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Need to Know

Policies fyi

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City of Brownsville

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Policies & FYI

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Purpose

The City Administrator files a monthly report for the Mayor & Council. Since 2019, the Administrator has been compiling specific policies and general information of public concern as general information, training, or to serve as a reminder for Council and the appointed officials. This document is the compilation of that information. The intent is to simply explain why and how the City handles certain matters and to give some organizational perspective. Hopefully, this will serve as a useful guide for all who use it.

Utilities

Twenty-four (24) Hour Shut Off Door Hanger

The City processes water & sewer bills monthly. Once a customer is past due forty-five (45) days, a late letter is sent requesting payment of the amount owed within ten (10) days. If the customer doesn't pay, the Brownsville Municipal Code requires the City to physically post a door hanger on the property. The door hanger notice requires payment due within twenty-four (24) hours or water service is shutoff for non-payment.

Monthly, on average, Administrative Assistant Jannea Deaver reports the following:

- 40-50   Late Letters Generated
- 15-20   24 Hour Door Hangers Produced
- 2-5   Shutoffs

Staff has been hearing from upset customers who do not want this hanger on their residence or their business. I wanted to make Council aware of the process Staff follows as required by the Brownsville Municipal Code. All concerns about the door hanger can be avoided if the customer keeps their account current.

Utility Bill Explained

ACCOUNT NUMBER — Meter linked to your address.

PRESENT READING — Number shows current usage on the 15th.

PREVIOUS READING — Number is usage from previous month on the 15th.

UNITS USED — 1 Unit = 1 Cubic Foot of Water; 1 Cubic Foot = 7.48 Gallons of Water; 80 Units = 598 Gallons of Water

Sewer Debt: Flat rate of $15 goes to pay down the $9,863,079 debt that includes the Water Bonds (1996) and the Wastewater Bonds (2007).

Utility Bill Explained

DUE DATE — Bills are always due on the 10th.

City of Brownsville

DATE BILL MAILED

DAYS USED — Meters are read monthly on the 15th.

Cost for Water Usage Portion of Bill

Cost for Sewage Usage Portion of Bill

Flat rate for Future System Improvements

AMOUNT DUE — Your total bill for service provided for the month.

SERVICE ADDRESS — Your property where service is being provided.

Why?
Many customers have had reoccurring questions about the utility bill. Now we have this diagram to help everyone understand the information. This information can also be found at: https://www.ci.brownsville.or.us/sites/default/files/fileattachments/utilities/page/5431/utility_bill_explained.pdf.

Sewer Billed One Month Ahead & Deposit

The Brownsville Municipal Code requires all accounts to pay for sewer one month ahead and establishes a $100 deposit. Staff always explains the City's billing process to new residents. The City's postcard bills only allow for the sewer billing to be placed in Past Due. Almost always, there is still confusion when a new customer receives their first bill because it says, 'past due' and they of course did not live in Brownsville the previous month. Staff hands out flyers, it's on-line, in the Brownsville Municipal Code and Staff is very good about explaining this to every new customer. People simply forget and then, sometimes, get upset. Moving is hard, we do understand.

The City requires a $100 deposit to establish a new account. The City holds the $100 deposit for one year if the person is a homeowner. If the account is in good standing, the $100 is returned to the homeowner after one year. The City holds onto the $100 deposit in rental situations in the event people decide to "skip out" on paying their utility bill. This policy provides some relief to landlords who have gotten stuck with big utility bills in the past.

Side Note: Staff has been taking questions on the cost of utility bills. I have posted area rate comparisons on the City website, however, not everyone sees it. The City includes a monthly $15 Sewer Debt Service Fee to retire the debt on the Wastewater Treatment Plants that was incurred in 2008. The fee is designed to share the cost between property owners and rate payers, otherwise property owners would pay for the improvements and rate payers would not. The City also includes a monthly $2.50 Water Capital Improvement Fee for the impending Water Treatment Plant Improvements slated for 2025. The remaining charges are for water & sewer usage.

Policies & FYI

Planning

Private Development on Private Property

Zoning organizes a city into distinct districts that allow for specific types of development in certain areas/districts or zones. So, Brownsville has eight different zones that have different restrictions for property use and development. In nearly all zones, the Brownsville Municipal Code allows outright permitted uses. Outright permitted uses do **not** need any land use actions or hearings by the Planning Commission. Other actions such as conditional use, variances, and certain land use actions requires Planning Commission review.

A private developer can purchase property, already own property, or lease property in a zone that meets their specific needs or application. If they do so, they are legally allowed to proceed with their development plans provided it is an outright permitted use. The City has the right to ensure the development complies with Public Works Standards and goes through all the proper reviewing authorities prior to and during development of the property. The City Engineer, local Fire Chief, Public Works Superintendent, Planning Consultant, Administrative Assistant responsible for Planning and the City Administrator review all plans. The City does **not** have the authority to change the Code or restrict a property owner during a development.

The City has dealt with many questions from the public on the following developments over the last few years:

McFarland Cascade: The City **nor** the State of Oregon had a requirement for noise levels or noise abatement for industrial developments. The Planning Commission did place a condition on the original application for the development proposed by McFarland Cascade, but it had zero force of law because there was no existing law in the Brownsville Municipal Code or State Law that outlined parameters and described requirements for such a control. McFarland Cascade was very cooperative in working with the City to put in place certain measures to limit noise. The City & McFarland Cascade agreed to use the City of Riverside, California's standards for noise. McFarland Cascade met those requirements. McFarland Cascade did their best to be a good neighbor by significantly investing in measures to reduce noise complaints received from the community after they had met the requirements of the City.

Council has since passed noise requirements that will help Staff implement future developments.

Dollar General: Owners purchased property in a zone that allowed retail stores as an outright permitted use. Developers met all the necessary requirements made by Linn County and the City to build their store. Linn County was involved because Main Street is a County road. Necessary requirements included flood, storm water, sanitary sewer, water line, fire code, building code, parking, and roadway access among others.

Storage Facility: This development was/is located in a zone that allows storage facilities as an outright permitted use. The developer ended up in a property line dispute with another private property owner. The entire issue was a civil matter between two private property owners. The City's only involvement was to review the develop to ensure that Public Works Standards and requirements were met. Necessary requirements included flood, storm water, sanitary sewer, water line, fire code, building code, parking, and roadway access among others.

Housing Development: Property owner requested a land action known as a Planned Unit Development (PUD). The Planning Commission reviewed and approved the developer's PUD plan with modifications and conditions. The Planning Commission was allowed by law to do this because of the developer's desire to maximize the use of the available land.

Why It Matters

The main reason Council passed Public Works Standards in 2014, and has Code requirements is to protect Brownsville taxpayers' public infrastructure investment. Standards and requirements ensure that utilities and improvements are installed the right way, the first time. If items such as storm sewers, sanitary sewers, water lines and roadways are not constructed properly, the public will then have pay for those items to be repaired in the future. Once the developer finishes these infrastructure systems, they are turned over to the public for perpetual care. The City requires strict adherence to these rules so utilities will stand the test of time and match existing systems. All new development must bare the costs associated with these types of improvements and not the rate payers or taxpayers of Brownsville.

Planning & Development

The City is in precarious position when dealing with the planning & development aspects of private projects and ideas from the general public. A whole host of issues may manifest during these interactions and conversations. Many times, the City does not have enough information from the property owner or developer to even give direction on their project because their idea or concept is too vague. Staff has to require a formal plan before a meaningful development conversation can take place. Most people like to talk in generalities about what they are thinking or what they 'might' do. Developing is very expensive and technical. Unfortunately, the City must know what is actually going to be constructed in order to understand the necessary requirements and applicable rules to convey to the property owner or developer. Here are a few positions the City can be in during any given situation:

1. Most attempt to 'bend' the rules to suit their purpose based on their interpretation of the Code or requirements.

2. People and neighboring property owners don't want anything to change.

3. Neighboring property owners don't want any development.

4. People want the City to stop all development.

5. Citizens want the City to preserve the historic nature and aesthetic by having codes or stopping development.

6. Councilors may be for or against the proposed development.

7. The Planning Commission must follow State rules as laid out by Code and the Department of Land Conservation & Development (DLCD).

8. Staff must follow State rules, local rules & requirements, and advise all elected and appointed officials about the possible risks associated with lawsuits or other actions.

Why?

Planning for the development of property and then actually constructing is a very expensive proposition. Many people become uncomfortable and even combative with Staff due to the large financial investment associated with property development. Some people are 'rookies' who are getting into development for the first time, while others are 'seasoned veterans' which can make for interesting conversations all of which can be time consuming for Staff. Ultimately, the City's Public Works

Standards and requirements are in place to protect the City's infrastructure and the public's investment in the community.

Planning: The Minefield of Private Developments

Every city strives for the creation of dynamic private developments. Private developments lead to housing, commercial & industrial growth that employ citizens, provide places to live and serve as a stable tax base. Cities implement several processes that attempt to streamline the development process. Processes like Planning Commission reviews, permitting, and public works standards aim to ensure that each development meets basic requirements for public health and safety purposes.

The main challenge for a developer is how to make an adequate profit for the investment made on any given property. The chief challenge for the city is to make sure the necessary requirements are met. The bottom line is property development is costly. The trick for the city is to ensure that the taxpayers of the city do not have to pay for any private development.

So, that is where the game begins.

There are many tactics employed as an attempt to skirt rules and requirements and it is the responsibility of the city to ensure that public requirements are being met. Not every developer tries to get around the rules, but generally city staff must stay vigilant throughout the process to make sure the project is completed correctly.

Staff sees many tactics like multiple points of contact, the old "he said, she said," "that's not the way they do it in Corvallis," passive-aggressive strategies, push-pull strategies and much more. Plans are not complete, drawings lack sufficient detail and intentions are not communicated clearly or correctly. This is why cities have adopted a structured, multi-layered approach for development backed by local and State law.

Staff works closely together to handle and address development issues as they arise. And it is not always easy, in fact it can be downright difficult. So, the next time you hear rumors or whispers around town, I hope you feel compelled to contact City Hall. Getting the information right and to the right people saves taxpayers' money because ultimately someone has to pay for the civil infrastructure.

Nuisance Abatement Process

Staff reviews and inspects properties on a weekly basis from the end of May through September to enforce the ordinances pertaining to weeds and nuisances, Brownsville Municipal Code Title 8. Staff inspects monthly October through April to ensure ordinances are being met through the entire year. When Staff is handling an issue involving noxious weeds, as an example, the City will give a courtesy call to the occupant of the property, when possible, to make them aware of the upcoming mowing season or to let them know they need to mow. Some property owners decide to arrangement their mowing with the City's third-party contractor.

Typically, it takes the entire month of June to bring all properties into compliance. The ordinance allows large parcels to be bailed which happens typically near the middle of July. Depending on the weather, the City may only do one round of posting. Many years the City only had one round of weed abatement because the weather was too dry and the State or County had declared a fire ban for public safety reasons.

Nuisances are handled in a pro-active manner as Council directed over ten years ago. Staff may forward a Request for Action (RFA) letter to a property owner and/or resident for the nuisance to be removed. The RFA is not part of any formal process, it is simply a courtesy letter. If the noted nuisance

isn't removed by the time allotted in the letter, the City then goes through the formal abatement process detailed in the Brownsville Municipal Code.

The City's general practice is to give folks adequate time to remediate possible violations before the City sends out a RFA letter. If, during an inspection, Staff notices a minor violation, the City will allow a week or two to pass before sending a RFA letter. An example would be an appliance or piece of furniture that appears at a property. Many times the situation resolves itself without Staff having to take any action. Staff may also call the property owner/occupant depending on the nature of the nuisance and/or the City's previous experience dealing with the person to remediate the nuisance.

Overall, the program has been successful. The City has cleaned up many problem properties over the last five years. Residents have mostly been good to work with on these types of issues. The Sheriff's Office and Sweet Home Sanitation have also provided support when asked.

Community Growth Commentary

I frequently hear from concerned citizens fearing the worst about growth in Brownsville. Questions and statements like, "Does the City have enough water?" "The traffic is going to be terrible." "The City cannot afford offer services expected by newcomers from out of the area." "We don't want to lose our small-town feel." "I hate change!" "That property use doesn't fit in Brownsville."

Small town atmosphere and history are special to many citizens. All of us love Brownsville for different reasons, but some of the most meaningful reasons revolve around people in our community serving others in our community. Many long-standing traditions like the Pioneer Picnic, Carriage Me Back, Antique Faire, Festival of Tents and the host of events that happen annually add greatly to the depth and character of our town.

The City's planning role, in all of this, is governed by State law. The Department of Development and Land Conservation (DLCD) sets requirements that allows for private development to develop private land within the state. Cities have the right to pass legislation that ensures new developments meet public works standards, State building codes, County regulations and a host of other regulations and requirements that are consistent with orderly growth as defined by the State.

Developing property is not a cheap proposition which is one of the main reasons housing is so expensive. The zoning chapter, Title 15, in the Brownsville Municipal Code permits certain uses outright meaning the property owner does not need permission to build out that particular use. Other developments may cause a different process to be utilized and can trigger other reviews and requirements.

Ultimately, property owners are free to develop their property in accordance with State law and the local zoning code. The City's job is ***not*** to prevent development, but to ensure that the development meets code. The City also ensures that structures are placed on the rightful property and do not infringe on neighboring properties. Council adopted an accessory structure and fence process that honors the setbacks requirements found in the Brownsville Municipal Code.

The Planning Commission must review certain land use actions and determine if the new development meets Code requirements. The Commission listens to public testimony and makes their final ruling based on what is called the findings of fact. The Commission's decision must follow the laws the City and State have employed. Any decision made by the Planning Commission can be appealed to the City Council. Council planning decisions can be appealed to the Land Use Board of Appeal (LUBA). Private property rights are paramount to the American way of life.

Policies & FYI

In America, property owners still have the right to pursue the development of their property the way they see fit, within reason, and all cities must respect this fundamental right. Finally, a town is either growing & thriving or slowly dying.

Property Line Disputes

Disputes over a property line can be one of the most problematic and stressful issues between neighbors. Brownsville has had a tradition of being steeped in these sorts of disagreements. The City is almost always brought into these disputes by one party or the other. A neighbor will try to use the City to prove their case and/or "poke" at their neighbor.

It is also important to note that many homes in town have their personal property located illegally in the right-of-way.

Misconception #1: The City knows exactly where every property line is in town.

Factually, the City does have access to the Linn County Geographic Information System (GIS). The GIS is very accurate and powerful mapping tool however, it is not legally binding on any party. It is not the City or the County's responsibility to determine the exact location of private property lines. It is the responsibility of the private property owner.

Misconception #2: If I have placed a fence, a shed, or any other piece of personal property on a neighboring property, that property becomes mine over a period of time due to common law.

Factually, property is property is property. Meaning that the owner of the private property is solely in possession of that property regardless of any neighboring infringement. However, it may result in legal action between the two neighbors to resolve this kind of dispute.

What did the City do to resolve these issues?

After much discussion and deliberation, the Planning Commission and Council passed a fence ordinance and new accessory structure ordinance. These ordinances required property owners to apply for a permit to place a fence or an accessory structure on their property. A permit is $30. The property owner supplies a map of the proposed project, including new homes or additions, and is required to stake the project footprint prior to construction. Administrative Assistant Elizabeth Coleman then goes out to verify that the fence or the structure is actually on the applicant's property and meets the required setbacks found in Title 15 of the Brownsville Municipal Code.

The Planning Commission and the Council passed effective policies in the form of ordinances and it has made a major difference in the time Staff spends on these kinds of neighbor disputes. It has also relieved tension that could have developed between neighbors because of this issue.

So, in conclusion, when there is a dispute over a property line, the answer is for the property owner to hire a licensed surveyor to locate exactly where their property lines are. Surveys can be very expensive depending on the scope of work, so many disputes do not get resolved due to the costs associated with the work. Any given property owner can either decide to live with the issue unresolved or resolve it with a legally recognized survey and possibly a lawyer.

Private Property Development Cost Responsibility

Private property developers bare the costs associated with their development. Developers are responsible for developing engineering plans for civil infrastructure, surveying, architectural plans, landscaping plans, contacting & arranging for the installation of utilities such as electric, natural gas, telephone, and permitting requirements with the State of Oregon, Linn County and the City of

Policies & FYI

Brownsville. Developers are responsible for installing all infrastructure necessary for their development including any required inspections. For example, private developers are required to pay for paving inspections, water line testing, sewer line testing and so on. The City does not bare any of these associated costs. All engineering reviews that are required by the Brownsville Municipal Code are billed to the developer.

The City taxpayers are not responsible for paying for their development, nor should they be.

Development is expensive. Below are some examples of civil infrastructure costs. Prices vary and are used for illustration purposes only:

- Concrete Curb & Gutter $20-$30 per foot
- Concrete Sidewalks $15-$10 per foot
- Water line Installation $300-$350 per foot
- Sewer line Installation $400-$500 per foot
- Stormwater line Installation $350-$425 per foot
- Asphalt Pavement $2,800-$3,200 per foot depending on width

Many other requirements may come into play such as extensive earth work and/or floodplain requirements for example that can also prove to be very costly endeavors.

National Flood Insurance Program (NFIP)

The National Flood Insurance Program (NFIP) is managed by the FEMA and is delivered to the public by a network of more than 50 insurance companies and the NFIP Direct.

Floods can happen anywhere — just one inch of floodwater can cause up to $25,000 in damage or more. Most homeowners insurance does not cover flood damage. Flood insurance is a separate policy that can cover buildings, the contents in a building, or both, so it is important to protect your most important financial assets — your home, your business, your possessions.

The NFIP provides flood insurance to property owners, renters and businesses, and having this coverage helps them recover faster when floodwaters recede. The NFIP works with communities required to adopt and enforce floodplain management regulations that help mitigate flooding effects.

Flood insurance is available to anyone living in one of the 23,000 participating NFIP communities. Homes and businesses in high-risk flood areas with mortgages from government-backed lenders are required to have flood insurance.

The City is required to follow the applicable rules to ensure that the entire community will continue to be eligible for coverage through the NFIP. The first question you need to answer is, am I in a floodplain? As mentioned above, there are rules and regulations that ensure that property owners are protected from liability. The City will be able to guide property owners through the process for permitting including placing fill on properties. In some situations, complying with these requirements can be expensive for the property owner.

In recent years, new requirements have led to more rigorous reviews and permitting procedures. Please make sure you know where your property so you can stay in compliance and not put your property or any other property in harms way.

Source: *https://www.fema.gov/flood-insurance*

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Vineyard Wind Machines

Semi-Annual Notice | The machines may turn on soon depending on temperatures. Due to low overnight temperatures, the wind machines are used to prevent 'cold injury' to the grape vines. The wind machines are very noisy due to the blades and engines used to generate electricity. Basically, the machines are programmed to turn on at certain temperature levels, generally around 36 degrees Fahrenheit, and can only be operated during certain wind speeds. The site south of town has numerous

wind machines, and they generate a very noticeable sound throughout Brownsville. The motors sound like an old farm tractor and the blades have a high-pitched sound. A low frequency hum may also be heard throughout town when all the wind machines are operating.
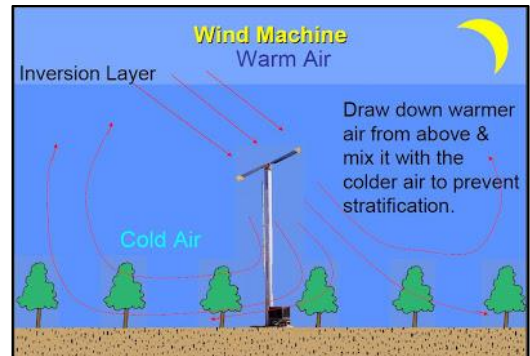
The City Attorney reviewed the City's ability to prohibit, modify, or control the installation of the wind machines when the property was being developed in 2019. Brownsville is a rural, farming community located in rural Linn County. State laws allow broad interpretations for farm use equipment and associated implement especially on farmland known as exclusive farm use or EFU. Fortunately, the wind machines only activate for a handful of days each year. The City sends out the reminder above in the semi-annual newsletter in March & September to warn residents. The City also sends out a monthly synopsis of Council business and Staff includes the warning in March & September as April and October are the months that the noise can be experienced. The newsletter and the synopsis are sent to every household in the 97327 zip code.

Public Works

General Information

The City's water system draws from two sources at different times of the year. Technically speaking, we have a surface water treatment plant under the influence of groundwater. Basically, that means the City has two sets of rules to follow to ensure compliance with State regulatory agencies.

Public Water System Usage Parameters

▸ City wells used for the public water supply can only be used between November 1st through June 30th.

▸ The City can only use the Calapooia River between July 1st through October 31st.
  * Adjustments to these parameters can only be made with the expressed written consent of the State of Oregon.

Public Wastewater System Usage Parameters

▸ No discharge allowed May 1st through October 31st.
▸ Discharge allowed November 1st through April 30th.
  * Adjustments to these parameters can only be made with the expressed written consent of the State of Oregon.

Canal Company Water Rights Parameters

‣ Diversion from the Calapooia River is allowed May 15th through October 15th.

‣ **Priority Date:** May 11th, 1994.
[Water rights are governed by priority dates. Older rights take precedence over junior rights.]

‣ The State Water Master can require immediate shutdown based on water right's priority monitored by the State of Oregon.

Park Opening & Closing

‣ City parks open April 1st through October 31st. The Park sometimes opens or closes early depending on the closest business day to the actual date.

Snow Removal

In the event of snow, please remember that the City does **not** remove snow. Linn County Road Department does plow Main Street, Depot Avenue and parts of Gap Road. The State of Oregon plows OR 228. Annual snow fall may be one day of accumulation which is often melted the next day. Residents who live in hilly areas of town should take any necessary steps to be ready for a snow event during winter months.

Public Trees & the Right-of-Way [Update | 03.2023]

The City passed an ordinance nearly twenty years ago as part of the Tree City Program that designates a series of requirements or best practices for tree maintenance in the right-of-way. It is illegal for a resident to remove a tree in the right-of-way without expressed consent of the City. The City gets requests throughout the year for removal and trimming of public trees. The City uses several tree services to maintain the City's "urban forest" including trees in Pioneer Park and on all City owned property. Public Works does their fair share of trimming and pruning trees too.

Sometimes, citizen requests for a tree removal requires the City to provide an official opinion from a certified arborist. When there is a disputed tree in question, the certified arborist is essential in making the final determination on a continuous tree. Tree removals can be expensive and, in some cases, dangerous which is why the City contracts certain removals.

The City also has a tree service review the tree canopy in Pioneer Park to proactively maintain healthy trees and to prevent potential injury from dangerous or damaged trees that we may not be able to physically see. Heavy winter winds can cause widescale damage that can create a fair amount of liability to the City.

Pioneer Park Preparations

Public Works Superintendent Karl Frink must carefully plan crew workloads weekly, monthly, and seasonally in order to accomplish tasks required of Public Works. Weekly workloads can easily 'go by the boards' due to a waterline break, sewer line plug, pump failure at one of the treatment plants, and a variety of other unforeseen things that constantly happen when operating city utilities and infrastructure. Fortunately for the City, Karl is very good at his job. He has been working in public works settings his entire career. He has been doing his current job with the City for a very long time and he is on top of what has to happen to ensure that things are completed in a timely and orderly fashion.

However, sometimes as a Councilor or appointed official, that fact can be hard to remember when met with a citizen concern or complaint.

Policies & FYI

Pioneer Park is closed by the Brownsville Municipal Code from November 1st to March 31st. Below are some of the general steps Public Works and Staff take to get ready for the park season:

- **November |** Store picnic tables, lock gates, winterize the Pavilion and the restrooms.
- **December |** Place advertisements for Park Caretakers. Begin leaf removal process.
- **January |** Order signage, prepare supplies logistics.
- **February |** Finish leaves in the Park.
- **March |** Re-stretch fencing along the riverbank, install warning signs that have gone missing, sweep down and clean all buildings, ensure water is turned back on, make any miscellaneous repairs, and place picnic tables and trash cans around the Park. Some years, Public Works begins mowing in March depending on the weather. Coordinate needs of the Rec Center for use of the baseball/softball diamonds. Inspect all playgrounds and make necessary repairs. (Playgrounds are routinely inspected throughout the year.)
- **April |** Prepare the kitchen for use, clean grills, repair appliances etc., finalize hiring of Park Caretakers, work on park use agreements for major events. Check and replace basketball nets as needed and other applicable details.
- **May |** Train Park Caretakers, prepare all necessary forms and signage for Caretakers, perform trail maintenance, start repairing picnic tables, general housekeeping, and painting.
- **June |** Park Caretakers are in full swing with mowing, restroom cleaning and general maintenance. Everyone prepares for the annual Pioneer Picnic as defined in the agreement with Linn County Picnic Association. Families use the Park for a variety of purposes including graduation parties.
- **Summer Months |** Continuing to keep the park operating and maintaining at the high level expected by citizens and our Staff for all the activities that happen in our Park.
- **October |** Public Works starts planning for the closure of the Park.

As you can see, there must be careful planning, thought and plenty of attention to detail to operate the Park. The logistics of ordering supplies to keep the Park clean and ready for users, mowing, equipment maintenance and preparation, watering, and providing all the little things requested by the many groups that use the Park for events, family gathering, recreation programming, and a host of other social activities.

Public Works Standards & Requirements

The City officially adopted Public Works Standards (PWS) in 2014. Council adopted revisions in 2022. PWS are exact specifications for all civil engineering aspects impacting City services such as the water & sewer utilities, streets, sidewalks, storm water, and other important, common infrastructure. The PWS give all developers direction on how the City wants public infrastructure to be installed. The City requirements inspections and technical reports to ensure that the infrastructure has been installed according to these requirements.

The City wants to ensure that the structures and appurtenances that are used for development match existing inventories and are made to specific industry standards that will ensure they stand the test of time. Cities typically have these standards to create a continuity of operations that allows for better maintenance of all effected infrastructure systems.

If roads are not built to proper standards, they fail sooner which in turn costs the tax payers more money for repairs. Sidewalks should be installed to a certain standard for the same reasons. One 'real world' example of not having standards are the 'reverse speed bumps' on Filbert Court. The City did not require deflection testing on the street. The result was that all the trenches used to hook up homes to the utility systems failed. They failed because they were not compacted correctly which caused the trenches to be depressed. If the City would have had PWS, this would not have happened.

The PWS give all developers a level playing field as well, everyone choosing to develop knows what the requirements are going to be as well as the process in which to gain the necessary approvals for any given project.

Cross Connection Program

Background
Public Works Superintendent Karl Frink and I have been reviewing the City's Backflow Testing Program with Council at the last several meetings. Closely related to this program is the City's Cross Connection Program. Both of these programs are mandated programs that were handed down by the United States Environmental Protection Agency in the early 1970's as part of the Safe Drinking Water Act. The State of Oregon, Oregon Health Authority (OHA), requires all public water systems to implement these two programs for the protection of community water systems.

What is a Cross-Connection?
A cross connection is a permanent or temporary connection between potable drinking water and anything which can pollute or contaminate the water supply. For example, without backflow protection, attaching a fertilizer sprayer to a garden hose or even placing your hose in a soap bucket for car washing can create a cross connection and possible health hazards.

What is Backflow?
Backflow is the undesirable reversal of flow of non-potable water or other substances through a cross connection and into the piping of a public water system or consumer's potable water system. This reversal of flow or "backflow" can allow contaminated water to flow backward, drawing a contaminant into the water supply. There are two types of backflow, 1) backpressure backflow, and 2) back-siphonage backflow.

Brownsville
Public Works Superintendent Karl Frink holds certifications and licenses from the State of Oregon to ensure the City is in compliance with these programs and actively oversees all connections and uses of the City's water distribution system. The City appreciates sincere calls to report illegal activities or leaks about the City's infrastructure system. Several times throughout the year, however, the City receives complaints about trucks taking water from a City hydrant.

Complainants charge the City with accusatory overtones looking for some kind of "gotcha" moment. These calls cause a certain amount of consternation because word travels around town very quickly. So, to ensure that Council and Staff are on the same page please rest assured that Frink has already inspected the water carrying vessels to ensure the proper water gap measures/safety measures are in place prior to being allowed to draw water from the City's water distribution system. Typically, bulk water sales are done from one or two specific hydrants in the City. The City has a special water meter

on the hydrant. Bulk water customers set up and account with Administrative Assistant Jannea Deaver and Public Works Superintendent Frink inspects their vehicle to ensure they are in compliance with the regulations and requirements. Typically, customers are the same two or three organizations. However, as long as a customer can meet the vehicle inspection requirements, they can receive bulk water. All bulk water customers are billed accordingly except for Linn County Road Department.

Below is a brief explanation from the State's website:

The Cross Connection Program assists water suppliers and water users and certifies individuals that protect public water supplies from backflow hazards. The program focuses resources on the areas of highest public health benefit and promotes voluntary compliance with drinking water standards. It emphasizes prevention of contamination through source protection, technical assistance to water systems, and training of water testers and specialists.

Source:
https://www.oregon.gov/oha/ph/healthyenvironments/drinkingwater/crossconnection/pages/index.aspx

Administration

Complaints & Concerns

Knowing the difference between an annoyance complaint and a concern is the key in providing good community service. Annoyance complaints are typically complaints that the City has no power to change or affect. Examples include items such as:

‣ Some guy keeps allowing their dog to [do its business] on the sidewalk/in my yard/in my neighbor's yard.

‣ The neighbor across the street continues to leave their trash cans out until Sunday!

‣ The streetlight is coming in my bedroom window.

‣ Construction noise in my neighborhood is a nuisance. *(During allowable hours.)*

Concerns are issues that the City can and should address. Examples include:

‣ There is a vision obstruction at the corner of Kirk and Putman for bus drivers because of blackberries.

‣ I noticed a green spot in my neighbor's yard and we haven't had rain for weeks. I think there could be a water leak.

‣ I saw a shop being constructed at such and such an address and wondered if they pulled a permit.

‣ I noticed a broken chain on one of the swings at Pioneer Park.

It's important for everyone to be able to know and recognize the difference. Providing great service is knowing how to answer and what to listen for during conversations.

Complaints: The Good, the Bad & the Ugly

Policies & FYI

Council and Staff listen to a host of issues brought through the year on a variety of topics. Below are a few that are worthy of mention because of the unrelenting nature of certain complaints.

★ "I see Public Works trucks driving all over town!" or, "All they do is drive around!"

  ‣ Usually, Staff hears this charge of perceived impropriety often. The complainant who utters these words should be concerned when they **do not** see Public Works trucks driving around. The reality is simple. The City operates two Wastewater Treatments Plants on opposite ends of town, a Water Treatment Plant in the middle of town, waterlines and sanitary sewer lines, streets, and ditches all over town.

★ "The City needs to do something about the Picnic!" or, "The Picnic needs the carnival back." or, "The Chamber should hold Antique Faire downtown!"

  ‣ The City often directs these complaints to the appropriate civic organization. It is often misunderstood that either the City or the Chamber run every event that is held in town. The reality is that many volunteer civic organizations have regular meetings to discuss their events and have their policies and procedures in place to help govern those events.

★ "It's an historic cemetery, we need to let the grass grow up…" or, "The cemetery needs to be mowed out of respect."

  ‣ Public Works tries to maintain the cemetery in a manner that respects those whose memories remain there.

★ "Why did the City shutoff my hot water? I wasn't even given a notice!"

  ‣ Believe it or not the City gets this complaint often. Staff has explained multiple times that hot water heaters are a privately owned appliance which is the responsibility of the homeowner.

★ "Why do I need a fence permit?" and, "Why do I need a building permit?" and, "Why on Earth do I need an accessory structure permit?"

  ‣ The reality is that for many years people did not need a fence permit or an accessory structure permit in town, even though the ordinance required certain stipulations be met like lot coverage and lot line setbacks. Many people took neighboring property and placed their structures on neighboring properties thinking that one day that property would magically become theirs. Building permits are required by Linn County Code and by State codes. Since the City began enforcing City ordinances, turmoil between neighbors has declined significantly. The City has kept the cost of the fence permit and the accessory structure permit low to ensure compliance and to make sure structures are on the correct property.

★ "Why do you charge for a returned check? That's not fair!"

  ‣ Returned checks cost the City money. That means that the taxpayers are paying for someone else's poor decisions. The returned check charge is set by ordinance and resolution and all businesses pass along these charges to customers.

★ "Looks like somebody got a new car…"

  ‣ Any time a City employee gets a new car, or anything that people can see publicly we hear this statement. Typically, it is said sarcastically or as an insinuation that employees are making too much money. The reality is that employees can spend their money how they choose, just like everyone else. It really is just a classless statement to make regardless of how it is intended.

Policies & FYI

Top Five Complaints

Note: I am writing this passage for informational purposes. The top five complaints are not unique to Brownsville. These top five complaints are common among all small towns all throughout America.

1. **Speeding** – People complain about speeding and street safety. No matter how many resources cities put toward speeding, it continues to remain a top complaint.

   Brownsville's Equation | The City has a contract with the Sheriff's Office for 200 hours a month.

   There are approximately 730.08 hours in a month. The average month has 30.42 days and each day has 24 hours.

   The City requests 25 hours of active traffic patrol. The Sheriff's Office is also passively traffic patrolling too.

   Result | Active patrol is about 3.4% of any given month. Even if all 200 hours were dedicated to writing tickets the percentage of time in a month would be 27.3%.

   Speeding can happen at any given second in multiple locations all throughout town.

   Solution | Encourage tickets to be given to increase compliance with speed limits. Even still, people will break traffic laws.

2. **Taxes**

   The City has millions of dollars of aging assets. The City has many community assets or ammenities for a town our size including a Library, a Rec Center and an amazing Park with many facilities, not to mention miles of streets and utility lines.

   The City is only a portion of the annual tax bill, but many think the entire tax bill goes to the City.

   The City is required by the State of Oregon to execute many statutory requirements that cost money to execute.

3. **Utility Rates**

   Smaller cities certainly share this concern. Bigger cities do have it somewhat easier because they have more people to spread the costs over and they have more voters that can warrant the attention of the State Legislature should they have any given issue that want to challenge.

   Brownsville's Equation | The City has 790 utility users. The City incurs debt required by the State and Federal governments for water and sewer operations.

   The City has $8M in debt and 790 utility users.

   Each user would have the equivalent of $10,126.58 to retire that debt in any given year, however, the debt runs with the 'useful life' of the utility. The useful life of a wastewater facility is forty years and the useful life of a water treatment plant is about twenty-five years. Debt terms are tied to useful life for borrowing and repayment purposes. Useful life is one important concept to know, but so is accounting for normal facility wear and tear.

   Example: You may have a thirty year mortgage on your home, but you still have repairs and improvements to do to protect your investment. It is exactly same thing for the City and the City's facilities.

4. **Neighbor Complaints**

‣ Junk
‣ Property Lines
‣ Weeds
‣ Disputes

Citizens lodge the majority of their complaints against each other. Someone has something the neighbor does not approve of which leads to conflict. Dogs, cats, chickens, roosters, pet waste, contruction noise, loud music, trespass, shouting, disputes, tall grass, you name it – we hear it.

5. **Permitting**

Many protest the need for permits for any and every purpose.

Agreements

The City uses several different kinds of agreements to accomplish many purposes for the citizenry of Brownsville. Intergovernmental Agreements, most often referred to as IGA's, are between governmental entities to provide specific services as defined in the agreement. Examples of IGA's include the contract with the Linn County Sheriff's Office for law enforcement services, the Linn County Planning & Building Department for building inspection & permitting services, the City of Halsey for emergency public works assistance, and the Oregon Department of Transportation for emergency purposes, to name a few.

The City has many vibrant civic organizations that deliver services around their missions to residents while increasing capacity and amenities for the citizens of Brownsville. The City, primarily for the last twelve (12) years, has written memorandums of understanding (MOU) or memorandums of agreement (MOA) so the City can add capacity to these missions by allowing Staff to provide assistance, utilize City owned facilities, public streets to be modified or closed, advertising and other general purposes that may be defined by agreement. Examples include the Chamber of Commerce, the Brownsville Art Association, the Brownsville Senior Center, the Central Linn Recreation Board and events like Rally on the River.

These agreements are vitally important for Staff, Council, other appointed boards of the City, and the party entering into the agreement. The agreements clearly state the purpose and expectations for all involved. By using this contract management technique, lasting partnerships are fostered, and additional services are provided to area residents. Financial resources are reviewed and agreed to by Council for certain purposes, with reasonable limits, to ensure tax dollars are being used appropriately and are being maximized for the greatest benefit.

Private Property versus Public Property

The City of Brownsville carries insurance coverage on all employees and volunteers that work for the City. Employees are not permitted to work on private property. The City's insurance covers them on public property, all right-of-ways, easements, facilities and publicly owned land. If public employees are injured or cause damage while working on private property, the City may not be covered.

Scenario #1: Public Works Operator drives by a resident's house with the backhoe. The resident has a small pile of dirt that simply needs to be moved from one part of their yard to another. It would take about five minutes to move the dirt. Should the employee move the dirt?

Scenario #2: A resident needs to move a fifth wheel because the tree trimmer is ready to remove public trees by the resident's property. Should the employee hook up the fifth wheel and move it out of the way?

Scenario #3: While working in the right-of-way, the Public Works crew inadvertently places part of a broken line on private property and makes a rut in the yard during the repair. Should the employee fix the yard?

Budgeting & the Public Agenda

The City Council and all the Boards & Committees enjoy constructive public comment and input on topics that impact our community. Setting financial priorities is one of the most important things the community does every year, and this is how it works.

★ Every two years, Council creates a list of goals that are to be accomplished or worked toward by Staff over a two-year period which is based on the election cycle. Council creates a goal board which hangs in Council Chambers as a reminder of the priorities that are set at these goal setting sessions. Every Council agenda packet includes the Council goals and values as a reminder of what the priorities are for this cycle. Boards such as the Library Advisory Board and the Parks & Open Space Advisory Board advise Council on needs for those areas and make annual recommendations through the budgetary process to address needs. Staff's ability to accomplish goals depends primarily on the State Legislature and Council as priorities, projects and requirements are subject to be changed or added. To this end, Council holds a goal setting review in January or February of each even year to address any modifications or new expectations.

★ The Charter designates the City Administrator as the City's Budget Officer. The Budget Officer puts together the annual budget based on recommendations from the various boards, Staff, Council members, the Capital Improvements Plan, the Parks Master Plan and other documents to ensure that vital community services can continue operating. The budget hearings take place on the last Thursday of April and the first Thursday of May each year. Anyone wishing to add an expenditure for consideration should attend a Council meeting in January, February or March, at the latest, to make a request.

★ The Budget Committee members must review several documents including, the Prospectus, the Capital Improvements Plan, Council Goal Update, minutes and other documents to gauge what the City can afford and what the priorities should be based on Council goals and service levels provided by the City. There are very few places in the budget that are 'discretionary' due to the many infrastructure assets the community maintains. Public wants always far outpace community resources which, of course, requires Council and the Budget Committee to make difficult decisions when budgeting for any given fiscal year.

Community members can also express project ideas at the afore mentioned board meetings. The City Administrator is always the best place to start with a request. The administrator can direct your request to the appropriate board or to Council. Residents can also setup a meeting with the City Administrator to gain a better understanding of the financial innerworkings of the City as well as read through materials found on the City website using this link https://www.ci.brownsville.or.us/bc-budget, or under the Government tab on the main page, then select Budget under Boards & Committees.

Compensation & FLSA Status

The Fair Labor Standards Act (FLSA), originally passed in 1938, made two general categories for employees, 1) Exempt employees and 2) Non-exempt employees. Exempt employees are not paid overtime and typically have management related duties to qualify for this employment status. Exempt employees do not earn overtime. Non-exempt employees are paid overtime for work paid over a certain number of hours per week depending on their job, certain exceptions apply to emergency personnel

such as firefighters

The Act things like overtime recording create wage

★ **Street Improvements**

★ **Cemetery Expansion**

★ **Columbarium**

★ **New Water Reservoir**

★ **New City Shop**

★ **Downtown Sewers**

★ **TMDL – Storm Water**

★ **Street Tree Replacement**

★ **Water & Collection Lines**

★ **Pavilion & Park Buildings**

★ **Rec Center**

full-time and paramedics. also did many set rates for pay, keeping and minimum standards.

Public Works Superintendent Karl Frink and I are exempt employees and the rest of the City's Staff is non-exempt. The City sets the hours threshold for benefits and can make many rules that govern compensation for all employees, including contractual employees, in relation to flex time, for example, and other compensation issues.

Priorities: Guidance Making Tough Decisions

The City Council and Staff field a host of requests for many things in any given year. Citizens make requests on items they would like to see built, programs they would like to see implemented or just suggestions on a variety of topics and issues. It can be difficult relaying information to constituents and citizens when the goals of the City do not match the wants that certain citizens or groups want.

To that end, Council has adopted the Capital Improvements Plan (CIP), the Water Master Plan (WMP) and the Parks Master Plan (PMP). These documents set Council priorities for spending. Council and the Budget Committee have shown a commitment to continue the programs and responsibilities the City is required to provide. The continuance of essential services headline financial priorities. As Council knows, there are a lot of physical assets that require maintenance and attention. The City must make tough choices to continue programmatic efforts and necessary capital improvements. So, in effect, priorities help Council say 'no' to new proposals and ideas for projects that do not match the goals of the City.

Below is a list of projects wants and needs:

★ **Skate Park**

★ **Dog Park**

★ **Disc Golf**

★ **Community Kitchen**

★ **Community Theatre**

★ **Senior Housing**

★ **Archery Range**

★ **Public Transport Vehicle**

★ **Crime Deterrent Cameras**

★ **New Baseball Fields**

★ **Pioneer Park Erosion**

★ **Pool/Water Feature**

★ **Putting Green**

★ **Free Wi-Fi Downtown**

Public Project Construction Process – The Basics

Cities are required to follow a series of State laws, and in some cases, Federal laws when constructing capital infrastructure projects. The City also must follow the Brownsville Municipal Code

to ensure compliance with all local and State laws. The process follows the Capital Improvements Plan (CIP) adopted by Council. Project needs are listed in the plan. Staff recommends projects to Council and the Budget Committee. Once a project has been included in the budget, Staff engages engineering services for the technical aspects of the project. Engineering draws plans and contracts for the project. The City must submit the drawings along with a fee to the State for plans review. Once the plans have been reviewed and approved by the State, the City concurrently secures easements and makes necessary logistical plans for the project. Below is a basic step-by-step overview:

1. Determine Project Scope
2. Request Engineering Estimate
3. Funding included in City Budget
4. Engineering Plans & Surveying
5. Secure Necessary Easements
6. Submit Plans for State Review(s)
7. Bid Project
    a. Advertisements [Local]
    b. Women & Minority Advertisements
    c. Local Contractors Contacted
8. Hold Bid Opening
9. Award Contract
10. Send Letter to Affected Residents
11. Hold Pre-Construction Meeting
12. Daily Inspection Routines
13. Hold Progress Meetings
14. Finalize Contract
    a. Identify Punch List Items
    b. Release Escrow
    c. Accept Project

How do I place items on the Agenda as a Councilor? When can I speak?

Mayor Ware and the City Administrator set the Council agenda. Members of Council wishing to place an item on the agenda should contact the Administrator no later than the third Wednesday of the month. Councilors should also be prepared to submit supporting materials on the agenda item at that time. Councilors may speak during the meeting when recognized by the Mayor or when the floor is open for discussion during Legislative, Action, or Discussion Items.

Councilors may also speak during Agenda Item #7) G. Council. Councilors who have been appointed to committees may report out and general thoughts from Councilors may also be addressed here. Councilors also have the floor during Agenda Item #13) Council Questions & Comments.

How does the public get placed on the Agenda? When can the public speak?

Members of the Public may be asked to be placed on the Agenda under item #6) Public Hearings or Presentations. A member of the public is allotted five to seven minutes when placed on the agenda in this agenda position. The Administrator will ask for written documents and presentation slides for Council review.

Members of the Public may also speak for three minutes under Agenda item #8) Citizen Comments and/or under Agenda Item #12) Citizen Questions & Comments. The City has always done this so that the Public can respond to presentations, hearings and Staff reports if they so choose. The later comment period is done so the public may speak to any of the items acted on by Council. However, members of the public are allowed to discuss what they wish with their three-minute allotment.

Public Meetings Law

The Public Meetings Law of the State of Oregon does not require this kind of public participation. The Public Meetings Law requires municipalities to allow the public to be present. Fortunately, the City was wise enough to allow inputs to hear from the public at every meeting.

Final Thoughts

Former Councilor Doug Block encourages Councilors to make sure you say what you want to say at the meeting. Be prepared and do not let the moment pass. Even if it is at the end of the meeting, it is better to get it "off your chest" than to live with what you should have said.

Public comment is generally for citizens to express whatever is on their mind. Most of the time, Council is simply listening. Recently, it is best to answer certain issues that are raised to ensure that the general public gets correct information.

Outcomes & Group Dynamic

Becoming a Council member or an appointed official brings several challenges. Helping the public agenda along is not always easy and is constantly met with many questions and, as a Councilor, a steep learning curve. Most City boards, committees and commissions have worked together on projects, are currently in the process of working on objectives and goals, and, in some cases, have a master plan or other requirements that somewhat dictate the foreseeable future.

Many people who get involved want to make an impact immediately either by promoting their own agenda and ideas, or the ideas of people close to them, or both. Unfortunately, this approach is contrary to well-run organizations because planning and goals are already established. All organizations need to continually be improving, but being able to collaborate, gain consensus, effectively communicate, and efficiently execute is what every person who donates their time to serve should want from any organization they serve.

Having wisdom to understand the bigger picture (having a sense of perspective), having good common sense, and working well with others is the key to instant success in any organization.

The City uses the basic model below:

The Process of Progress

1. **Recognize & Identify** | a goal or issue. Is the goal or issue worth pursuing?

2. **Accept & Agree** | on the parameters of the goal or issue by succinctly defining the goal or issue.

3. **Strategize & Develop Action Steps** | discuss the life cycle or timeline and create actionable steps to solve the problem.

4. **Implement & Execute** | actively work on implementing the strategy and action steps.

5. **Review Outcomes** | monitor success through completion.

Carefully thinking about issues that impact the organization, and ultimately our citizens, requires a deliberate self-discipline, critical thinking and analysis. Knowing what the organization's responsibility and role is paramount to making decisions that create meaningful impacts for our citizens. Members who are capable of convening, facilitating and resolving relevant issues are truly the most important component to any successful organization.

The Mayor & Council

Below are a few items of interest for the Mayor and members of Council:

Voting | The Brownsville Charter and Council Rules require a vote of each Councilor on all voting members when members are present. The Charter says the Mayor may vote on all issues that come before Council. Members choosing not to vote, must state a reason for not voting. However, members do not have to say why they voted for or against any particular matter before Council.

Roles | Councilors play three vital roles for the organization. The *first role* is as a community leader which is multi-faceted, 1) citizens come to you with their concerns, and 2) citizens and Staff look to you for leadership on key issues facing the community.

The *second role* is as policy maker which incorporates, 1) researching & analyzing information to determine if the City should adopt certain laws or practices for the general public or Staff, and 2) persuading others to your point-of-view based on your convictions for a certain policy or position.

The *third role* is as an advocate which entails, 1) being a good listener, 2) being able to consider multiple points-of-view and to decide on a desired outcome, and 3) attempting to make people feel welcome at public meetings and other public functions.

Authority | The authority of Council comes through unity and is manifested by voting on matters before the Council. Council represents the embodiment of Brownsville's local government as a municipal corporation with home rule authority. Council must work together to properly wield that authority in a meaningful way. No other body in the City speaks on behalf of all the people of our City.

Advocacy | It is so important for community vitality and well-being, that Council members be well versed in all matters that come before Council. Councilors should strive to be up-to-date on legislative matters at the State and Federal levels of government because the cities are where those policies are realized. Many policies are not beneficial to all citizens equally. It is important as duly elected officials to take stands on issues that you feel could have a negative or positive impact on our community.

Greater Good | Council has been successful for a long time due in large part to two things, 1) surrender to the greater good, and 2) leaving behind personal agendas. Respecting public tax dollars is an important component in the decision making process for each member. There are a lot of great priorities and ideas, but very limited resources.

Meeting Logistics

Now and again, actually three times over the last fifteen years, people get upset about the way the City handles the dissemination of public meeting information. It has happened over the following topics, 1) the State of Oregon's cannabis policies adopted by the State from 2014 through 2018, 2) Council considering banning roosters, and 3) Covid-19.

Agenda Posting

The City posts the agenda of the upcoming Council meeting at the Library and on the front of City Hall. The City has done this for decades. The City also posts the agenda on the website along with the complete agenda packet for public inspection.

Cities all over the world post agendas in a similar fashion.

Agenda Packet

The next complaint usually involves the posting of the agenda packet and access to the information. The City exceeds standards for posting the agenda packet. The City publishes the Council Agenda Packet online, the Thursday prior to the Tuesday Council meeting. Nearly all other cities in the State publish their agenda packet on Friday prior to a Monday meeting. Staff provides Councilors and citizens with an additional forty-eight (48) hours to review any resolution, ordinance or other decision Council will be considering. The general public gets the information the exact same time that Council gets the information.

It is the responsibility of the citizen to know where to go for the information and stay in tune with what is happening in their community. For years, the City made packets for several regular attendees and will make a physical copy upon request.

Several citizens have asked to be put on the email list for Council meetings and related materials. They receive a link to the Agenda, the Agenda Packet and instructions on how to connect to the Council meeting via video conferencing should they prefer that option.

Meeting Recordings

Anyone wanting a recording of a Council meeting is more than welcome to have a copy of that recording. All they have to do is let Staff know. Staff will send a link to the audio so folks can download the link, or folks can make an appointment, bring an USB drive to City Hall with the meetings they would like to have. Typically, the City receives four or five of those requests a year – top end.

Reports

The City Administrator and Staff are required to inform Council of things that are happening in the County, State and Federal governments. It is one of the chief reasons why the City has administrative personnel. Policies that have been enacted by the State Legislature sometimes do not work, or work to a varying degree, and sometimes these policies hit the mark. Staff must evaluate the information based on the impact that it can have on the City. All pertinent information must be reported to the elected officials of Brownsville.

Non-Profit Partnerships

The City has partnered with many civic non-profit groups through the years to accomplish certain common, overlapping goals. Cities are not allowed by State law to donate tax money to specific causes, so Brownsville has found ways to partner with groups that have supported local and regional efforts in some cases.

The City has agreements with every civic, non-profit partner that it financially assist during the course of the year or over the course of an agreement. Below is a list of items the City has done for each group. The list isn't intended to be all exhaustive list nor is it intended to be a "look at what we've done" list, rather a reminder of the commitment Council has made through the years.

Policies & FYI

American Legion | The City helped the Legion by allowing the use of the Community Room as a post before they were able to purchase their current location. The City also provided $3,000 in Covid relief in 2021. The Legion has always been supportive when community members has certain needs and have always been willing to assist the City in this important way.

Brownsville Art Association | The City assisted with insurance the first three years of the agreement with the Association and cost shared on several improvements to the Art Center space. The City still subsidizes the heating and cooling bills. The Association does a wonderful job maintaining the space and they have created a thriving arts community that is the envy of many neighboring communities. The City also provided $1,074 in Covid relief in 2021.

Brownsville Canal Company, Inc. | The City installed electricity to the pump site for more than $10,000. City Staff has maintained the pumps every summer since they were installed in 2008. The City pays the electricity bill through the years totaling well over $30,000. The City have budgeted for the eventual replacement of the turbine pumps; $40,000 is budgeted for FY 2022.2023. Unfortunately, the City gets entangled in every single dispute that happens between neighbors regarding repairs, culvert crossings and water use.

Brownsville Chamber of Commerce | The City allowed Pioneer Park to be used for Antique Faire starting in 2008. The group uses the Park for their main fundraisers through the event season. The City participated for years in the Flower Baskets program for more than $20,000. The City also designates the Transient Room Tax money for Chamber promotional use that averages $2,500 per year since 2007. The City hangs Chamber Christmas banners each year at its expense. The City also provided $3,000 in Covid relief in 2021.

Brownsville Senior Center & Flower Club | The City provides $600 per year to support Senior Center functions. The Senior Center is always helpful and responsive to City needs and requests. Most recently, they hosted the Chamber of Commerce after the Chamber had to leave the Art Association space. The City also provided $3,000 in Covid relief in 2021. The City also has an agreement with the Flower Club where the City pays for their supplies for their community beautification efforts. The Club maintains the flower barrels downtown and the Brownsville brick flower boxes at the intersection of Main Street and Bishop Way. The City spends about $500 annually in support of this effort.

Calapooia Food Alliance | The City made arrangements with Former Central Linn Superintendent Ed Curtis & Brian Gardner for the CFA to have a community garden on school property. The City drew up the agreement and pledged $1,500, which was required by the Central Linn School Board, if the school would have wanted the property returned for school use. The City allowed the CFA to rent the community garden spaces and collect all associated fees for their purposes.

The City allows the CFA to rent space in the Red Barn for the Farmer's Market and charges $25 per month. The City provides $150 per month as an in-kind contribution based on the market cost of renting such a space for the benefit of the CFA. The City spent over $200 to fix the Jail door for their storage when Council authorized the use of Kirk's Ferry Park for the Farmer's Market.

Calapooia Watershed Council | The City spent $20,000 in 2008 to leverage financing for the dam removal which went over budget. The City offered office space for the CWC for a number of years.

The City did an in-kind contribution agreement for that as well. The City allowed them storage space when they initially started.

Cascade West Council of Governments | The City pays an annual membership dues of around $1,300 and contributes toward Meals on Wheels for another $1,300.

Central Linn Community Foundation | The City has partnered with CLCF to the tune of $1,500 annually for the last several years.

Central Linn Recreation Association | The City allows the use of the Rec Center for their programming. They have the ability to sublet portions of the building for revenue purposes. The City provides $4,500 per year for insurance and is responsible for the general maintenance of the facility which varies per year; averaging around $16,000 per year. The City also provided $3,000 in Covid relief in 2021.

League of Oregon Cities | The City pays annual dues of nearly $1,600. The LOC provides lobbying, informational and training services for members.

Linn County Pioneer Association | The City allows the Picture Gallery to be rented with the proceeds staying with the Association to help fund the annual picnic. The City provides certain annual assistance for the longest running Pioneer Picnic in the State. The City also provided $3,000 in Covid relief in 2021.

Sharing Hands | The City assisted efforts during the early stages of the Pandemic. Sharing Hands self-sustains most of their efforts. The City has assisted with a few programs through the years.

The City is more than willing to be a community partner and has helped many causes through the years that promote community, economic development and add capacity for residents. Council must recognize the limits of partnering, but does what it feels comfortable explaining to the taxpayers. It is important to know that every non-profit organization is required to be financially self-sustaining and focused on their mission & by-laws in order to maintain their IRS tax status.

Wards (Districts) vs. At-Large

Other Names
The title for the members of city councils vary, and several titles exist according to local custom. These titles are: councilmember, alderman, selectman, freeholder, trustee or commissioner.

Elections
A survey done by the International City/County Management Association (ICMA) in 2006 reveals that a candidate's political party is noted on the ballot in 20 percent of responding cities. Councilmembers in two-thirds of responding cities are elected at-large, rather than by district. And once elected, most (65 percent) reported that councilmembers receive four-year terms.

Council Size
Councils can range in size from 5 to 51 across the nation, although the national average is six. While the number of councilmen is proportional to the population of the municipality, there is no national standard of proportion. In addition, the size of a council may reflect the complexity of services provided, the council's workload, the diversity and size of the population, the political dynamics and preferences

of the city. This variability is illustrated by the large range in the number of councilmen per number of constituents, from 6,278 in Albany to over 250,000 in Los Angeles.

Council Functions

As local legislators, councilmembers are responsible for and responsive to the citizens who elected them. Depending on the city's charter and state laws, they may perform the following functions:

★ Review and approve the annual budget;
★ Establish long- and short-term objectives and priorities;
★ Oversee performance of the local public employees;
★ Oversee effectiveness of programs;
★ Establish tax rates;
★ Enter into legal contracts;
★ Borrow funds;
★ Pass ordinances and resolutions;
★ Modify the city's charter;
★ Regulate land use through zoning laws;
★ Regulate business activity through licensing and regulations;
★ Regulate public health and safety;
★ Exercise the power of eminent domain;
★ Communicate policies and programs to residents;
★ Respond to constituent needs and complaints; and
★ Represent the community to other levels of government.

Committees

The system of using issue-specific committees is common for city councils. Committees provide groups of councilmembers the opportunity to thoroughly consider particular items of business then recommend action on those items to the full council. This system reduces the amount of work each councilmember must perform and reduces the length or frequency of full council meetings. Additionally, it enables citizens to participate in matters of interest to them at the regular meetings of each committee. Task forces or ad-hoc committees may also be used to investigate and resolve specific issues that once addressed, are disbanded.

In the past several decades, city councils have become more institutionalized in American cities, with more councils using committees to conduct their work and more councils hiring paid staff. According to survey data from the National League of Cities, 81 percent of city councils in 2001 relied on committees, which was an increase from 61 percent in 1979. Committee use was less common in cities with a council-manager form of government (64 percent) than in those with a mayor-council government (85 percent). In addition, the use of committees tends to increase with the size of cities and city councils. For example, New York City has 43 committees for its 51 councilmen.

Source: https://www.nlc.org/city-councils/

Forms of Government

Background

Policies & FYI

A municipal charter is the legal document that defines the organization, powers, functions, and essential procedures of the city government. The charter also details the form of municipal government, of which there are historically five forms: council-manager, mayor-council, commission, town meeting and representative town meeting.

Council-Manager
Characteristics include:
- ★ City council oversees the general administration, makes policy, sets budget.
- ★ Council appoints a professional city manager to carry out day-to-day administrative operations.
- ★ Often the mayor is chosen from among the council on a rotating basis.

This is the most common form of government. According to surveys by the International City/County Management Association (ICMA), this form of government has grown from 48% usage in 1996 to 55% usage in 2006. It is most popular in cities with populations over 10,000, mainly in the Southeast and Pacific coast areas. Some examples are Phoenix, Arizona; Topeka, Kansas; San Antonio, Texas, and Rockville, Maryland.

Mayor-Council
Characteristics include:
- ★ Mayor is elected separately from the council, is often full-time and paid, with significant administrative and budgetary authority.
- ★ Depending on the municipal charter, the mayor could have weak or strong powers.
- ★ Council is elected and maintains legislative powers.
- ★ Some cities appoint a professional manager who maintains limited administrative authority.

This is the second most common form of government. It is found mostly (but not exclusively) in older, larger cities, or in very small cities, and is most popular in the Mid-Atlantic and Midwest. Cities with variations in the mayor-council form of government are New York, New York; Houston, Texas; Salt Lake City, Utah, and Minneapolis, Minnesota.

Commission
Characteristics include:
- ★ Voters elect individual commissioners to a small governing board.
- ★ Each commissioner is responsible for one specific aspect, such as fire, police, public works, health, finance.
- ★ One commissioner is designated as chairman or mayor, who presides over meetings.
- ★ The commission has both legislative and executive functions.

The commission form of city government is the oldest form of government in the U.S., but exists today in less than 1% of cities. Portland, Oregon operates under a city commission form of government.

Town Meeting
Characteristics include:
- ★ All voters meet to decide basic policy and elect officials to carry out those policies.

Although the town meeting form of government is generally viewed as the purest form of democracy, because it allows all eligible voters a voice in local policy decisions, it is practiced in only about 5% of municipalities.
The town meeting form of government is found in Marblehead, Massachusetts.

Representative Town Meeting

Characteristics include:

- ★ Voters select a large number of citizens to represent them at town meetings, where only they can vote.
- ★ Each town meeting must be announced with a warrant that provides the date, time and location of the meeting and specifies the items to be discussed.
- ★ The selectmen are responsible for implementing policy.

This form of government is found in less than 1% of cities, almost exclusively in small, New England municipalities, such as Lexington, Massachusetts.

Source: https://www.nlc.org/resource/cities-101-forms-of-local-government/

Campaign Signs

Every two years, candidates running for Council start placing signage around town to support their campaigns. Almost always candidates express concerns about opponents signage placements calling City Hall into question about why signs are not being removed or policed. The City considers campaign signs a temporary sign by definition in the Brownsville Municipal Code. Chapter 15.90 sets out signage rules for signs within the City of Brownsville. Campaign signs are temporary signs that do not require a permit either as an off-premise sign or an on-premise sign.

The City only gets involved if the sign is blocking vision of motorists or is located in a place that could cause a safety concern. Linn County (Main Street & Seven Mile Lane) and the State of Oregon (Highway 228/Bishop Way) have the right to remove campaign signs if signs are placed on these rights-of-way, though this rarely happens. The City's policy is to 'live and let live' as much as possible. Staff doesn't appreciate being put in the middle of candidates competing for Council seats – it causes unnecessary angst for all involved. Fortunately, people are good about removing the campaign signs after the election and nearly everyone does their best not to obstruct vision clearances when placing their signs.

Oregon Public Meetings Law

I have included a link to Chapter 9 of the Local Officials Handbook published by the League of Oregon Cities. Below is a short excerpt on public attendance and participation that I thought may be useful:

D. Public Attendance and Participation

The OPML is a public attendance law, not a public participation law. Generally, meetings of a governing body of a public body are open to the public unless otherwise provided by law.[82] Yet while the law guarantees the right of public attendance, the law does *not* guarantee the right of public participation. In fact, the OPML only expressly mentions public participation in two specific contexts: the opportunity for "public comment" on the employment of a public officer and the opportunity for "public comment" on the standards to be used to hire a chief executive officer.[83]

Importantly, public participation laws *do* exist elsewhere under state and local laws. In many cases, public participation might be required by another statute, a state regulation, or by a local charter or ordinance. For example, a city ordinance may require the city council to hear public comment when the council considers whether to condemn private property for public use. Similarly, state law requires cities to provide an opportunity for public testimony during the annual budgeting process.[84] State regulations, meanwhile, require that "[c]itizens and other interested persons [have] the opportunity to present comments orally at one or more hearings" during the periodic review of a local comprehensive plan.[85] For this reason, the LOC cautions cities to consult their attorney before choosing to withhold opportunities for public comment. Note that there is no rule *against* public participation if cities wish to allow it at meetings.

The entire Local Officials Handbook can be found at the League of Oregon Cities website at:

https://www.orcities.org/resources/guides-handbooks/city-handbook

Citizen Responsibilities

The City is designed to encourage and allow citizen participation. Council, the elected officials, set policy and guidance for the City as duly elected representatives of the people of Brownsville. The Planning Commission, Library Advisory Board, Parks & Open Space Advisory Board, Budget Committee, and the Legislative Advocacy & Policy Committee are all appointed to serve the community in specific ways as directed by local and State law. The City benefits from a robust volunteer effort that powers the community library.

Brownsville is unique as far as small towns go due to the sheer amount of volunteers that operate in civic groups and community non-profit organizations. Community non-profit organizations include the Brownsville Chamber of Commerce, the Linn County Pioneer Association, the Central Linn Recreation Association, the Brownsville Senior Center, the American Legion Post 184, the Brownsville Art Association, the Calapooia Food Alliance, the Central Linn Community Foundation, the Flower Club, the Women's Study Club, the Pollyannas Club and several other groups. All who donate countless hours of time and effort to organize events that enrich Brownsville. And I haven't even mentioned the strong faith community that volunteers throughout the year as well serving the community in many other ways.

Below is an excerpt from the United States Citizenship and Immigration Services website, https://www.uscis.gov/citizenship/learn-about-citizenship/should-i-consider-us-citizenship:

Policies & FYI

Citizenship Rights and Responsibilities

Below you will find several rights and responsibilities that all citizens should exercise and respect. Some of these responsibilities are legally required of every citizen, but all are important to ensuring that America remains a free and prosperous nation.

Rights

- Freedom to express yourself.

- Freedom to worship as you wish.

- Right to a prompt, fair trial by jury.

- Right to vote in elections for public officials.

- Right to apply for federal employment requiring U.S. citizenship.

- Right to run for elected office.

- Freedom to pursue "life, liberty, and the pursuit of happiness."

Responsibilities

- Support and defend the Constitution.

- Stay informed of the issues affecting your community.

- Participate in the democratic process.

- Respect and obey federal, state, and local laws.

- Respect the rights, beliefs, and opinions of others.

- Participate in your local community.

- Pay income and other taxes honestly, and on time, to federal, state, and local authorities.

- Serve on a jury when called upon.

- Defend the country if the need should arise.

Locally, there are a few citizen responsibilities that also come with living in town. Honoring the Brownsville Municipal Code by mowing your lawn, properly disposing of garbage, tending to your pets, and taking care of your property. A citizen is also responsible for finding out what is going on with your City government. Agendas are posted outside the door at City Hall as well as at the Library. Meeting information including agendas and packets can be found on the City website. Staff is always available by appointment and there is a wealth of information on the City website that can explain why things are the way the are, Council goals, capital infrastructure plans, park master plans and more.

The City publishes a general newsletter in March & September every year. Monthly the City sends out a synopsis of Council meeting happenings as an effort to keep everyone informed. The Emergency Preparedness Committee (EPC) sends out a newsletter twice a year in July & January to remind everyone the importance of being ready for a natural disaster or other emergency that could effect you and your family. These documents are sent to everyone in the Brownsville zip code. The EPC newsletters

are also sent to the zip codes of Halsey & Shedd in partnership with the City of Halsey, the Halsey-Shedd Rural Fire Protection District, and the Brownsville Rural Fire District.

Citizens receive the agenda and the agenda packet at the same time that Council members do. That means everything Councilors see to make decisions, is there for the general public to review and examine too. The information is posted on the City website and notice is given on the City's Facebook page as well. Participating is made as simple as possible, but each citizen must do their part to be involved.

Minutes

The City posts minutes for every official public body of the City after the official adoption of those minutes. Minutes are officially adopted by motion of the public body at the following meeting of any given public body. Official minutes are not available until the public body adopts them. The City does not provide draft minutes to the general public. The general public may request a copy of the recording of any meeting, provided that the recording is available.

Public body members have the same access to the minutes as the general public. Another important note is that members, when adopting the minutes, cannot change what they said or what they meant to say in the minutes during the adoption process. Any modification made by the public body must be reviewed by Staff to ensure accuracy. Many times members want to correct what they said with what they mean to say which is not permitted; a members unspoken intent is not part of the written public record.

The City also publishes a monthly, except for August, synopsis of Council proceedings. The City sends this communication to every person in the 97327 zip code. The City started this practice in June 2022 after several independent reports inaccurately portrayed the actions of City Council.

The minutes and the synopsis can be found on the City website at www.ci.brownsville.or.us.