the name of the holder and the address of the bulk fueling which is eligible for the refund."

Exemptions

Oakridge Ordinance 880 (amending Ord. 876); Section 17(2): "The license tax imposed by Sections 2 and 3 of this Ordinance shall not be imposed on any diesel fuel sold to credentialed Weight-Mile Tax payers colloquially known as PUC vehicles); but every dealer shall be required to report such sales to the Tax Administrator in such detail as may be required. Dealers selling to card locks may administer this exemption by estimating the percentage of sales to non-PUC vehicles at 5 percent, unless a lower percentage can be documented to the Tax Administrator's satisfaction, in the Tax Administrator's sole discretion."

Note: Coburg excluded diesel and bio-diesel from the definition of "motor vehicle fuel," thereby exempting weight-mile taxed trucks from the city's gas tax.
APPENDIX H

City Gas Tax Ordinances - Other Ordinance Provisions

Tillamook Ordinance 1014; Section 31 - Attorney Fees: "In the event the city is the prevailing party in any action brought to enforce any provision of this ordinance, the city shall be entitled to recover in addition to all other relief granted a reasonable attorney fee from the opposing party."

Woodburn Ordinance 2028; Section 29 - Voter Referral: "This ordinance shall be referred to the electors of the city of Woodburn at the September 19, 1989, special election. A copy of the ballot measure for this referral is attached hereto and by this reference incorporated herein."

APPENDIX I

City Gas Tax Ordinances - Aircraft Fuel

Almost all city ordinances contain similar language in the definition of motor vehicle fuel:

"...usable as fuel for the operation of motor vehicles, except gas or liquid is for purposes other highways," but there is no airport so aircraft fuel is not taxed.

This definition would exclude aircraft fuel from taxation under the motor vehicle fuel tax

Baker City has an "Aircraft Fuel License Tax" ordinance, which can be viewed online.

Baker City Ordinance 2888 (passed 1983)
www.bakercity.com/ords/ORD_2888.pdf
## APPENDIX J

2006-07 Local Gas Tax Revenue vs. State Highway Fund Revenue Share

<table>
<thead>
<tr>
<th>City</th>
<th>Gas Tax Rate cents/gallon</th>
<th>2006-07 Local Gas Tax Revenue</th>
<th>2006-07 State Highway Fund Rev.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cottage Grove</td>
<td>3 cents</td>
<td>$335,905</td>
<td>$430,240</td>
</tr>
<tr>
<td>Dundee</td>
<td>2 cents</td>
<td>$47,071</td>
<td>$139,826</td>
</tr>
<tr>
<td>Eugene</td>
<td>5 cents</td>
<td>$3,359,536</td>
<td>$6,897,515</td>
</tr>
<tr>
<td>Oakridge</td>
<td>3 cents</td>
<td>$44,260</td>
<td>$172,755</td>
</tr>
<tr>
<td>Sandy</td>
<td>1 cent</td>
<td>$126,850</td>
<td>$321,375</td>
</tr>
<tr>
<td>Springfield</td>
<td>3 cents</td>
<td>$1,082,674</td>
<td>$2,642,036</td>
</tr>
<tr>
<td>Stanfield</td>
<td>1 cent</td>
<td>$148,187</td>
<td>$100,783</td>
</tr>
<tr>
<td>The Dalles</td>
<td>3 cents</td>
<td>$320,000</td>
<td>$588,435</td>
</tr>
<tr>
<td>Tillamook</td>
<td>1.5 cents</td>
<td>$121,805</td>
<td>$218,434</td>
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<tr>
<td>Veneta</td>
<td>3 cents</td>
<td>$112,885</td>
<td>$191,466</td>
</tr>
<tr>
<td>Woodburn</td>
<td>1 cent</td>
<td>$223,713</td>
<td>$1,046,413</td>
</tr>
</tbody>
</table>

### Notes:

2. The 2006-07 revenue amount for The Dalles is budgeted, not actual revenue collected.
APPENDIX K

Local Gas Tax Collection

ODOT Fuels Tax Group

Most of the cities implementing local gas taxes belong to the ODOT Fuels Tax Group. As of September, 2007, ODOT is administering the city gas tax collections for Cottage Grove, Coquille, Eugene, Springfield, Milwaukie, Tigard, Veneta, and Woodburn, as well as Washington and Multnomah Counties. Coburg, Astoria and Warrenton will join the Fuels Tax Group once collection begins on their local gas taxes in the next few months.

ODOT administers the local gas taxes under a similar arrangement as the state gas tax. When motor vehicle fuel is imported into the state, the state gas tax is levied when a distributor first sells gasoline within the state. Licensed dealers are required to report to ODOT the sales made in jurisdictions with a local gas tax ordinance and remit the tax revenues to ODOT.

In order to be a part of the ODOT Fuels Tax Group, a city must pass an ordinance that complies with ORS 319 (see ordinances from the cities in the Fuels Tax Group on www.orcities.org - A-Z Index - "G" for Gas Tax, Local).

If a city is interested in joining the ODOT Fuels Tax Group, or learning more about their services, contact: 1-888-753-2525; ODOTFuelsTax@odot.state.or.us.

City-Collected Gas Taxes

Dundee, Oakridge, Sandy, Stanfield, The Dalles and Tillamook found local collection of gas tax revenue to be the most cost-effect method. Cities collecting gas tax revenue work directly with local gas stations to track and collect the revenues.

Oakridge's administrative documents are found in Appendix L, as well as on LOC's web site at www.orcities.org (A-Z Index - "G" for Gas Tax, Local).
APPENDIX L

In the following pages, several sample documents are provided to assist cities who are interested in local gas taxes. Additional resources are located on the League of Oregon Cities' Web site: A-Z Index, “G” for “Gas Tax, Local.”

Please note that these are sample documents only. Cities must consult legal counsel regarding the use of these items and potential conflicts with state and city laws.

Here is a list of the documents included in this report.

**Election Documents**

- Communication Plan  (Cornelius)
- Information Flier  (Cornelius)
- Campaign Flier  (Tillamook)
- Sample Ballot  (Tillamook)
- Notice of Receipt of Ballot Title  (Tigard)

**Administrative Documents**

- Fuel Dealer License Application  (Oakridge)
- Motor Vehicle Fuel Tax Report  (Oakridge)
- Gas Station Notice  (Eugene, Cottage Grove, Springfield)

**Public Relations**

- Safe and Sound Streets Fact Sheet  (Portland)
- Gas Tax Q & A  (Eugene)
- Transportation Funding Diagram  (Eugene)
- City Newsletter Article  (Tigard)
- Press Release  (Tigard)
- Street Maintenance Program Time Line  (Milwaukie)
- Gas Tax-Funded Project Sign  (Cottage Grove)
City of Cornelius
Communication Plan – Public Safety Equipment Levy and Gas Tax Ballot Measures
Target ➔ November 7th General Election

The City of Cornelius has two measures on the fall General Election ballot on November 7, 2006. The first is a referendum on proposed Ordinance No. 869 imposing a 2¢/gallon fuel tax and the second measure is a 10-year property tax levy for police and fire equipment. The purpose of this plan is to set forth the themes to be articulated in communicating with Cornelius voters regarding both measures, describe themes and prescribe limits on the campaign to avoid complaints of advocacy.

BACKGROUND
The Mayor and City Council adopted the gas tax ordinance on March 20, 2006. Citizens successfully gathered sufficient signatures to place the matter before the voters at the fall election. Collection of the tax has been suspended pending the outcome of the election. The gas tax, if approved, must be spent for street and road related expenses with constitutional limitations. All of the tax would stay with the City and be used only for city streets. The gas tax was proposed by a citizens group who studied the City's finances and recommended a gas tax as a supplement to other existing sources of funding. The ad hoc Special Revenue Committee found that spending for streets was deficient and leading to deterioration of the street system.

The 10-year levy for public safety equipment is the product of an examination of the needs of the City's Police and Fire Department by the Budget Committee, Mayor and City Council. It is based on a realistic schedule of vehicle replacement and reasonable planning of purchases of equipment to meet the changing needs of a growing community. It is priced at a rate of 46¢ per $1000 assessed valuation and will generate approximately $2.9 million over the life of the measure.

THEMES
Messages about taxes need to short, simple and emphasize the effect on people and the community. Relevant themes that will be tested in early efforts at communications include:

- A growing and changing community needs up-to-date public safety equipment
- City streets are deteriorating faster than funds allow for proper maintenance
- A local gas tax is more efficient than a county wide gas tax
- The gas tax is for the City's streets
- Modern fire equipment improves fire insurance ratings
- Up-to-date public safety equipment assures a prompt emergency response
- This is a public safety levy for CORNELIUS
- Others

COMMUNICATION METHODS
The methods employed to deliver impartial, factual information about these two measures need to be frequent and varied. There are numerous ways of reaching people and we need to assume that the intended audience is not always paying attention to local government. The plan will peak in intensity from Labor Day to early November. Unfortunately this is a nine-week period when voters
can expect to be bombarded with messages about many, many other money related measures, statewide referendums/initiatives and numerous candidates for statewide, regional and local races.

A. City Newsletter “The Gazette”: There will be four editions of the Gazette published and distributed to city utility customers about the first of each month prior to the election. Every edition will contain an article about the Street Fund/Gas Tax and the Public Safety Equipment levy. These must be bilingual.

B. Brochures and Flyers: There will be numerous opportunities to provide impartial and factual information about the measures at fairs, meeting and events. These can include graphs about the age of equipment, “fun facts”, FAQ’s and photographs of the equipment or street conditions.

C. Letters to the Editor: The staff can prepare “canned” but impartial letters that individuals may use to prepare their own letter to the editor.

D. Op-Ed Column: The Forest Grove News Times has recently renewed their offer of monthly column space. This opportunity can be used to explain the two measures factually.

E. Citizen Meetings: Local groups that have meetings are a good target for staff and elected officials to appear, hand out informative material, speak to the measures and answer questions. Groups identified so far include: Booster Club, Cornelius Civic Club, mobile home owner associations, home owner associations and the services clubs in Forest Grove: Rotary/Kiwanis.

F. Cornelius Night Out: August 1st provides the first opportunity to provide information and test some of the themes identified above.

G. Town Hall Meetings: These need to be impartial and we will certainly allow the group associated with the chief petitioners against the gas tax to appear and speak at any meeting we have.

H. Other

PROHIBITED CONDUCT

City funds and resources, nor time on the job, may not be used to promote either of these measures. We can provide our educational materials to groups that either oppose or support these measures and they can use them as they wish. Doing so provides them with the factual basis of the issues. Please show the City Manager all written materials proposed to be distributed. If necessary we will seek clearance with the City Attorney, County election officials or even the Secretary of State.

Employees need to remain impartial in the public conversations and especially when “on-the-clock”. Privately they are allowed to express their opinions but cannot use a city computer to write a letter to editor, for example. Employees should not be coerced into providing financial or in-kind support for or against a measure. If you hear of anyone attempting to do so, please let the City Manager know so we can intervene.

drw/levy comm. plan 071806
6 Important Facts about the
2¢ City Fuel Tax
Measure on November Ballot – #34-131

1. Places tax burden on users of City streets rather than property taxes.
2. Used to match state & federal grants for major street improvement
   projects, like the reconstructed 19th/20th Intersection, where $1 local
dollar can bring in $9 federal dollars. Additional major street
improvements are planned on Adair and Baseline boulevards.
3. Used for the repair & reconstruction of city streets, like N. Davis Street
   sidewalk and the S. Dogwood Street repaving.
4. 100% of local fuel tax stays in Cornelius unlike proposed 2-cent
   Washington County fuel tax that would return only 25 cents for every
dollar collected in Cornelius to improve local streets. Washington
County distributes gas taxes on a per capita basis.
5. There are currently five retail gas stations, a card-dispenser station for
   fleet sales and one wholesale distributor in the City that that serve as
many as 40,000 drivers per day, most of who pay no direct taxes to
maintain City streets.
6. Recommended by a Special Revenue Committee of citizen volunteers
   formed to study alternative revenues. The Mayor and City Council
unanimously approved this measure after six months of study and many
public meetings.
A Penny for Your Thoughts...Should Only Tillamook City Citizens Pay for Wear and Tear on City Streets?

Dear Tillamook Citizen:

Twenty years ago, faced with deteriorating streets and roads, potholes that ruined alignment and tires, unsafe pedestrian crossing, and prospects of even further losses of our investment in city streets, your city council determined that any solution to these problems was in getting a regular source of money to fix them.

We decided that any money raised should come from those who were using the road and not just from Tillamook citizens. So, we passed a local gas tax of a cent and a half per gallon and limited to money raised to streets, for only:

- Maintenance – keeping good roads in good shape;
- Reapirs – fixing problems (potholes, cave-ins, etc.) as they happened;
- Street lighting at intersections for public safety;
- Matching money needed to qualify for street improvement grants and neighborhood LIDS’s.

Tilamook’s record for the use of this money has ben honest, thrifty, and proved their foresight in protecting the city streets; however, in 20 years, increased costs for materials and labor to continue these dedicated efforts have caused us to ask you to approve an additional penny per gallon on that local gas tax.

Sincerely,

Mayor, Bob McPheeters  Joe Martin  Susie Coughlin

Carolyn Decker  Suzanne Weber  Doug Henson

John Coopersmith

Vote “Yes” on 29-76
A Cent Makes Sense!

Paid for by:
E-Pay - Every User Pays for Tillamook Streets
901 Stillwell Ave.
Tillamook, OR 97141
Sample Ballot Information  
March 11, 2003 Special Election

Excerpt from the "Official Ballot - Special Election - Tillamook County, Oregon - March 11, 2003

CITY OF TILLAMOOK

29-76 REFERENDUM FOR ONE-CENT INCREASE TO LOCAL FUEL TAX ORDINANCE.

QUESTION: Should City's motor vehicle fuel dealers tax be increased by one-cent per gallon used for city streets and lighting.

SUMMARY: Referendum for once-cent increase to local fuel tax ordinance.

The "Motor Vehicle Fuel Tax Ordinance No. 1014" passed in 1982 by the citizens of Tillamook established a one and one-half cent tax on fuel sold by motor vehicle dealers within City limits. Revenues raised are used solely for construction, reconstruction, improvement, repair, maintenance, and lighting of streets inside the City limits.

City's costs for materials, services and electricity have all increased over twenty years. City is asking for a one-cent increase in the motor vehicle dealer's fuel tax to maintain levels of construction, repairs, and lighting of city streets.

This measure was referred to the voters by referendum petition.

A Yes vote would increase the motor-vehicle dealer's fuel tax from one and one-half cent to two and one-half cents.

A No vote would leave the tax at one and one-half cents.

☐ Yes
☐ No

Election Results

Yes Votes: _____

No Votes: _____
RECEIPT OF BALLOT TITLE
AND BALLOT TITLE
PROPOSED REFERENDUM TO
CITY OF TIGARD VOTERS – ORDINANCE NO. 06-21

Notice of Receipt of Ballot Title

NOTICE IS HEREBY GIVEN that a ballot title was filed with the city elections officer on December 29, 2006, for a measure that might be referred to City of Tigard voters. Chief petitioners are circulating a referendum petition for Tigard Ordinance No. 06-21, an ordinance creating and imposing a tax on motor vehicle fuel dealers; providing for enforcement, administration and collection of the tax; and amending the Tigard Municipal Code by adding a new Chapter 3.65. The proposed ballot measure caption is as follows:

**CAPTION**
Adoption of a Motor Vehicle Fuel Tax by City of Tigard.

The full ballot title may be obtained from the City Recorder or the ballot title can be viewed on the Internet at www.tigard-or.gov.

Pursuant to Tigard Municipal Code Section 1.12.030 and Oregon Revised Statutes 250.296, an elector dissatisfied with the ballot title may file a petition with the City Elections Officer or the Washington County Circuit Court, no later than the close of business on Wednesday, January 10, 2007, for a review of the ballot title by the City Council or the Circuit Court. City offices close at 5 p.m.

For further information, contact City Recorder/Elections Officer Cathy Wheatley at cathy@tigard-or.gov or 503-718-2410.
APPLICATION FOR A MOTOR VEHICLE FUEL DEALER LICENSE
(As Required by City of Oakridge Ord. No. 876)

Mail to: City of Oakridge
Attn: Tax Administrator
PO Box 1410
Oakridge, OR 97463

Phone: 541-782-2258

<table>
<thead>
<tr>
<th>NAME OF APPLICANT (PRINT NAME OF INDIVIDUAL, PARTNERS OR CORPORATION)</th>
<th>LICENSE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME OF BUSINESS</td>
<td>SSN OR EIN NUMBER</td>
</tr>
<tr>
<td>MAILING ADDRESS (STREET, CITY, STATE, ZIP CODE)</td>
<td>TELEPHONE NUMBER</td>
</tr>
</tbody>
</table>

**THIS BUSINESS WILL OPERATE AS:**
- CORPORATION
- SOLE PROPRIETORSHIP
- PARTNERSHIP
- OTHER (SPECIFY)

**PRINCIPAL OFFICERS, OWNERS, OR MEMBERS**

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME</td>
<td>ADDRESS</td>
<td>TITLE</td>
</tr>
<tr>
<td>NAME</td>
<td>ADDRESS</td>
<td>TITLE</td>
</tr>
</tbody>
</table>

Seller must provide seller Social Security number (SSN) per Section 5 of City Ordinance 876.

This business is organized and exists under the laws of the State of _____________. This application is made for a license to sell and deliver diesel oil, liquefied petroleum gas (propane), alcohol, and motor vehicle fuel (gasoline and gasohol) into the fuel tanks of motor vehicles. A bond or cash deposit, if required, will be provided. It is agreed that records will be maintained and that the required use fuel seller tax reports with the applicable tax will be paid in the time and manner proscribed by Oakridge Ordinance #876.

**PRINCIPAL PLACE OF BUSINESS**

| PLACE NAME | STREET ADDRESS | CITY | STATE | ZIP | TELEPHONE |

**LOCATION OF RECORD**

| PLACE NAME | STREET ADDRESS | CITY | STATE | ZIP | TELEPHONE |

**OTHER LOCATIONS WITHIN THE CITY OF OAKRIDGE WHERE APPLICANT WILL SELL VEHICLE FUELS**

| PLACE NAME | STREET ADDRESS | CITY | STATE | ZIP | TELEPHONE |

**CHECK TYPES OF FUEL SOLD:**
- DIESEL
- PROPANE
- ALCOHOL
- OTHER (Specify)

**BRAND NAMES OF FUEL SOLD:**

**IMPORTANT REMINDERS**

- You must file a report for each month, even if there were no sales during that period of time.
- To avoid the late payment penalty, both the report and the proper remittance MUST BE POSTMARKED on or before the 25th of the month following the calendar month for which the tax is paid.
- If you change the brand names of fuel, change the TYPE of fuel offered, or change the "Public" name, contact the City of Oakridge Tax Administrator to update the records.
- THE MOTOR VEHICLE FUEL DEALER LICENSE IS NOT TRANSFERABLE. Any changes in the manner of in which the business is operated will require application for a new license.

**SIGNATURE**

**POSITION (PARTNER, OWNER, OFFICER, ETC.)**

**DATE SIGNED**

*IF MORE SPACE IS NEEDED IN ORDER TO PROVIDE COMPLETE INFORMATION FOR ANY ITEM, PLEASE USE THE BACK OF FORM.*

Rev. 1/13/05
City of Oakridge

MOTOR VEHICLE FUEL TAX REPORT

This report must be filed with City of Oakridge on or before the 25th day of the month following the calendar month for which the fuel herein reported was sold.

For the month of _________, 20___

(PRENT THE NAME AND ADDRESS PLAINLY BELOW)

Seller Name (and DBA Name)

Number and Street

SSN or EIN

City

State

Zip Code

WHOLE GALLONS ONLY

1. GALLONS OF "FUEL" as defined by Ord. 876 (diesel oil, propane, butane, etc.) sold and delivered into motor vehicle fuel tanks within the Oakridge City Limits: _______ gallons

2. Tax at $0.03 per gallon .................................................. $ _______

3. If paid after the 25th of the month following the sale, but before the 1st of the second month following the sale, add 1% penalty of delinquent tax for late payment .................. $ ______

4. If paid after the 1st of the second month following the sale, add 10% of delinquent tax for late payment .................. $ ______

5. Total tax and penalty due to the City of Oakridge .......... $ ______

MAKE CHECKS PAYABLE TO THE CITY OF OAKRIDGE
PO BOX 1410, OAKRIDGE, OR 97463

I hereby certify that this report including the accompanying payment is a true and complete report of the number of gallons of "fuel" as defined by Oakridge Ord. 876, sold and delivered into the fuel tanks of motor vehicles.

Dated at __________________________, this _______ day of _________________, 20___

Signed _______________________________ Title __________________________

NOTE: If this report is made by a corporation, partnership, limited liability corporation or association, it must be signed by one of the principal officers, owners, or partners. An individual is required to sign their own report.

THIS FORM MAY BE PHOTOCOPIED FOR EACH MONTHLY REPORT.
IMPORTANT NOTICE

April 1, 2005

The cities of Eugene, Springfield, and Cottage Grove, Oregon, have each approved a tax on motor vehicle fuel for all fuel sold, used or distributed within their city limits to maintain the investment their communities have made in transportation infrastructure. This notice is being sent to all known persons who may deal in motor vehicle fuel in any or all of these cities and, accordingly, may need to be licensed with each city in which they do business. Please read the following Questions and Answers and accompanying information to help you determine if you need to be licensed as a motor vehicle fuel dealer in any of the cities.

1. What is motor vehicle fuel? Motor Vehicle Fuel includes gasoline, undyed diesel, mogas, methanol and any other flammable or combustible gas or liquid usable as fuel for the operation of motor vehicles.

2. What is a dealer? A dealer is a person who:
   - Imports, or causes to be imported motor vehicle fuel for sale, use or distribution in the city; or
   - Produces, refines, manufactures or compounds motor vehicle fuel in the city for use, distribution or sale in the city; or
   - Produces, refines, manufactures or compounds motor vehicle fuel in the city for export from the city (Springfield and Cottage Grove only); or
   - Acquires in the city for sale, use or distribution in the city motor vehicle fuels with respect to which there has been no license tax previously incurred.

3. Who should be licensed as a dealer of motor vehicle fuel in these cities? Any person who performs the acts of a dealer as described above.

Generally, if you purchase fuel outside the city that you do business in and transport it into the city using your own vehicles or by common carrier, you must be licensed. If you always buy fuel from a licensed dealer of the city that you do business in, the tax will be included in the purchase price and you need not be licensed with that city.

However, the answer to this question is often not immediately apparent. Please read the accompanying information carefully and contact the tax administrator at the address below if you have questions about whether you must be licensed in any of the cities.

4. How much is the tax? The tax is imposed on all licensed dealers at a rate of $0.03 (3 cents) per gallon, except in Eugene, where the rate is 5 cents per gallon effective April 1, 2005.

5. When does the tax start being collected? The tax will become effective for all gallons sold, used or distributed on or after August 1, 2003. You must obtain your license prior to that date. The first tax report and payment will be due September 25, 2003.

{over}
6. I am licensed with the State of Oregon as a motor vehicle fuel dealer. Must I file a separate tax report with the city? Yes. Oregon and the cities are separate taxing jurisdictions. A separate report with supporting detail specific to the jurisdiction must be filed.

7. I will be a licensed dealer in more than one city. Must I have separate licenses and file separate tax reports for each city? Yes. The cities are separate taxing jurisdictions. A separate report with supporting detail specific to the jurisdiction must be filed.

8. Who is administering the tax? The Fuels Tax Group of the Oregon Department of Transportation is administering the tax on behalf of the cities. All licensing, reporting, and payment will be done through them.

9. How do I become licensed? Enclosed with this notice is a license application for each city. Click here for Eugene’s application form. If you need to be licensed, fill out the license application(s) and send them to the address indicated on the application. Upon being licensed, you will be provided with tax forms and instructions. You must be licensed prior to August 1, 2003. Allow 2 weeks from the time you submit your license application for ODOT to review the application and issue the license.

10. I have more questions about how to file and pay the tax. Where can I get tax forms and more information? Our tax administrator will be happy to help you. You can contact them at:

   ODOT Fuels Tax Group
   550 Capitol St NE
   Salem, Or 97301-2530
   Voice: (503) 378-8150
   Fax: (503) 378-3060
   email: ODOTFUELSTAX@ODOT.STATE.OR.US

Note: If you have questions about the purpose of the tax and/or the use of the revenue, please contact the appropriate city official below:

Eric Jones, Public Affairs Mgr
City of Eugene – Public Works
858 Pearl Street
Eugene, Or 97401
(541) 682-5523
eric.r.jones@ci.eugene.or.us

Len Goodwin, Tech Services Mgr
City of Springfield – Public Works
225 Fifth Street
Springfield, Or 97477
(541) 726-3685
lgoodwin@ci.springfield.or.us

Richard Meyers, City Manager
City of Cottage Grove
400 Main Street
Cottage Grove, Or 97424
(541) 942-5501
citymanager@cottagegrove.org
The asset value of the City of Portland’s transportation system is $7.1 billion
- 157 bridges (none across the Willamette River)
- 992 traffic signals
- 37,473 corners
- 3,941 miles of pavement
- 3,233 miles of curbs
- 53,960 streetlights

**Portland’s transportation system is in TROUBLE**

- Backlog of unmet transportation maintenance needs: $422 Million
- Annual cost of delay in making needed safety & maintenance repairs: $9 Million
- Annual economic impact of traffic collisions, injuries, and death: $412 Million
- Cost to pave 127 lane miles of unpaved streets: $296 Million
- Cost to build the transportation projects approved by City Council that are unfunded: $271 Million
- Cost to add 72 miles of sidewalks on arterial streets that currently lack sidewalks: $400+ Million
- Estimated annual cost of freeway congestion to the Portland region: $900 Million

**How did our transportation system get into trouble?**

- There has been no increase in the 24¢ per gallon state gas tax since 1993.
- The Portland metropolitan region receives only 46¢ back for every dollar we send to Salem in gas tax and vehicle registration fees.
- Since 1993, the cost for materials to repair our roads and bridges has increased by 70%. One dollar in 1993 equals 58¢ in today’s market.

**We can get out of trouble AND save lives and save money**

After it was clear there would not be an increase in local transportation dollars from state-controlled sources, Commissioner Sam Adams started a community conversation about how to maintain our transportation system and make it safer. He led five town halls across the city to collect input on the issue.

A “Safe and Sound Streets” Stakeholder Committee has been formed to help address Portland’s transportation problems and solutions. The committee includes over 70 community leaders from businesses; neighborhoods; bicycle, pedestrian, and transit communities; elected officials; and the traffic safety community.

The Stakeholder Committee will guide this process and formulate a funding package that will be reviewed at Town Hall meetings in October. The funding package will be fine-tuned through a rigorous audit process.

"There is a growing understanding about the problem and it is now time to come up with a solution."

City Commissioner Sam Adams
September Open House Meetings

Join City staff and your neighbors to review specific transportation needs and possible solutions in your neighborhood. Provide input on projects that could be completed if additional transportation funding is secured.

Monday, September 10, 7-9 pm
Central Northeast Neighborhoods
Community Room
4415 NE 87th Avenue

Monday, September 24, 7-9 pm
Southeast Portland
St. Philip Neri Church, Carvin Hall
2408 SE 16th Avenue

Monday, September 17, 7-9 pm
Southwest Portland
Multnomah Center
7688 SW Capitol Highway

Tuesday, September 25, 7-9 pm
Northeast Portland
King Neighborhood Facility
4815 NE 7th Avenue

Tuesday, September 18, 7-9 pm
Northwest Portland
Friendly House, Keystone Room
1737 NW 26th Avenue

Thursday, September 27, 7-9 pm
North Portland
Kenton Firehouse
8105 N Brandon Avenue

Thursday, September 20, 7-9 pm
East Portland
East Precinct Community Room
737 SE 106th Avenue

October Town Hall Meetings

Join Commissioner Sam Adams in reviewing the proposal developed by the "Safe and Sound Streets" Stakeholder Committee to address our city’s maintenance backlog and improve safety.

Tuesday, October 16, 7-9 pm
Central Northeast Portland
Madison High School
2735 NE 82nd Avenue

Wednesday, October 24, 7-9 pm
Northwest Portland
Metropolitan Learning Center
2033 NW Gilsan

Thursday, October 18, 7-9 pm
Northeast Portland
Jefferson High School
5210 N Kerby Avenue

Monday, October 29, 7-9 pm
Southwest Portland
Wilson High School
1151 SW Vermont

Monday, October 22, 7-9 pm
East Portland
Menlo Park Elementary School
12900 NE Gilsan

Tuesday, October 30, 7-9 pm
Southeast Portland
Sellwood Middle School
8300 SE 15th Avenue

Tuesday, October 23, 7-9 pm
North Portland
Rosa Parks Elementary School
8960 N Woolsey

How you can help

- Attend an open house or a town hall meeting.
- Endorse the process online.
- Request to talk with a staff person.
- Fill out a survey online.
- Write a letter to your community paper.
- Invite a Stakeholder Committee member to meet with your neighbors or association.

For more information visit or phone: www.portlandonline.com/transportation 503.823.1394
GAS TAX Q&A

Q. How much do I currently pay in gas taxes in Eugene?
A. Eugene’s current gas tax is 5 cents per gallon. The state of Oregon currently levies a state gas tax of 24 cents per gallon, and the federal government has a federal gas tax of 18.4 cents per gallon, for a total of 47.4 cents per gallon in local, state and federal gas taxes.

Q. What is the history of Eugene’s local motor vehicle fuel tax?
A. The council first adopted a local motor vehicle fuel tax of 3 cents per gallon in January 2003. The council increased the fuel tax to 5 cents per gallon in January 2005. The Eugene City Council on May 29, 2007, approved an increase in the local motor vehicle fuel tax to 8 cents per gallon. However, the ordinance increasing the fuel tax to 8 cents per gallon (and eliminating a sunset clause on the 2-cent increase approved in 2005) was successfully challenged through Oregon’s referendum process. As a result of a Lane County Circuit Court ruling, the collection of the proposed 3-cent increase in Eugene’s local motor vehicle fuel tax will not begin on August 1 as previously anticipated, and Eugene’s local fuel tax rate remains 5 cents per gallon.

Q. What fuels are subject to Eugene’s gas tax?
A. Any flammable or combustible gas or liquid that propels a vehicle on a road or highway is subject to the local motor vehicle fuel tax. This includes gasoline, diesel, biodiesel, ethanol blends, propane and compressed natural gas.

Q. Why does Eugene need to increase the gas tax?
A. Eugene lacks adequate financial resources to operate, maintain and preserve its transportation system, which includes more than 500 centerline miles (1,318 lane miles) of streets, 8,900 streetlights and 26,700 street and traffic signs. Two indicators of the lack of adequate resources: the backlog of needed street repair projects currently stands at $170 million, and the deficit in the road fund operating budget is anticipated to reach $2 million in 2008. The 3-cent increase in the local motor vehicle fuel tax is one of several elements in a funding package that was designed to be fair, reasonable, and equitable ways to raise revenues to address these critical funding needs.

Q. How much money has Eugene collected from local gas taxes since 2003?
A. Since its inception in August 2003, the local motor vehicle fuel tax has generated nearly $11 million. That, in combination with a portion of the transportation system development charges paid by new development since 2002, has provided approximately $13 million for street repairs. The 3-cent increase (to 8 cents per gallon) in the local motor vehicle fuel tax is expected to generate almost $2 million a year in additional sustainable and locally controlled revenue to help take care of Eugene’s streets.

Q. How has the local gas tax money been spent?
A. All of the local motor vehicle fuel tax monies collected to date have been spent on capital pavement repairs on Eugene’s streets or committed to repairs planned for this summer. Most of these repairs have been “overlays,” in which the deteriorated asphalt surface of a street is removed and a new asphalt surface is constructed. In 2006, Hilyard Street was reconstructed (the old roadway was dug up and a new roadway was constructed in its place). Several dozen residential streets have also received slurry seals, in which a thin coating of asphalt is applied to seal the pavement surface. Between 2003 and 2006, Eugene completed 46 pavement preservation projects on almost 87 lane miles of city streets. In 2007, Eugene Public Works is scheduled to complete an additional 10 overlay projects on 20.5 lane miles of streets plus slurry seals on 17.4 lane miles of streets. In other words, by the end of this construction, almost 125 lane miles of streets will have been repaired through Eugene’s pavement preservation program. However, keep in mind that this represents less than 10% of Eugene’s 1,318 lane miles of streets.
Q. Is the City using the gas tax money to fix sidewalks and bike paths or build new streets?
A. No. Article IX, Section 3a of the Oregon Constitution requires that “...revenue from taxes on motor vehicle use and fuel shall be used exclusively for the construction, reconstruction, improvement, repair, maintenance, operation, and use of public highways, roads, streets, and roadside rest areas in this state.” Furthermore, the ordinance establishing Eugene’s local motor vehicle fuel tax states that “...revenue shall be used only for the construction, reconstruction, improvement, repair, maintenance, operation, and use of city-owned roads and streets within the city, roads or streets for which the city is legally or contractually obligated to operate or maintain, or roads and streets for which the city has accepted responsibility under intergovernmental agreement. No revenue shall be used for capacity-enhancing street improvements.”

Q. Does the City use local gas tax money to fix unimproved streets?
A. No. Because street repair funds are limited and because repairs are generally ineffectual on substandard streets, it is a longstanding practice in Eugene to have streets brought up to city standards (with features such as curbs and gutters, an engineered road bed, and, if appropriate, sidewalks, bike lanes and streetlights) before the City takes on full maintenance responsibility for the street. The majority of the costs of street improvement projects are typically borne by the abutting property owners. Once a street has been constructed to city standards, it is eligible to receive pavement preservation funding.

Q. Who else has local gas taxes?
A. Fourteen cities and counties in Oregon have local fuel taxes in place: Eugene (8 cents per gallon), Springfield (3 cents), Veneta (3 cents); Cottage Grove (3 cents), Oakridge (3 cents), Dundee (2 cents), Sandy (1 cents), Stanfield (1 cents), The Dalles (3 cents), Tigard (3 cents), Tillamook (1.5 cents), Woodburn (1 cent), Multnomah County (3 cents), Washington County (1 cent).

Q. What other transportation funds does Eugene receive, and how are they spent?
A. Eugene receives transportation funding from a variety of sources, including:
State Highway Trust Fund (Eugene’s share of state gas tax and weight mile tax receipts) – currently used for road fund operations and maintenance
Transportation system development charges (paid by new development for impacts on the local transportation system) – a portion of transportation SDCs helps fund the pavement preservation program, and the rest of the transportation SDCs are used to fund projects that address the impacts caused by new development
General Fund (primarily from local property taxes) – a relatively small amount of General Fund revenue is used to pay for operating and maintaining those portions of the transportation system (such as off-street bike paths) that are not eligible for road funds; in FY2007, a one-time allocation of $1.5 million in General Fund revenue was budgeted for the pavement preservation program
Special grants (primarily from federal sources and other government agencies) – typically are dedicated to specific projects; examples include the federal and county funding being used to help pay for the courthouse district transportation improvements, and the federal and state funds used to preserve portions of the off-street bike and pedestrian paths.

Q. Where can I get more information?
A. On the internet, at www.eugene-or.gov/pw (click on the “street funding” link)
By e-mail at pwadmin@ci.eugene.or.us
By calling the Public Works Public Affairs Manager Eric Jones at 541-682-5523.

Last updated August 13, 2007
Mayor's Corner

How Safe is Tigard?

I believe that Tigard is a very safe community in which to live and raise a family. A recent article in the Oregonian identified the safest cities in America and listed Beaverton as the 66th safest city in America while Hillsboro made the list at #84. Both are very respectable positions given the nation-wide comparison of violent crime statistics. Naturally, I wondered why Tigard was not on the list, so city staff contacted the publishing company that produced the study to find out.

As it turns out, the survey only looked at cities with a population greater than 75,000. Since Tigard's population is closer to 46,000, we were not considered in the national rankings. I was very interested in knowing where we WOULD have placed if we had been considered, so Chief Bill Dickinson corresponded with the publishing firm and asked them what Tigard’s ranking would be.

The firm graciously recomputed their numbers to include the City of Tigard making the following assumptions: IF the City of Tigard had a population of 75,000, and IF the City of Tigard maintained the same crime rate (that is violent crimes per 1,000 population), where would Tigard have placed in the national list of safest cities?

The answer under those conditions was that Tigard would have placed as the 61st safest city in America.

Thank you to everyone who lives, works and visits Tigard for your efforts in helping us to stay safe and crime free!

Craig E. Dirksen, Mayor

Tigard City Council Passes 3-Cent Local Fuel Tax to Improve the Greenburg Road/Highway 99W/Main Street Intersection

Petition Circulated To Refer Matter To Voters

The Tigard City Council approved establishment of a 3-cent local fuel tax at its meeting on December 19, 2006. A petition was circulated by opponents of the tax to refer the fuel tax to the voters. The revenue from the local tax, if ultimately approved, would provide funding for improvements to the Greenburg Rd/Hwy 99W/Main St intersection to complement Washington County's MSTIP 3 (Major Streets Transportation Improvement Program) project to construct improvements at the Hall Blvd/Hwy 99W intersection. The tax will take effect if an insufficient number of signatures are certified or if the voters approve the tax. The Hall Blvd/Hwy 99W project is tentatively scheduled to begin construction in the spring of 2008.

The 3-cent local fuel tax, if it takes effect, would produce revenue of approximately $900,000 annually. Anticipated revenue over a 5-year period is $4.5 million, sufficient to construct the improvements to the Greenburg Rd/ Hwy 99W intersection. The revenue from the 3-cent tax would be totally dedicated to improvement of that intersection. The fuel tax could result in an increase in fuel prices at dealers in the city because dealers may pass on some or all of the tax to their customers.

Citizen surveys during the past few years place traffic congestion as a major issue and congestion on Hwy 99W as the most significant traffic issue in Tigard. Because the state gas tax has not been increased since 1991, the establishment of a local fuel tax for the Greenburg Rd intersection improvements was recommended to Council by the Transportation Financing Strategies Task Force, a task force of citizen volunteers appointed by Council to evaluate new funding sources for major street improvements. The fuel tax was advocated as a means of having those who travel through Tigard pay for a portion of the improvements at the Greenburg Rd/Hwy 99W/Main St intersection.

The ordinance includes a 5-year sunset clause and provisions for reduction of the tax if the state gas tax is increased, or if Washington County increases its current 1-cent gas tax. The reduction in the city tax in event of increase state or county taxes would be based on amount of revenue received by the city from either or both sources during the period the city tax is in effect. Therefore the decrease in the city tax rate may not equal the increase in the state or county tax.

View the Motor Vehicle Fuel Tax Ordinance 06-21 at www.tigard-or.gov/city_hall/city_council/docs/ordinances/Ord06-21.pdf. For more information, please contact Gus Duenas, City Engineer, at 503-718-2470 or gduenas@tigard-or.gov.
CITY OF TIGARD
13125 SW Hall Blvd
Tigard, Oregon 97223

PRESS RELEASE
November 2, 2006

For Immediate Release

Contact: Gus Duenas, P.E.; City Engineer
City of Tigard
503-718-2470
gus@tigard-or.gov

CITY OF TIGARD
PROPOSED LOCAL GAS TAX
Information Meetings

When:
November 9, 2006 – 7:00 to 8:30 PM
and
November 30, 2006 – 7:00 to 8:30 PM

Where:
Tigard City Hall – Town Hall
13125 SW Hall Blvd.
Tigard, OR 97223

The City will host two Open Houses in November to provide information and receive public comment on a local gas tax that has been proposed by the City’s Transportation Financing Strategies Task Force.

In addition to City officials, representatives from the Oregon Department of Transportation and elected state representatives will be in attendance.

Comments received will be considered in the process of considering the proposed local gas tax.

Citizens will have another opportunity to comment on the proposed local gas tax at the second meeting on November 30, 2006.

Who proposed a local gas tax?
• A committee of citizen volunteers appointed by Council to evaluate new funding sources for major street improvements recommended establishment of a 3-cent local gas tax to construct improvements to the Greenburg Road/Hwy 99W/Main Street intersection. The Tigard City Council is considering a local gas tax based on that recommendation and is committed to a full public process to obtain citizen and business input as part of that consideration.
Why are improvements needed to the Greenburg Road intersection with Hwy 99W?

- Citizen surveys during the past few years place traffic congestion as a major source of concern, and congestion on Hwy 99W at the top of the list.

- City Council established a goal in 2006 to look at ways to improve the Greenburg Road/Hwy 99W/Main Street intersection.

- A Washington County MSTIP 3-funded project is currently in the design stages to construct improvements to the Hall Blvd/Hwy 99W intersection.

- An alternatives analysis study of the Greenburg Road intersection with Hwy 99W concluded that similar improvements to that intersection would complement the Hall/99W improvements and significantly improve traffic circulation across and through Hwy 99W from Main Street to the Hwy 217 interchange.

What will it cost to improve the Greenburg Road/Hwy 99W intersection?

- The improvements to the intersection are expected to cost between $3.5 to $4.0 million. It will include a 5-year sunset clause unless renewed to fund other high priority projects. The revenue received will be dedicated to the Greenburg Road/Hwy 99W/Main Street intersection improvements.

Why establish a local gas tax to pay for the improvements?

- The City of Tigard’s funding sources are fully committed to major projects in the Tigard Downtown and throughout the City.

- There is no funding source available to design and construct this highly important project.

- There is no indication that the State gas tax will be increased anytime within the next few years.

How much revenue will a 3-cent local gas tax raise?

- The 3-cent local gas tax is expected to raise approximately $900,000 to $1,000,000 annually. This amount is sufficient to fund the Greenburg Road/Hwy 99W intersection improvements.

Public Process for proposed Gas Tax


- Task Force Meeting October 4, 2006, to discuss the public process.


- Public Hearings and then a Final Decision by City Council.
Street Maintenance Program Time Line

City Council Work Session
Council directs staff to evaluate the adequacy of the City's funding for street surface maintenance and to provide a recommendation to Council in July 2006 to address the situation.

February '06

March

April

May

June

July

August

Sept.

Oct.

Nov.

Dec.

January '07

Other Outreach Efforts:
Web surveys posted on City website
Surveys and information provided at Farmers' Market Community Booth on 5/21, 5/28, 6/4, 6/11, 10/15, 10/22, 10/29
One-on-one discussions with more than 50 local businesses
Open House announcement on Channel 30

City Council Meeting
City Council passes a resolution directing staff to design, in collaboration with Milwaukee Neighborhoods and businesses, a City of Milwaukee Street Maintenance Program to reverse the overall decline of our street system.

Oregonian article announces Council's discussion

Neighborhood Meetings
May 4th, Lewelling
May 8th, Historic Milwaukee
May 9th, Ardnewald/J.C.
May 11th, Linwood
May 18th, Island Station

November 15th & November 16th
Open Houses

25 Local Church and PTA Groups notified of Open House and website

Letter sent to more than 150 apartment owners

Neighborhood Leadership Meeting
29th

City Council Meeting
Funding Decision
19th

Citizen Utility Advisory Board
8th

North Clackamas Chamber of Commerce
Emails 200 businesses of 97222 area code

Chamber of Commerce
Government Affairs Committee
Cottage Grove posts signs at the sites of all gas tax-funded street projects. The city also uses the sign for other promotional pieces, such as the web site.

The sign was fairly inexpensive to design and construct. The city reuses the signs from year to year.
Frequently Asked Questions
Fuel taxes in Oregon
Street Maintenance Funding Committee, October 19

Q) What is motor vehicle fuel?

- ORS 319.010 defines Motor Vehicle Fuel as "means and includes gasoline and any other inflammable or combustible gas or liquid, by whatever name such gasoline, gas or liquid is known or sold, usable as fuel for the operation of motor vehicles, except gas or liquid, the chief use of which, as determined by the department, is for purposes other than the propulsion of motor vehicles upon the highways of this state."
- The definition of motor vehicle fuel changes somewhat depending on the location. For purposes of the Oregon Motor Vehicle and Aircraft Fuel Dealer License Tax, motor vehicle fuel is generally limited to gasoline and gasohol blends. This definition also applies to Multnomah and Washington counties. For purposes of the Motor Vehicle Fuel Dealer taxes for the cities of Woodburn, Eugene, Springfield, Cottage Grove, Veneta, Tigard, Milwaukie, Coquille, Astoria, Warrenton, Canby, Newport and Hood River, the definition of motor vehicle fuel expands to include gasoline, gasohol blends, and (highway) diesel fuel products.
- Diesel fuel is not taxable for Multnomah County, Washington County or City of Coburg. However, diesel fuel used on the highway is taxable by the State of Oregon under Oregon Use Fuel law.

Q) What is a Motor Vehicle Fuel Dealer?

A Motor Vehicle Fuel Dealer is defined as any person who:
(a) Imports or causes to be imported motor vehicle fuel for sale, use or distribution in the city, but "dealer" does not include any person who imports into the city motor vehicle fuel in quantities of 500 gallons or less purchased from a supplier who is licensed as a dealer hereunder if that dealer assumes liability for the payment of the applicable license tax to the city; or

(b) Produces, refines, manufactures or compounds motor vehicle fuels in the city for use, distribution or sale in the city; or

(c) Acquires in the city for sale, use or distribution in the city motor vehicle fuels with respect to which there has been no license tax previously incurred.
Q) How can a fuel tax be used?

- According to ORS 319.950, “A city, county or other local government may enact or amend any charter provision, ordinance, resolution or other provision taxing fuel for motor vehicles after submitting the proposed tax to the electors of the local government for their approval.”
- Taxes on motor vehicle fuel must “be used exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and roadside rest areas in this state.” (Oregon Constitution, Article IX, Section 3a) (There is no reference to multi-modal infrastructure use.)
- Under ORS 319.950, cities have the right to impose a local gas tax as long as the tax rate is approved by voters. Once a local gas tax is imposed, its proceeds can be spent in exactly the same manner as distributions from the State Highway Fund. That’s because Oregon’s constitutional restrictions on the expenditure of fuel taxes apply equally at both the state and local levels.
- Cities have adopted in their ordinances provisions to include bike lanes, sidewalks, and other street system components. The City of Sandy’s ordinance, for example, states: “The net revenue shall be used only for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads and streets within the City of Sandy, including street lighting and storm drainage.” Brookings’ ordinance states: “The revenue shall be used only for the maintenance, repair and rehabilitation of public highways, roads and streets within the city. Such work may include sidewalk, bicycle, storm drain and utility relocation associated with a street improvement.”

Q) How many Oregon cities have a motor vehicle fuel tax? How much do other cities charge?

- According to the League of Oregon Cities, 23 cities have a local fuels tax. Additionally, two counties impose a fuels tax: Washington (1 cent) and Multnomah (3 cents).
- Eugene is the highest at 5 cents, most cities are around 3 cents.
- Newport varies its tax based on the season: 1 cent November 1-May 31, and 3 cents June 1-October 31. There is leeway in varying the tax rate, sunsetting it, and/or decreasing the tax if the fuels tax generates more than the targeted amount in a given year. These variations are allowed through the cities’ adopting ordinances.
- Sisters enacted a 3 cent fuels tax in 2009.

Q) How much revenue does a gas tax generate for local governments?
According to information from the League of Oregon Cities from fiscal year 2013-14, in the 23 cities that have a gas tax:

- Revenue per 1 cent per gallon per capita ranged from $4 per person per year to $21 per person per year.
- The gas tax in Eugene, population 159,190, which brings in proportionately less income per gallon per capita than most cities, brought in about $2.9 million in revenue in 2013-14.
- The gas tax in Sisters, population 2,174, brings in more income per capita than most cities, with a total of $140,000 in fuel tax revenues in 2013-14.

**Q) Does a fuels tax influence the cost of gas or where consumers purchase gas?**

There are many factors that influence the price of gas, a fuels tax being just one.

According to an economic analysis of 2013-14 market impacts in five states by the American Road and Transportation Builders Association:

- On the day after a 15 cent per gallon federal gas tax went into effect, the average state pump price had increased by 1.4 cents. One month after, the price rose by 9 cents per gallon. One year after the gas tax went into effect, the price had dropped by 13 cents per gallon.
- The national average retail price for a gallon of regular gasoline has fluctuated an average five cents per gallon, week to week, since January 2005. The impact of a 15 cent increase in the federal gas tax would likely be 'lost' in the week-to-week price fluctuation that has occurred at the gas pump for the last 10 years.

**Q) How are fuel taxes administered?**

The tax reporting and payment can either be done through ODOT's Fuels Program, or through the local government. Of the Oregon cities with local fuel tax programs, eight cities (including Sisters) administer the tax program themselves.

**ODOT Administered Reporting:**

The ODOT Fuels Program is using new reporting software as of July 1, 2015. This allows dealers to report their sales information online and will likely be much easier than the current paper reporting system. The Fuels Program estimates a ballpark administration fee of 3% for the new program (so an estimated 3% of the tax revenue the City would receive would go to the State directly). Because the system is new, the 3% fee is just an estimate at this point.

**Locally Administered Reporting:**
The City of Sisters has locally-administered their own program since it was enacted in 2009. According to the City, it is not that difficult to administer, but Sisters has five dealers reporting. They allow the dealer to deduct 5% of their taxes owed for their administration/reporting. Sisters appears to be one of the few jurisdictions that allows the dealer to retain an administrative fee. Dundee, Oakridge, Sandy, Stanfield, The Dalles and Tillamook also use local reporting.

Q) Can a fuel tax have a sunset?
Yes.

Q) Can a fuel tax be phased in?
It doesn’t appear that any cities currently use phasing, but some, for example, Newport, vary the tax collected according to the time of year/high season.

Troutdale is proposing a 3 cent fuel tax that would be phased in at 1 cent per year for three years. It’s on the November 3, 2015 ballot.

Q) Can a fuel tax be tied to an index, such as the CPI?
The statute doesn’t prohibit it, but no other city in Oregon is using an index.

Q) What is the impact on businesses or organizations with fleets? The school district?
The local fuels tax will be imposed on motor vehicle fuel dealers who will have to decide how much of the cost they pass on to businesses, fleet operators and individuals.

The school district is not exempt from the tax directly by state law. But the City has some discretion to make specific exemptions. Some communities have created provisions to exempt certain types of fuel, such as diesel, from the tax or to offer refunds to other entities.
APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE

**If you do not wish to have any specific information in this form given out to the general public, please let us know, in writing, and tell us the reason why. We will try to honor your request within the constraints of the applicable public records law.**

I am interested in serving as a member of the Parks Commission.

Name: Kelly Bechtel

Mailing Address: 1221 Lakeshore Dr. Port Orford OR

Home Address: N/A

Home Phone: 541-840-6114 Work Phone: 541-840-6114 Fax:

E-mail: kbechtel841@gmail.com

Current Employment: Bechtel/Beach Loop Realty

Area of interest: Sales & Marketing, history, outdoor activities

Area of expertise: Real Estate, leadership, team building, coordinating groups, volunteering for clubs and teams

Why do you want to serve? I love Port Orford and would like to be part of any team that makes it a great place to live and visit.

Previous service in this appointed position or similar position: N/A

Other volunteer activities: Team coordinator for the Rogue Valley Thetis Soccer League through 2019. My sons teams 1st grade - 12th grade.

Does your schedule allow you to attend:

- Daytime Meetings: Yes [ ] No [ ]
- Evening Meetings: Yes [ ] No [ ]

Does your schedule allow the days you could attend meetings? Yes [ ] No [ ]

Have you ever been convicted of a crime? Yes [ ] No [ ] If yes, please explain.

Additional Comments:

Signed: Kelly Bechtel

Date: 6/1/21
APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE

**If you do not wish to have any specific information in this form given out to the general public, please let us know, in writing, and tell us the reason why. We will try to honor your request within the constraints of the applicable public records law**

I am interested in serving as a member of the Parks Commission

Name: **Clark Kocurek**
Mailing Address: **92696 Knapp Rd., Port Orford, OR 97465**
Home Address: ****
Home Phone: **281-684-3008** Work Phone: **971-288-3261** Fax: **N/A**
E-mail: **clarkkocurek@gmail.com**
Area of Interest: **HIPAA Privacy & Security Rule, 42 CFR Part 2, Oregon Privacy Law**
Area of expertise: **I am an amateur naturalist & enthusiastic about natural history education. I currently do policy work but have a training background.**
Why do you want to serve? **I want to become more involved in my new community. I have always loved community parks & outdoor recreation.**

Previous service in this appointed position or similar position: **Volunteer - Jesse Jones Nature Park, Humboldt, TX, Texas Dept. of Fish & Wildlife, Stewards of the Wild, Austin, Austin Parks Foundation, various trail cleanups & trail maintenance projects.**
Other volunteer activities: **Girl Scouts of America - Cybersecurity badge, Portland, OR, Cure Search for Children's Cancer, Portland, Homesty Family Solutions.**

Does your schedule allow you to attend:

- Daytime Meetings **[ ] yes [ ] no**
- Evening meetings **[ ] yes [ ] no**

Does your schedule limit the day you could attend meetings? **[ ] yes [ ] no**

Please list any other comments: **[ ] yes [ ] no. If yes, please explain.**

A signed copy of this form has been sent to **my application**

Date: **[ ] 2023**

Phone: **[ ] not available**

[Signature]

Email: **park@portorford.org**
APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE

"If you do not wish to have any specific information in the form given out to the general public, please let us know, in writing, and tell us the reason why. We will try to honor your request within the constraints of the applicable public records law."

I am interested in serving as a member of the

Name: Aimee Munford
Mailing Address: PO Box 1134 Port Orchard, WA 98366
Home Address: 215 17th St Port Orchard, WA 98366
Home Phone: 844 512 0117 Work Phone: — Fax: —
E-mail: aimeemunford@gmail.com
Current Employment: Self-employed
Area of Interest: Nature, outdoor activities, community
Area of expertise: —

Why do you want to serve? I'd love to help build a stronger community through providing outdoor activities for children and community members at schools, playgrounds, parks, trails, etc.

Previous service in this appointed position or similar position: Member of Port Orchard Elementary student council/PTA

Other volunteer activities: Member of Port Orchard Elementary School parents

Does your schedule allow you to attend:
Daytime Meetings: □ Yes □ No Evening meetings: □ Yes □ No

Does your schedule conflict with the days you could attend meetings? □ Yes □ No Please explain:

Additional Comments: 

Date: 05/15/2018 Signature: [Signature]

Please return application to:
City of Port Orchard
Community Development
City Hall
215 17th St
Port Orchard, WA 98366

[Signature]
City of Port Orford
P.O. Box 310, Port Orford, OR 97465
(541) 332-3681

CITY RIGHT-OF-WAY USAGE LICENSE
City Ordinance Chapter 12.24

Licensee Information:  
Date: 10/11/2021
Name: Cynthia Truman  Phone #: 541-787-7658
Address: 250 15th St  
Port Orford 97465
Signature: 

Property location:  
Street location: 250 15th St. (Assessor's Map: Range 15W Lot: 5 Block 126 Tax Lot 8904

Description of Improvements: Attach Drawings / Plans if available:

Would like permission to plant lower growing
berries and shrubs in ROW (Right of Way)

Agreements:

1. Licensee confirms they are the owner of the property adjacent to the City's right of way.

2. Licensee agrees that this license is personal to the licensee, non-transferable and may be revoked by the City of Port Orford at any time and without notice to licensee.

3. Licensee agrees that the use of the City's right of way is limited to the specific use authorized by this license.

4. Licensee shall notify in writing any purchaser of the property of this revocable license.

5. Licensee shall have all utilities and property lines located and marked at licensee's expense before submitting permit. (Utility locate service 1-800-332-2344)

6. The City of Port Orford reserves the right to remove any ground cover, landscaping or structures without compensation to licensee/property owner for utility installation/repair, Street maintenance/repairs, Street widening, Sidewalk construction and/or any other Street improvements, Right-of-way maintenance or any other actions deemed necessary by the City of Port Orford.

7. HOLD HARMLESS CLAUSE: The licensee agrees that their performance under this license is at their own sole risk and that they shall indemnify the City of Port Orford, its agents and employees and hold harmless from any and all liability for damages, costs, losses and expenses resulting from, arising out of, or in any way connected with this license and from any loss arising from the licensee's use of the property, or from the licensee's failure to perform fully hereunder, and the licensee further agrees to defend the City of Port Orford, its agents, and employees, against all suits, actions or proceedings brought by any third party against them for which the license holder would be liable hereunder.

8. If applicant disagrees with the action of City Staff, an appeal may be filed with the City Council within 14 days of the action, or the decision becomes final.

9. Criteria that will be used to evaluate proposed right of way use:
   A. Potential impact on existing utilities (water, sewer, storm water, etc.) including potential future maintenance requirements for these utilities.
   B. Will the proposed use negatively impact visibility for traffic on adjoining roadways?  No
   C. Are there any other potential public safety concerns?  No
   D. Will the proposed use be likely to create negative visual impact on adjoining properties?  No
   E. Will the proposed use impact any other existing uses?  No
   F. Is granting the ROW usage license in the public interest?

January 2012
Page 1 of 2
Public Works Review

Name: __________________________
Title: __________________________ Date: ____________
Recommendation: Approve: ________ Approve with conditions: ________ Deny: ________
Conditions


Police Department Review

Name: __________________________
Title: __________________________ Date: ____________
Recommendation: Approve: ________ Approve with conditions: ________ Deny: ________
Conditions


City Administration Review and Final Decision

Name: __________________________
Title: __________________________ Date: ____________
Approved: ________ Approved with conditions: ________ Denied: ________
Conditions


If Applicant disagrees with City Administration Review and Final Decision, the matter may be appealed to the City Council. Appeals must be in writing and requested within 30 days of the final administrative decision, or the decision becomes final.

In order to have standing to appeal, you must be the applicant, an adjoining property owner, or an adversely affected citizen of the City of Port Orford.

January 2012
Page 2 of 2. 
LEASE OF PUBLIC PROPERTY

LESSOR:    City of Port Orford
AND:
LESSEES:  Port Orford Arts Council

hereinafter referred to as "CITY"
hereinafter referred to as "POAC"

RECITALS:

The City is the owner of the Buffington Memorial Park on which a certain improvement
known as the A-frame building is located. POAC wishes to lease the building from the City.

IN EXCHANGE IN A MUTUAL COVENANCE CONTAINED HEREIN
THE PARTIES AGREE:

1. ORIGINAL TERM. The City hereby leases to POAC the A-frame in the
Buffington Memorial Park for one (1) year commencing on March 1, 2019 and continuing
through February 29, 2020. The Lease shall continue from year to year unless either party
gives the other written notice not less than 90 days prior to the end of the annual lease
period that the lease is to be terminated by the election of that party. Other than the first
year of the lease, each year the parties will meet and negotiate a rent for the succeeding
year. The parties will sign an addendum to the lease each year setting out what the succeeding
years lease payment will be.

2. POSSESSION. This lease shall commence on March 1, 2019 and continue
through February 29, 2020.

3. RENT. POAC shall not be obligated to pay to the City any sum for this first
year's lease. However, POAC is responsible to pay in a timely matter, when due, all utilities,
including electricity, water and sewerage, and at its own cost provide regular cleaning of the
building. Furthermore, POAC is obligated to expend at least $1,500 for capital
improvements to the building and to provide in-kind labor, including painting, carpentry, tile
work, cleaning, flooring installation, and other related labor to make the building a desirable
meeting facility.

4. PERMITTED USE OF THE PREMISES. The premises shall be used for the
business of POAC and shall not be used for any other purpose without consent of the City.
POAC shall secure liability insurance for the property and add the City as an additional
insured. POAC shall assume any and all risk in connection with the use of the premises and
will hold the City harmless for any damage or injury directly or indirectly arising from such
use.
5. **RESTRICTIONS ON USE.** In connection with the use of the premises, POAC shall:

(a) Conform to all applicable laws and regulations of any public authority affecting the premises and the use and correct at POAC own expense any failure of compliance created through POAC fault or by reason of POAC use.

(b) Refrain from any activity which would make it impossible to insure the premises against casualty, would increase the insurance rate, or would prevent City from taking advantage of any ruling of the Oregon Insurance Rating Bureau or its successor, allowing City to obtain reduced premium rates for long-term fire insurance policies, unless POAC pay the additional cost of the insurance.

(c) Refrain from loading the floors beyond the point considered safe by a competent engineer or architect selected by City.

(d) Refrain from making any marks on or attaching any sign, insignia, antenna, aerial, or other devise to the exterior walls, windows, or roof of the premises without the written consent of City. POAC may erect signs in areas approved by the City. Signs are deemed a part of the real estate and shall be maintained by POAC, shall not deface the building and shall be easily removable.

(e) POAC shall not store anything outside except in areas approved by City. POAC shall use only trash and garbage receptacles approved by City. POAC shall dispose of trash and other matter in a manner acceptable to City, at POAC expense.

6. **POAC REPAIRS & MAINTENANCE OBLIGATIONS.** All repairs and maintenance of the building shall be the responsibility of POAC.

7. **ALTERATIONS PROHIBITED.** POAC shall make no substantial improvements or alterations to the building without first obtaining City’s written consent.

8. **OWNERSHIP OF ALTERATIONS.** All improvements and alterations performed on the leased premises by either City or POAC shall be the property of City when installed except that trade fixtures shall be the property of POAC if removed pursuant to paragraph regarding condition of premises at expiration.

9. **LIABILITY INSURANCE.** Before going into possession of the premises, POAC shall procure and thereafter during the term of the lease shall continue to carry the following insurance at POAC cost: Public liability and property damage insurance in a responsible company with limits of not less than $1,000,000 for injury to one person, $3,000,000 for injury to two or more persons in one occurrence, and $100,000 for damage to property. Such insurance shall cover all risks arising directly or indirectly out of Lessees’ activities on
or any condition of the leased premises whether or not related to an occurrence caused or contributed to by City’s negligence, and shall protect POAC against claims of third persons. Certificates evidencing such insurance and bearing endorsements requiring 10 days written notice to City prior to any change or cancellation shall be furnished to City immediately.

10. DESTRUCTION. If the leased premises are destroyed or damaged such that the cost of repair exceeds 20 percent of the value of the structure before the damage, either party may elect to terminate the lease as of the date of the damage or destruction by notice given to the other in writing not more than 45 days following the date of damage. In such event all rights and obligations of the parties shall cease as of the date of termination, and POAC shall be entitled to the reimbursement of any prepaid amounts paid by POAC and attributable to the anticipated term. If neither party elects to terminate, POAC shall proceed to restore the leased premises to substantially the same form as prior to the damage or destruction. Work shall be commenced as soon as reasonably possible and thereafter shall proceed without interruption except for work stoppage on account of labor disputes and matters not under control of City.

11. LIENS.

(a) POAC shall pay as due all claims for work done on and for services rendered or material furnished to the leased premises and shall keep the premises free from any liens. If POAC fail to pay any such claim or to discharge any lien, City may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of eighteen (18%) percent per annum from the date expended by City and shall be payable on demand. Such action by City shall not constitute a waiver of any right or remedy which City may have on account of POAC default.

(b) POAC may withhold payment of any claim in connection with a good-faith dispute of the obligation to pay, so long as City’s property interests are not jeopardized. If a lien is filed as a result of nonpayment, POAC shall, within 10 days after knowledge of the filing, secure the discharge of the lien or deposit with City cash or sufficient corporate surety bond or other surety satisfactory to City in an amount sufficient to discharge the lien plus any costs, attorney fees, and other charges that could accrue as a result of a foreclosure or sale under the lien.

12. INDEMNIFICATION. POAC agrees to indemnify, defend, save harmless, discharge, release and forever acquit City, its elected officials, officers, and employees from and against any and all claims, demand, suits, and proceedings brought against City, for loss, property damage (including damage to the property which is the subject of this agreement),
personal injury or death that are alleged to have been caused by the POAC or any others in connection with the activities subject to this agreement. POAC duty to indemnify does not apply to the extent that the loss, property damage (including damage to the property which is the subject of this agreement), personal injury or death is determined to be caused by or resulting from the sole negligence of City and/or its employees. POAC recognizes that its obligation to City under this clause includes payment of all attorney's fees, court costs, judgments, settlements, interest and other expenses of litigation arising out of such claims or lawsuits.

13. **ASSIGNMENT AND SUBLEASE.** No part of the leased property may be assigned, mortgaged, or subleased, nor may a right of use of any portion of the property be conferred on any third person by any other means, without the prior written consent of City. This provision shall apply to all transfers by operation of law. No consent in one instance shall prevent the provision from applying to a subsequent instance. City is not obligated to give consent.

14. **DEFAULT IN RENT.** Failure of POAC to pay any rent or other charge within 5 business days after written notice that it is due is a default.

15. **DEFAULT IN OTHER COVENANTS.** Failure of POAC to comply with any term or condition or fulfill any obligation of the lease other than the payment of rent or other charges within 15 days after written notice by City specifying the nature of the default with reasonable particularity is a default. If the default is of such a nature that it cannot be completely remedied within the 15 day period, this provision shall be complied with if Lessees begin correction of the default within the 15-day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.

16. **ABANDONMENT.** Failure of POAC for 35 days or more to occupy the property for one or more of the purposes permitted under this lease unless such failure is excused under other provisions of this lease shall be an abandonment of the property.

**REMEDIES ON DEFAULT:**

17. **TERMINATION.** In the event of default the lease may be terminated at the option of City by notice in writing to POAC. If the lease is not terminated by election of City or otherwise, City shall be entitled to recover damages from POAC for the default. If the lease is terminated, POAC liability to City for damages shall survive such termination, and City may reenter, take possession of the premises, and remove any persons or property
by legal action or by self-help with the use of reasonable force and without liability for damages.

18. **NON-WAIVER.** Waiver by either party of strict performance of any provision of this lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

19. **NOTICES.** Any notice required or permitted under this lease shall be given when actually delivered or 48 hours after being deposited in the United States mail as certified or registered mail, postage prepaid, addressed to the following address:

City of Port Orford  
**PO BOX 310**  
Port Orford, OR 97465

Port Orford Arts Council  
**PO BOX 771**  
Port Orford, OR 97465

Or to such other address as may be specified from time to time by either of the parties in writing.

**OWNER/LESSOR**  

\[Signature\]  
City of Port Orford  

Date: \[2/24/2019\]

**TENANT/LESSEES**  

\[Signature\]  
POAC  

Date: \[February 21, 2019\]
POAC budget for Improvements on the A Frame at Buffington Park:

1. The POAC Board has approved $1500 cash over the first 6 months for capital improvements to the building. More can be approved at a later date.

2. The POAC will provide in-kind labor including painting, carpentry, tile work, cleaning, flooring installation, etc to make the A Frame Building a desirable meeting facility (estimated value of $5,000) over the first year.

3. The POAC will provide in kind decorating service that includes a professional interior decorator as well as artwork from our art community. ($200)

4. The POAC will pay utilities including electricity, water, and sewage. ($150/month est.)

5. The POAC will provide regular cleaning of the building (estimated value $80/mo).

Immediate capital improvements include:

1. Replace dirty carpet with "pergo" laminate flooring on the first floor.

2. Replace counter tops with ceramic tile

3. Fix holes in walls of bathroom and put in molding around door in bathroom.

4. Replace windows (three are cracked and all have seal broken)

5. Inside painting

6. New sign

7. Replace broken light fixtures and damaged electric heater in bathroom.

In addition:

1. The POAC will apply to the Rotary Club of Port Orford to replace or fix deck and handicapped ramp. If this is not successful (i.e. Rotary over committed with projects) the POAC will pursue grants and other fundraising efforts to get the job done. (The ramp is condemned, according to Alan Wagner).

2. The POAC has enlisted licensed contractor, John Fraser, to provide a bid for the cost of replacing the deck and handicapped ramp. With this information our Grant Committee will submit a grant to cover expenses for this project.

3. The POAC will store still unwanted items that are in decent repair in the adjacent storage shed should the city want them in the future.

Respectfully submitted,

Elaine Roemen, President, Port Orford Arts Council         August 18, 2009.