



TUALATIN CITY COUNCIL AND TUALATIN DEVELOPMENT COMMISSION

Monday, August 22, 2011

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

WORK SESSION begins at 5:00 p.m.
REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden
Council President Monique Beikman
Councilor Wade Brooksby Councilor Frank Bubenik
Councilor Joelle Davis Councilor Nancy Grimes
Councilor Ed Truax

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda - *Item C*, following Presentations, at which time citizens may address the Council concerning any item not on the agenda, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.ci.tualatin.or.us/government/CouncilPackets.cfm, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the City's website, the day of the meeting at www.ci.tualatin.or.us/government/CouncilPackets.cfm.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, variances, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all provided all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

Executive session is a portion of the Council meeting that is closed to the public to allow the Council to discuss certain confidential matters. No decisions are made in Executive Session. The City Council must return to the public session before taking final action.

The City Council may go into Executive Session under the following statutory provisions to consider or discuss: *ORS 192.660(2)(a)* employment of personnel; *ORS 192.660(2)(b)* dismissal or discipline of personnel; *ORS 192.660(2)(d)* labor relations; *ORS 192.660(2)(e)* real property transactions; *ORS 192.660(2)(f)* non-public information or records; *ORS 192.660(2)(g)* matters of commerce in which the Council is in competition with other governing bodies; *ORS 192.660(2)(h)* current and pending litigation issues; *ORS 192.660(2)(i)* employee performance; *ORS 192.660(2)(j)* investments; or *ORS 192.660(2)(m)* security issues. **All discussions within this session are confidential.** Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.



**OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL FOR AUGUST 22,
2011**

A. CALL TO ORDER
Pledge of Allegiance

B. ANNOUNCEMENTS

1. Introduction of City Employee - *Jerianne Thompson, Community Services Department, Library Division*

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Approval of the Minutes for the Work Session and Meeting of July 25, 2011 and the Minutes of the Special Work Session of the City Council and Tualatin Planning Advisory Committee of July 27, 2011
2. Resolution No. **5059-11** to Adopt an Intergovernmental Agreement Between the Tigard-Tualatin School District and the City of Tualatin for Safe Schools and Healthy Students
3. Resolution No. **5060-11** Accepting Public Improvements Constructed in Association with Powin - Phase 1
4. Resolution No. **5061-11** Approving an Amendment to the August 23, 2010 "Amended and Restated Non-Statutory Development Agreement" Between the City of Tualatin, Tigard-Tualatin School District 23J and Marquis Companies
5. Resolution No. **5062-11** Authorizing Continuance of the Intergovernmental Agreement Between Washington County and the City of Tualatin for Participation in the Regional Solid Waste and Recycling Cooperative
6. Community Involvement Committee Appointments

7. Resolution No. **5063-11** Allowing the Mayor to Sign an Amendment to the Intergovernmental Agreement with the City of Durham for Police Services

E. SPECIAL REPORTS

1. ArtSplash Art Show and Sale Presentation
2. Update on the Transportation System Plan

F. PUBLIC HEARINGS – Legislative or Other

1. Amending Architectural Review, Partition, and Subdivision Approval and Extension Periods and Conditional Use Approval Period; and Amending Tualatin Development Code (TDC) 32.080, 32.090, 36.160, 36.240, AND 73.056 Planned Text Amendment (PTA-11-05)
2. Amending the Tualatin Planning Advisory Committee (TPAC); and Amending Tualatin Development Code (TDC) 2.060; Plan Text Amendment (PTA-11-06)

G. PUBLIC HEARINGS – Quasi-Judicial

H. GENERAL BUSINESS

1. Ordinance No. **1328-11** Relating to the Citizen Involvement Organization Program; and Adding a New Chapter 11-9 to the Tualatin Municipal Code
2. Ordinance No. **1329-11** Regarding Dog Control and Amending TMC 6-3
3. Ordinance No. **1330-11** Relating to Boards and Committees; Reducing the Size of the Planning Advisory Committee; Removing Term Limits; and Amending TMC 11-1-020, 11-1-040, 11-2-020, 11-3-030, 11-3-040, 11-4-030, 11-5-030, 11-5-040, AND 11-5-070
4. Ordinance No. **1331-11** Relating to Storage on the Street; and Amending TMC 8-1-260 and TMC 8-1-280; and Repealing TMC 8-1-270 and 8-1-290

I. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

J. COMMUNICATIONS FROM COUNCILORS

K. EXECUTIVE SESSION

L. ADJOURNMENT



City of Tualatin

City Council SPEAKER REQUEST FORM

IMPORTANT: Any citizen attending Council meetings may speak on any item on the agenda. If you wish to speak, please complete this form and return to the **City Recorder**. *This document is a public record.*

NAME KEVIN FERRASCI O'MALLEY DATE 8-22-11

STREET ADDRESS 9317 SW UMIAT ST

STATE OR ZIP 97002 E-MAIL Kevin@kayakmarketing.com

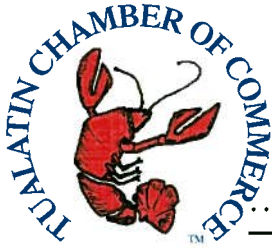
I wish to speak during **CITIZEN COMMENTS** on a subject that is **not** on the current Council agenda. *(3-minute time limit per speaker)*

Subject _____

I wish to speak on **AGENDA ITEM** No. H2 (TESTIMONY TIME MAY BE LIMITED)

IN FAVOR _____ OPPOSED _____ NEUTRAL

NOTE: IF WRITTEN DOCUMENTATION IS PRESENTED PLEASE FURNISH AT LEAST ONE (1) COPY, ALONG WITH THIS FORM, TO THE CITY RECORDER FOR THE OFFICIAL RECORD.



... business and community working together

Submitted for The Record
under General Business,
Item H-1 (Ord. 1328-11)
at the August 22, 2011
Council meeting

Tualatin City Council
18880 SW Martinazzi Ave.
Tualatin, OR. 97062
August 19, 2011

Dear City Councilors,

The Tualatin Chamber of Commerce Board of Directors supports citizen's involvement and the goal of having greater participation in directing Tualatin's future. We support improved communication and the benefit of having more voices heard. After reviewing the Ad Hoc Committee's CIO Code Language-Final Draft, the Board makes the following recommendation that: the code language change to be more prescriptive, that all CIO meetings are open to the public and subject to public notice, 7 days in advance on the City of Tualatin's current mode (i.e. website or other media form) of communication. By publicly noticing the meetings, it will create a transparent process for public forums to occur.

Sincerely,

Linda Moholt
CEO

Robert Knight
Owner, Express Employment Professionals
President, Tualatin Chamber of Commerce

City Council Meeting

B. 1.

Meeting
Date: 08/22/2011

Information

ANNOUNCEMENTS

Introduction of City Employee - *Jerianne Thompson, Community Services Department, Library Division*



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Executive Assistant

DATE: 08/22/2011

SUBJECT: Approval of the Minutes for the Work Session and Meeting of July 25, 2011 and the Minutes of the Special Work Session of the City Council and Tualatin Planning Advisory Committee of July 27, 2011

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the Work Session and Meeting of July 25, 2011 and the minutes of the Special Work Session of the City Council and Planning Advisory Committee of July 27, 2011.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: A - Work Session Minutes of July 25, 2011
B - Meeting Minutes of July 25, 2011
C - Special Work Session Minutes of July 27, 2011

**OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR JULY 25, 2011**

Present: Mayor Lou Ogden; Councilor Monique Beikman; Councilor Joelle Davis; Councilor Wade Brooksby (arrived at 6:06 p.m.); Councilor Nancy Grimes; Councilor Frank Bubenik; Councilor Ed Truax (arrived at 5:20 p.m.)

Staff Present: City Manager Sherilyn Lombos, City Attorney Brenda Braden, City Engineer Mike McKillip, Police Chief Kent Barker, Community Development Director Alice Rouyer, Operations Director Dan Boss, Community Services Director Paul Hennon, Finance Director Don Hudson, Planning Manager Aquilla Hurd-Ravich, Development Manager Eric Underwood, Assistant to the City Manager Sara Singer, Senior Planner William Harper, Assistant Planner Colin Cortes, Associate Planner Cindy Hahn, Project Engineer Dayna Webb, Civil Engineer Kaaren Hofmann, Executive Assistant Maureen Smith

1. CALL TO ORDER

Mayor Ogden called the work session to order at 5:00 p.m.

2. *Tualatin Tomorrow Update*

City Manager Sherilyn Lombos introduced Candice Kelly, who presented a report update on the City's community visioning project "Tualatin Tomorrow." She noted they are moving forward in the vision for the City and its goals, transitioning into an advisory committee, and participating in public outreach.

Assistant to the City Manager Sara Singer continued with the discussion and commented that the recent appearance at the Tualatin Farmers Market event where information on the update to the City's Transportation System Plan was given. It went very well and noted the assistance and support from Tualatin Tomorrow, particularly from Beverly Johnson. There are three more dates that the booth will be at the Farmers Market.

Discussion followed and Mayor Ogden commented Council should be able to clearly articulate to the Tualatin Tomorrow group what responsibility the Council will charge the committee with. Tualatin Tomorrow began as citizen-driven and now is an advisory committee to the City, and would look to be the vision/advisor to the Council as to what's in the best interest of the city toward that vision.

Ms. Singer said gathering Council input at this point and staff will then go back to the Tualatin Tomorrow group for review and changes and come back to Council for formal adoption. The importance of the "partners" was mentioned and it was suggested to add a "definitions" line in the document to be sure they are adequately addressed in the proposal. Brief discussion followed.

Council thanked Ms. Kelly and all the work she has put in to the visioning process over the years.

3. *Update of the 2012-2016 Capital Improvement Plan (CIP)*

City Engineer Mike McKillip presented a PowerPoint on the Capital Improvement Program (CIP) explaining this document will bring all aspects of capital improvements together providing a comprehensive view of the City's infrastructure needs and the order in which to best accomplish them.

The purpose of the CIP is to create a complete overall picture of the City's infrastructure systems and long range plan, identify major purchases and expenses, understand the relationships between projects so no opportunities for "piggybacking" are missed, and provide stable funding for the most pressing needs on a City wide basis. Expenses greater than \$10,000 are included, with routine items occurring each year not included. Categories and what each entails was reviewed - utilities, facilities and equipment, planning, recreation, transportation, and technology. Future process was reviewed and staff is working on grouping and ranking and will be back to Council in early Fall. Fiscal Years 2012/13 through 2016/17 budget cycle and process was reviewed. The process of prioritizing projects was reviewed, which includes addressing health and safety concerns, support of Council goals, meets regulatory/mandated requirements, consideration of owner/operator needs, outside funding and partnerships, and implement master plan for future needs. City Engineer McKillip concluded his presentation and asked for Council input on whether staff is on the right track with what should be considered.

Brief discussion followed. Some concern was expressed about assuring it is clear in the document the importance of where, how and when projects are funded. Council commented they are glad to see this type of document and be proactive, and also looking to work with the utilities and other agencies on project coordination at the same time of construction.

4. *Regional Parks, Trails & Natural Areas Discussion*

Community Services Director Paul Hennon introduced Metro Councilor Carl Hosticka and Metro Sustainability Manager Jim Desmond.

Councilor Hosticka began the discussion by noting Metro has been acquiring undeveloped property over the years and there has been discussions at the staff level, and brought to elected officials for discussion in looking at how to go about managing the maintenance of the properties. A bill was introduced in the Legislature for Metro to set up a regional parks district but didn't go far. Councilor Hosticka said they are present to let the City Council know what the discussions have been going on throughout the region.

Sustainability Manager Jim Desmond continued the discussion and said the premise is Metro has bought land and what to do now with the maintenance of this land and how to make it available to citizens. Looking at mechanisms to be able to work together as various properties are owned by many different entities. Mr. Desmond explained how a regional parks and trails system could work and addressing policy choices. The deferred maintenance backlog is serious and the public does love and support parks. A modest tax base could be considered to help with the regional sites. Metro is looking at the planning and development of a system, and see how it could proceed over the years by the possible generation of an annual tax base, not a bond measure. Councilor Hosticka said there are some examples throughout the country of this type of thing being done.

It was asked and explained by Councilor Hosticka that Metro is not asking for anything at this point, but Metro wanted to keep the elected officials informed and they are continuing to explore this issue at the staff level. It was asked about the timing and the legislative session in the coming session, and Mr. Desmond said the legislation would be brought back and would only give Metro the legal authority to go to voters to create an actual proposal to then *take* to voters. They also recognize the difficult financial climate at this point in time. It was asked and answered by Mr. Desmond if this were in place, the City would be in charge of the funds which would be passed through from Metro. Community Services Director Hennon briefly explained how Tualatin parkland has been purchased with pass-through funds from Metro. It was also asked about whether funding would be proportionate.

Discussion followed. Mayor Ogden commented that while recognizing the benefits of regional funding for parks, etc. questions remain about governance, utilization, funding, etc. Discussion continued, and Mr. Desmond mentioned a recent article in the paper about the idea of a regional systems website which was launched a few weeks back proposed by an organization, Intertwine Alliance, and the business supporters of this project. All major park providers are members and in support of the organization. Brief discussion followed and concluded.

5. *Memorandum on Process for Selection of Council President*

Council discussed the selection process of Council President. At the last Council meeting, the suggestion was made at looking at a rotation process for the election of a Council President. The City Attorney has provided a legal analysis and information on the process and options presented. The role, responsibility and function of the Council President position was discussed. Mayor Ogden defined what he believes a Council President is and does, and his opinion that the President is the person best qualified, selected to be in pro tem, representing the Council in a formal manner. He is not certain that it can be addressed adequately by "trading off" the position every few months. Mayor Ogden said at the Council President election in January 2011 he suggested to another interested councilor, of re-electing Council President Barhyte due to his participation and continuity on issues taking place in the region. Councilor Davis spoke on the current election process and called into question Mayor Ogden's presumption of that suggestion. Councilor Davis said the current process has been in place for a very long time, and since the City has been incorporated the majority of presidents have been male. Council Bubenik also noted the process has worked and is not sure why it is being upended.

Discussion followed and it was suggested and agreed by all Council present, to add the election of Council President under the **General Business** portion of the regular meeting later in the evening.

6. Council Meeting Agenda Review, Communications & Roundtable

Council reviewed the Consent Agenda. There were no questions or comments.

Councilor Grimes noted she attended the Clackamas County Coordinating Committee meeting and asked for any feedback from Council on information she forwarded to take back to the next meeting where a vote will be taken.

Mayor Ogden asked staff for clarification on how items under the "General Business" portion of the agenda should be addressed when public input is taken and whether items should be structured the same as public hearings. Brief discussion followed and it was determined to keep the process of public hearings and items discussed under "General Business" as it currently is done. Staff will follow up with a defined explanation of each process.

7. ADJOURNMENT

Mayor Ogden adjourned the work session at 6:41 p.m.

Sherilyn Lombos, City Manager



Maureen Smith, Recording Secretary



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR
JULY 25, 2011

Present: Mayor Lou Ogden; Councilor Monique Beikman; Councilor Wade Brooksby;
Councilor Frank Bubenik; Councilor Nancy Grimes; Councilor Ed Truax;
Councilor Joelle Davis

Staff Present: City Manager Sherilyn Lombos, City Attorney Brenda Braden, City Engineer Mike McKillip, Police Chief Kent Barker, Community Development Director Alice Rouyer, Community Services Director Paul Hennon, Finance Director Don Hudson, Planning Manager Aquilla Hurd-Ravich, Development Manager Eric Underwood, Assistant to the City Manager Sara Singer, Senior Planner William Harper, Assistant Planner Colin Cortes, Project Engineer Dayna Webb, Parks and Recreation Manager Carl Switzer, Civil Engineer Kaaren Hofmann, Executive Assistant Maureen Smith

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:01 p.m.

The Pledge of Allegiance was led by Councilor Grimes.

B. ANNOUNCEMENTS

1. National Night Out Announcement

Police Chief Barker announced the upcoming 28th annual *National Night Out* event on Tuesday, August, 2, 2011, from 4:00 - 9:00 p.m. Chief Barker said there at least 17 locations this year and encouraged residents to register their neighborhood celebration with the Police Department to have an officer and "McGruff" the Crimefighting Dog stop by for a visit. Council thanked the Police Department for the time and continued commitment to the annual event.

Councilor Bubenik also thanked Chief Barker and the department for their excellent response to a recent incident in his neighborhood.

**2. Introduction of City Employees - *Shelly Helgersen, Operations Department*
*Will Worthey, Community Services Dept., Library***

Operations Director Dan Boss introduced Parks Maintenance Technician Shelly Helgersen, and gave a brief background. Council welcomed Shelly to the City.

Community Services Director Paul Hennon introduced Senior Library Assistant Will Worthey, and gave a brief background. Council welcomed Will to the City.

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

Linda Moholt, CEO of Chamber of Commerce, 18791 SW Martinazzi Avenue, Tualatin, OR, spoke on the upcoming 61st Annual Crawfish Festival on August 12-13, 2011 and noted the activities and some new events that are happening this year. This year's theme is "Crawfish in Paradise."

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Councilor Monique Beikman, SECONDED by Councilor Joelle Davis to adopt the Consent Agenda as read.

Vote: 7 - 0 CARRIED.

1. Approval of the Minutes for the Work Session and Meeting of July 11, 2011
2. Resolution No. **5053-11** Authorizing an Intergovernmental Agreement with Metro for a Construction Excise Tax Grant for the Tualatin High Capacity Transit Land Use Plan
3. Resolution No. **5054-11** Authorizing the Mayor to Sign a Cooperative Improvement Agreement with Oregon Department of Transportation and the Tualatin Development Commission for Improvements Associated with the SW Leveton Drive Project
4. Resolution No. **5055-11** Authorizing Changes to the Adopted 2011-2012 Budget
5. Resolution No. **5056-11** Awarding the Bid for the Outfalls and Trails Retrofit Project at Dakota Chieftain Greenway
6. Resolution No. **5057-11** Awarding the Bid for Construction of the Juanita Pohl Center Addition and Renovation Project
7. Community Involvement Committee Appointments

E. SPECIAL REPORTS

1. Update on the Renovation of the North Area of Community Park

Parks and Recreation Manager Carl Switzer presented a PowerPoint on the renovation of the north area of Community Park, specifically the opening of the Tualatin Dog Park, with a grand opening scheduled on August 13, 2011, held in conjunction with the Crawfish Festival. Manager Switzer also noted the improvements/major renovations to Community Park that have happened from 2006-2011 that included a new bicycle and pedestrian bridge over the river, new park pathways, new picnic shelter, new parking lot, riparian area restoration and enhancements, and a new arcade with Tualatin sign. The renovation of the soccer field is currently being done with a opening date in the spring of 2012.

2. Transportation System Plan Update

Project Engineer Dayna Webb presented a PowerPoint update on the Transportation System Plan. Staff attended the Tualatin Farmers Market and will also be attending other events to educate and involve the public on the Plan. More information is available on the website at www.tualatintsp.org. Also given was a brief demonstration of the interactive website map and how comments can be submitted, etc.

Other updates are the selection of a technical consultant, and staff continues to work with the consultant, JLA, on the public involvement portion. Project Engineer Webb encouraged everyone to check out the website, and said staff can attend events, neighborhood meetings, etc. and give an informal presentation on the Plan.

F. PUBLIC HEARINGS – Legislative or Other

1. REQUEST FOR CONTINUANCE - Amending the Sign Regulations to Allow Additional Types of Building Signs in the Central Design District; and Amending Tualatin Development Code Chapters 38.110 Sign Types, 38.220 Central Commercial and General Commercial Planning District Sign Standards and 31.060 Definitions Plan Text Amendment (PTA-11-08)

Mayor Ogden opened the public hearing and noted the request for continuance. MOTION by Councilor Monique Beikman, SECONDED by Councilor Joelle Davis to continue the public hearing until October 24, 2011.

Vote: 7 - 0 CARRIED.

G. PUBLIC HEARINGS – Quasi-Judicial

1. A Conditional Use Permit for Integrated Metal Components, Light Metal Fabrication (of Semi-finished or Finished Metals) in the Light Manufacturing Planning District at 18355 SW Teton Avenue (Tax Map 2S1 23BB, Tax Lot 501) (CUP-11-02)

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.765(5) and (6)] and opened the public hearing. No bias or ex parte contact noted.

Assistant Planner Colin Cortes presented the staff report and entered the entire staff report into the record. The request is for a Conditional Use Permit for light metal fabrication (of semi-finished or finished metals) by Integrated Metal Components within the Light Manufacturing (ML) Planning District located at 18355 SW Teton Avenue. It was noted the site and building is vacant and the applicant is looking to lease one of the spaces. As the use is listed in the ML Planning District as a conditional use, it necessitated this request. The five criteria were reviewed and staff recommends Council consider the staff report and supporting materials and provide direction.

PROPOSERS

Dorothy Cofield, 9755 SW Barnes Road, Suite 450 Portland, OR 97225, representing the applicant, noted at one time Integrated Metal Components (IMC) was located in Tualatin and is now moving back. They request acceptance of the staff report as stated.

Glenn Heard, owner and president, IMC, 29120 SW Kinsley Road, Wilsonville, OR, said he is looking forward to returning to Tualatin and bringing 60+ jobs to the City.

OPPOSERS - None

NEUTRAL

Connie Ledbetter, 17655 SW Cheyenne Way, Tualatin, OR, said she previously lived near Helser Industries is located, a sheet metal fabricator, and commented their doors were opened during the summer months, and the noise was deafening. Contacting the business resulted in no assistance or cooperation. Ms. Ledbetter said this building is not that far from the Helser location and is densely populated, and although she doesn't live in the area any longer expressed concern about possible noise issues.

COUNCIL DISCUSSION

The applicant responded on the differences in light sheet metal versus heavy metal manufacturing with regards to noise issues. Mr. Heard also noted they do not anticipate any problems with the type of sheet metal fabrication they do, and have not received any complaints in 16+ years of business. It was asked and answered that there will not be business conducted outside the building, and Mr. Heard recognized the point raised about the doors being open in the summer can create some low level noise. Mr. Heard responded to the question that the materials they manufacture do not necessitate the wearing of protective gear, although it is recommended. It was noted that there are noise standards in place in the City's Development Code, and Council can impose stricter noise standards if they so choose. It was asked about the the number of trucks that deliver on a daily basis and the applicant noted there are approximately 2-3 a day. In response to regulatory agencies inspections, Mr. Heard explained what took place at the Wilsonville location to address the carbon footprint, and noted they do not use a lot of water, and mostly use only non-hazardous material. It was asked and noted that although a traffic study was not required, a technical memorandum by the Engineering Division addresses transportation and other related issues is included with the staff report.

Mayor Ogden closed the oral testimony of the public hearing.

COUNCIL DELIBERATION

MOTION by Councilor Ed Truax, SECONDED by Councilor Monique Beikman to direct staff to prepare a resolution granting Conditional Use Permit 11-02.

Vote: 7 - 0 CARRIED.

H. GENERAL BUSINESS

1. Citizen Involvement Organization Program Proposal

City Manager Sherilyn Lombos said the City Council has been working with an independent Citizen Involvement Organization (CIO) Ad Hoc Committee to develop code language and a boundary map for a Citizen Involvement Organization Program (CIOP). Proposed code language and a boundary map have been developed for review and approval by the City Council.

Mayor Ogden opened the discussion for comments.

Toni Anderson, 17790 SW Cheyenne Way, Tualatin, OR, congratulated Council on making this happen and for the proposed budget for the program.

Jan Giunta, 17655 SW Shawnee Trail, Tualatin, OR , thanked and noted her appreciation of Council for their time and input into the citizen involvement program. Ms. Giunta said the ad hoc committee voted unanimously to accept the proposal, with some minor clarifications.

Mike Riley, 8720 SW Tualatin Road, Tualatin OR , said review of the proposed language has been done by the Council, ad hoc committee and the subcommittee. Review of the proposed boundary map was also done with the staff recommendation that the boundary map be extended out to include the urban growth boundary. In the long run, it simplifies the process as the city grows over the years. Mr. Riley continued with review of the committee's proposed modifications.

Councilor Bubenik said he has received e-mails from concerned apartment/condominium residents on how they are considered in the CIO process. He also heard from several businesses about concerns of not being included in the residential CIOs. Mr. Riley said in each CIO there will be up to hundreds, if not thousands in membership, and the ad hoc committee felt it appropriate for businesses to have a CIO of their own. He explained it would not preclude anyone attending any CIO meetings, etc.

It was asked and explained by City Attorney Brenda Braden that by adopting the boundary map, the ordinance would have to be amended each time a change is done, but no other issues with the remaining proposed changes.

Councilor Beikman mentioned an e-mail from former mayor Steve Stolze regarding his position on the proposed program.

Cathy Holland, 10740 SW Lucas Drive, Tualatin, OR , spoke in support of the proposal and the proposed edits, and also congratulated and thanked the subcommittee and Councilors Davis, Brooksby and Truax for all their work. Ms. Holland said this is a positive, proactive move to the community and will also help businesses be part and have a voice in the community, and hopes Council adopts the proposed modifications.

Linda Moholt, Chamber of Commerce, 18791 SW Martinazzi Avenue, Tualatin, OR , asked if the new proposed changes could be taken back to the Chamber Board for one final review before adoption. It was asked and Ms. Moholt said the Chamber has reviewed the previous draft, and Mayor Ogden noted the map was changed only to extend beyond the city limits, and the business overlay hasn't changed with regards to the boundary map. Ms. Moholt said it is more to be able to review the *overall* changes.

It was asked and explained by Mr. Riley about the proposed membership changes, and how it affects the business CIOs. He said when this was discussed, the use of the word "overlay" was confusing. It was agreed to find another word to make the distinction between residential and businesses, as to what is the actual intent, which is the entire city is the boundary of the commercial CIOs.

Discussion followed, and Mayor Ogden said the proposed changes do not appear to affect the outcome, and suggested, and it was determined, to bring back an ordinance at the second meeting in August, allowing the Chamber enough time to review the changes before that meeting.

Mayor Ogden concluded the discussion by noting the considerable work that's been done at the grassroots level of the citizens involved in creating this proposal, and the energy and focus put into the document. Mayor Ogden said he recognizes the concerns of others, and that this is deliberative participation of governance, and hopes to come to a critical mass of acceptance. He is looking forward to implementation and the success of the program.

MOTION by Councilor Joelle Davis, SECONDED by Councilor Frank Bubenik direct staff to prepare an ordinance inclusive of the amendment provided by the ad hoc committee for the August 22, 2011 Council agenda.

Discussion on Motion

Councilor Beikman said she has been clear on her beliefs of what is appropriate for the City's Municipal Code. If a Citizen Involvement Coordinating Committee (CICC) exists, it is a good thing, but believes the CICC does not need to be in the Code, and she will not vote in favor of the ordinance. The rest of the proposed program is great and will be a good addition to the city.

Vote: 6 - 1 CARRIED.

Nay: Councilor Monique Beikman

2. Election of Council President

Mayor Ogden noted at the last Council meeting, there was an anticipated vote for filling the remaining Council President term, due to Council President Barhyte's resignation, and a comment was raised about looking at a different process. Council has had time to review and discuss the issue at the Work Session held earlier, and it was agreed that the process remain as it is currently conducted and to take nominations and vote for a replacement at this meeting.

Nominations were opened for filling the Council President term to January 2013.

MOTION by Councilor Brooksby, SECONDED by Councilor Beikman to nominate Monique Beikman. MOTION by Councilor Bubenik, SECONDED by Councilor Truax to nominate Joelle Davis.

Nominations were closed. A vote by ballot was taken by the City Council, resulting in the election of Councilor Beikman as Council President.

I. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. EXECUTIVE SESSION

None.

L. ADJOURNMENT

MOTION by Councilor Monique Beikman, SECONDED by Councilor Frank Bubenik to adjourn the meeting at 8:45 p.m.

Vote: 7 - 0 CARRIED.

Sherilyn Lombos, City Manager

Maureen Smith

Maureen Smith / Recording Secretary



OFFICIAL MINUTES OF THE SPECIAL WORK SESSION OF THE JOINT TUALATIN
CITY COUNCIL AND TUALATIN PLANNING ADVISORY COMMITTEE FOR JULY 27,
2011

Present: Mayor Lou Ogden; Councilor Joelle Davis; Councilor Frank Bubenik; Councilor Nancy Grimes
Absent: Council President Monique Beikman; Councilor Wade Brooksby; Councilor Ed Truax
Staff Present: City Manager Sherilyn Lombos, City Attorney Brenda Braden, Community Development Director Alice Rouyer, Planning Manager Aquilla Hurd-Ravich, Associate Planner Cindy Hahn, Executive Assistant Maureen Smith
Attendees: Chair Paul Sivley, Vice-Chair Mike Riley; Committee Members Alan Aplin, Bill Beers; Jeff DeHaan, Steve Klingerman

A. CALL TO ORDER

B. AGENDA

1. Welcome and Introductions

Introductions were done of the Council members, Planning Advisory Committee members, and staff in attendance.

2. 2011/2012: Planning Projects on the Horizon

Community Development Director Alice Rouyer reviewed the summary list of projects for Fiscal Year 2011/2012 with Council and the Planning Advisory Committee members.

3. City Council and Tualatin Planning Advisory Committee Joint Discussion

Mayor Ogden began by welcoming the members of the Tualatin Planning Advisory Committee (TPAC) and opened the discussion and went on to explain the purpose of the session is to provide an opportunity for the Council and TPAC to discuss potential changes to the committee. Chair Sivley proposed changes at the March 28, 2011 Council meeting after the annual report presentation, that include reducing the membership size from nine to seven, changing the quorum rules and removing term limits. There have been several high-profile meetings held over the past year where a quorum was not met. Also, the Committee was interested in holding a dialogue with Council about the potential of transitioning to a Planning "Commission."

Committee Chair Paul Sivley said he was happy for the opportunity to meet with Council at this joint session. Since becoming chair his goal was to keep the committee filled and motivated and looking to take the step of creating a "Planning Commission", and more of a motivational effort to the members in recognizing their value and contribution. Also providing services to the public could be more efficient as there is a duplication of effort by an applicant having to garner approval at a committee meeting and also with the Council. Chair Sivley noted he previously served on a Planning Commission and City Council in

another state and it had worked well. Vice-Chair Mike Riley spoke that most other cities that have a "Planning Commission." Tualatin has been transitioning from a small town to a city over the last number of years and the advantage of a Planning Commission is it helps to take some of the issues off the plate of Council, and can be a more efficient way to do things. Committee Member Alan Aplin spoke on Chair Sivley's comment of duplication of effort when dealing with issues and believes it is important to streamline the process without an applicant having to go before the Committee first and then Council. There are some decisions that could be made by having a Planning Commission. Committee Member Steve Klingerman agreed and said it is giving responsibility to committee members without any authority and is an unmotivating factor. He believes there needs to be more dialogue between Council and the Committee and should be team effort working toward the same goal. Chair Sivley said the narrowing of definition of authority can and should be decided by Council. It was asked and explained by Chair Sivley what types of issues were heard from the former Planning Commission he was a member of. Committee Member Jeff DeHaan commented that TPAC is more citizen-involvement driven, versus a Planning Commission being more involved with land use and not at the citizen level.

Councilor Frank Bubenik commented that he knows Tualatin is one of the only cities that does not have a Planning Commission and he is in favor of looking into the matter. Councilor Joelle Davis commented that it can't be "all or nothing" but rather somewhere in the middle. She also wants to be sure that the level of public involvement is intact and would like to see some legal analysis and research done on this issue.

Mayor Ogden said he recognized the point made that Planning Commissions are common and that they have value, etc. His question is more of what outcomes are we trying to get to. Committee Member Aplin commented that if they are given the responsibility to make a recommendation, they want to have the authority to back it up, and it is ultimately a Council decision. Mayor Ogden said from his perspective TPAC is an advising body that makes relevant, thorough and important recommendations to Council, but Council may not be utilizing TPAC to its full extent. And the scenario of having the development community go through "two hoops" is a problem. He also mentioned that Council has recommended TPAC be the lead on the update to the Transportation System Plan project, which is a huge issue for the City. On the issue of who decides what can be heard by a Planning Commission does not concern him much as there are issues that would still be required to be heard by Council, such as land use, etc.

Discussion continued on TPAC's role in how issues are dealt with currently, and the relevance of having a Planning Commission. Discussion turned to the types of advising and issues that could be heard. It was asked about the appeal process and how it would work if there was a Planning Commission in place.

Possible ideas of what could be appropriate issues to be handled by a Planning Commission was discussed and it was suggested some of those issues could be a sign variance, transitional use permit, or a conditional use permit, but would defer to staff to determine which ones would be appropriate. Staff noted they will research what other cities are doing with regards to issues their Planning Commissions address.

Councilor Nancy Grimes expressed her concern about how the process could work and agreed with Councilor Davis that it can't be "all or nothing." She also recognized the good work that is done by TPAC.

It was asked if staff can provide information about how an appeal process would work, and City Attorney Brenda Braden said much of that is dictated by Oregon State law.

The discussion was summarized by Mayor Ogden by noting that staff will research what other communities are doing with their Planning Commissions, what models are used, what Commissions do, and standards for appeal and how many appeals have occurred. Also research on the length of terms, term limits, and standards of termination.

Staff will look at workload and determine when information can be brought back to the Council and TPAC by holding another joint work session, likely in September to review the results.

Mayor Ogden adjourned the joint work session with the Tualatin Planning Advisory Committee at 8:09 p.m. and opened the Council Special Work Session at 8:09 p.m.

C. GENERAL BUSINESS

1. Resolution No. **5058-11** Granting a Conditional Use Permit for Integrated Metal Components, Light Metal Fabrication (of Semi-Finished or Finished Metals) in the Light Manufacturing Planning District at 18355 SW Teton Avenue (Tax Map 2S1 23BB, Tax Lot 501) (CUP-11-02)
-

City Attorney Brenda Braden explained the resolution is on the agenda for Council approved, and has to do with timing since the August 8, 2011 City Council meeting was cancelled.

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Joelle Davis to adopt the Resolution granting Conditional Use Permit 11-02.

D. COMMUNICATIONS - None.

E. ADJOURNMENT

MOTION by Councilor Joelle Davis, SECONDED by Councilor Frank Bubenik to adjourn the special work session at 8:10 p.m.

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 8-22-11

Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Darla Madtson, Office Coordinator

DATE: 08/22/2011

SUBJECT: Resolution to Adopt an Intergovernmental Agreement Between the Tigard-Tualatin School District and the City of Tualatin for Safe Schools and Healthy Students

ISSUE BEFORE THE COUNCIL:

The adoption of this resolution will approve an updated Intergovernmental Agreement with the School District that will allow the City of Tualatin to continue to accept grant funds for enhanced School Resource Officer services to the School District.

RECOMMENDATION:

It is recommended that this agreement be approved to allow the police services in cooperation with the school district to continue in an effort to keep students safe and healthy.

EXECUTIVE SUMMARY:

The Tualatin Police Department currently partners with the Tigard-Tualatin School District by providing three (3) School Resource Officers during the school year to help keep the schools safe through crime prevention activities. Our officers also provide Drug and Alcohol Resistance Education (D.A.R.E.) training and Gang Resistance Education And Training (GREAT) programs to Tualatin students.

The School District received a four-year federal grant, in which the fourth year has an allocation of \$1,476,788 from the United States Department of Education to continue the programs throughout the District that have been in place and further enhance and improve programs to keep students safe and healthy in the public schools of the Tigard-Tualatin School District.

This grant does not require the addition of more police officers; however, the officers who are currently assigned to the schools during the school year would actively participate with risk assessments and provide further training and assistance to the School District to establish the goals as outlined in the attached agreement.

FINANCIAL IMPLICATIONS:

This grant would provide the City of Tualatin with an average revenue of \$90,000 per year for a period of four (4) years.

The City of Tualatin would receive an amount not to exceed \$98,051.55 for this fourth year period of July 1, 2011 through June 30, 2012 to reimburse expenses for:

- One (1) Police Officer Salary
- Officer Benefits (payroll fringes and health insurance)
- Materials/Curriculum used for educational programs
- Training for Officer

Attachments: Safe Schools Resolution
 Safe Schools IGA

RESOLUTION NO. 5059-11

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN TIGARD-TUALATIN SCHOOL DISTRICT AND THE CITY OF
TUALATIN FOR SAFE SCHOOLS AND HEALTHY STUDENTS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN,
OREGON, that:


Section 1. The attached Intergovernmental Agreement is hereby approved and
accepted.

Section 2. The Mayor and the City Recorder are authorized and directed to
execute the Intergovernmental Agreement on behalf of the City of Tualatin.

INTRODUCED AND ADOPTED this 22nd day of August, 2011.

CITY OF TUALATIN, OREGON

BY



Mayor

ATTEST:

BY



City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

SAFE SCHOOLS/HEALTHY STUDENTS INTERGOVERNMENTAL AGREEMENT

The parties to this agreement ("Parties") are Tigard-Tualatin School District No. 23J, a school district of the State of Oregon ("District"), and The City of Tualatin, a political subdivision of the State of Oregon. The parties enter into this agreement pursuant to authority granted in ORS Chapter 190 (Intergovernmental Cooperation).

RECITALS

- A.** The District has received a four-year grant, in which the fourth year has an allocation of \$1,476,788.00, from the United States Department of Education, the Substance Abuse and Mental Health Services Administration, and the United States Health & Human Services Department for the purpose of instituting a Safe Schools/Healthy Students Program ("SS/HS Grant"), called the Tigard Tualatin Alliance for Successful Kids ("TTASK" Force). The TTASK Force is made up of the District and all our agency partners including Washington County, the Department of Human Services, and the cities of Tigard and Tualatin and their respective police departments. The Tualatin Police Department has the experience and expertise to help the District implement the program.
- B.** The parties believe that partnership and collaboration are essential to the success of the Program and desire to enter into this Intergovernmental Agreement ("Agreement") to accomplish this purpose.

AGREEMENT

I. PROGRAM DESCRIPTION

The District and its partners propose an integrated, comprehensive, community-wide, and community-specific plan to address the problems of school violence and alcohol and other drug abuse. This plan is focused on five elements:

- Element 1: Safe school environments and violence prevention activities.
- Element 2: Alcohol and other drug prevention activities.
- Element 3: Student behavioral, social, and emotional supports.
- Element 4: Mental health services.
- Element 5: Early childhood social and emotional learning programs.

The overarching goals of the project are to:

1. Create an inclusive, supportive, respectful school culture and secure environment, so that Tigard-Tualatin students and staff feel physically and emotionally safe.
2. Provide every child with the support and skills to resist alcohol, tobacco, and other drug use.
3. Ensure each student will have the support and skills to be healthy, productive members of the school community.
4. Provide all children with identified mental health needs access to comprehensive services.
5. Ensure children enter school with the social and behavioral skills needed to be successful learners.

The TTASK Force partners are dedicated to improving outcomes for children and their families through building a dynamic community-owned coalition made up of the Tigard-Tualatin School District, the Washington County Juvenile and Conciliation Services, Washington County Commission on Children and Families, Washington County Health and Human Services, the Tigard Police Department, the Tualatin Police Department, and the Department of Human Services. The project will transform the current system by challenging the status quo and taking new and creative approaches to infrastructure development and service delivery.

II. RESPONSIBILITIES OF THE TUALATIN P.D.

A. Services to be performed by the Tualatin P.D.

1) Act as a partner in the development and implementation of the project; 2) provide support to the schools in the development of safe, crime free environments; 3) continue to provide youth with positive relationships with law enforcements officers; 4) continue the GREAT project during the term of this agreement; 5) hire 1.0 additional School Resource Officer to bring the total to three School Resource Officers for the Tualatin Police Department¹; and, 6) assist the schools in Tualatin in the assessment of the adequacy of school safety and crisis plans and development of staff competency in implementation of such plans.

The Tualatin P.D. agrees to assign a rank of Captain or higher to participate on the *TTASK Force Coordinating Council* to ensure the project results in sustainable, effective, efficient, and flexible systems of support for children and families of our community. The Coordinating Council will meet monthly to address policy, direction, design, and coordination, and provide the Project Director with on-going support in the development, implementation, review, and on-going modification of the program.

The implementation of the project will primarily be accomplished through the *TTASK Force Workgroups*, which will meet a maximum of twice-monthly to accomplish the immediate work of the project. The Tualatin P.D. agrees to provide meaningful membership to this group. The coordination and communication of these groups will be a model for the collaboration and community wide outcomes of the TTASK Force.

The Tualatin P.D. recognizes that participation by those who will benefit from the programs is essential and endorses the inclusion of the work of the *Family Advisory Council*. The Tualatin P.D. agrees to participate in the monthly *Family Advisory Council*.

The Tualatin P.D. will provide reports, within 30 days of written requests, of progress towards project goals. These goals are stated in the TTASK logic model and evaluation plan.

B. Compliance with SS/HS Grant. The Tualatin P.D. will perform work relative to achieving goals and objectives stated in the TTASK logic model and evaluation plan.

C. Background Checks. The Tualatin P.D. will meet the federal requirements of criminal background checks and compliance, and with the District's criminal history verification and fingerprinting requirements at the Tualatin P.D.'s expense for all employees who will have unsupervised contact with students as a result of the provision of services under this Agreement. The Tualatin P.D.

¹ Refer to School Resource Office Agreement between City of Tualatin and District dated November 9, 2009, pursuant to which the City shall provide a minimum of two (2) School Resource Officers to be assigned to serve District schools within the city limits of Tualatin.

and its contractors will ensure compliance with this requirement by each employee before that employee may begin providing services under this Agreement.

D. Confidentiality. The Tualatin P.D. shall require that its employees and contractors maintain the confidentiality of student information under FERPA and Oregon Student Records Regulations. The Tualatin P.D. will work collaboratively with the District to provide information and training on confidentiality to staff and contractors.

E. Invoicing and Payment

1. Submit invoices quarterly:

- a. September 30 - by the 20th day of the next month
- b. December 31 - by the 20th day of the next month
- c. March 31 - by the 20th day of the next month
- d. June 30 - by the 20th day of the next month

2. Summarize all hours' gross salaries and benefits by individual.

3. Summarize all expenditures by individual

4. Payment is made only for services delivered and itemized

5. Send invoices to the attention of Ray Grosenbach

6. Invoices can be transmitted via e-mail, fax, or postal mail

Fax No. (503) 431-4037

E-Mail: rgrosenbach@ttsd.k12.or.us

Postal mail: Larry Hibbard Administration Center
Attention: Ray Grosenbach
Tigard-Tualatin School District
6960 SW Sandburg St.
Tigard, OR 97223

7. The maximum allowed charges against this contract for the period from July 1, 2011 through June 30, 2012 shall be:

a) The Tualatin P.D. = \$98051.55

i. Includes:

- (A). salary,
- (B). benefits (payroll fringes and health),
- (C). materials/curriculum (includes ALL materials and curriculum necessary to execute programs referenced in Section IIA, excluding GREAT curriculum materials), and

ii. ALL other expenditures not referenced in Sections IIIA and IIIB (including use of any subcontractor's email/technology system and limited office space utilization) are the responsibility of the Tualatin P.D., unless written approval is obtained from the Tigard-Tualatin School District.

F. Audit. The Tualatin P.D. agrees to comply with audit requirements of the SS/HS Grant and to provide copies of its annual report and any other reports from agency audits performed during this Agreement.

G. Records. The Tualatin P.D. agrees to maintain program and fiscal documentation for services rendered. Such documentation shall be maintained in accordance with applicable federal and state laws and implementing regulations. All program and fiscal documentation is subject to audit. The Tualatin P.D. assumes fiscal responsibility for preparation of program and fiscal documentation, supplies and materials.

III. RESPONSIBILITIES OF DISTRICT

A. Services to be performed by The Tigard-Tualatin School District.

1) Provide leadership in the development and implementation of the project; 2) work with partners to improve aspects of the project as it progresses; 3) act as fiscal agent for the project; 4) hire a Project Director and Administrative Assistant; 5) manage and convene meetings of the project Coordinating Council, Community Forums, Family Advisory Council and Operations Work Groups; 6) coordinate the development of necessary Intergovernmental Agreements and Memorandums of Understanding; 7) oversee the evaluation of the project and provide program evaluation data to all partner agencies; 8) hire, support and supervise 3.5 Strategic Tutors; 9) hire, support and supervise 1.0 Effective Behavior and Instructional Support Coach; 10) hire, support and supervise 1.0 Intercambio Activities Coordinator; 11) expand the district's training in cultural competency; 12) assign leadership for the Youth Services Team; 13) purchase, and provide training for, adopted violence and drug/alcohol prevention curricula; 14) coordinate community-wide early childhood screening and identification activities; and, 15) ensure Tigard-Tualatin District staff are knowledgeable regarding grant-funded programs.

B. Provision of Space and Necessary Materials.

All equipment and materials purchased with TTASK Force grant funds are the property of the district upon termination of contract.

C. Payment.

1. Allow ten days after TTSD receives invoice for payment
 - a. The Tualatin P.D. is responsible for specifying to whom in their organization payments will be remitted.

IV. GENERAL PROVISIONS.

A. Term. The term shall be July 1, 2011 through June 30, 2012. This agreement must be renewed each year, for a maximum of five years from the original grant award (July 1, 2008) by written agreement of the TTASK Force partners.

B. Termination.

1. Termination for Convenience. This Agreement may be terminated at any time by any party upon thirty (30) days written notice.

2. Termination for Cause; Cure. This Agreement may be terminated for cause by any party by providing thirty (30) days notice of breach of contract to the breaching party. This Agreement will not be terminated if the breaching party cures the breach prior to conclusion of the notice period.
3. Termination for Lack of Funding. This Agreement is contingent upon the availability of adequate funding.
4. Compensation at Termination. In the event of termination, District shall compensate The Tualatin P.D. for services performed up to the date of termination.

C. Indemnification. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, the Tualatin P.D. shall indemnify, defend and hold harmless the District from and against all liability, loss, and costs arising out of or resulting from the acts of the Tualatin P.D., its officers, employees and agents, including intentional or willful misconduct, in the performance of this agreement, and the District shall indemnify, defend and hold harmless the Tualatin P.D. from and against all liability, loss, and costs arising out of or resulting from the acts of the District, its officers, employees and agents, including intentional or willful misconduct, in the performance of this agreement. If any aspect of this indemnity shall be found to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this indemnification. The term "costs" as used in this indemnification section shall include attorney fees at arbitration, mediation, trial or on appeal.

D. Insurance. The Tualatin P.D. and District agree to each maintain insurance or self insurance consistent with provisions of the Oregon Tort Claims Act, ORS 30.270 and customary for public agencies of the same size and type.

E. Adherence to Law. Each party shall comply with all federal, state and local laws and ordinances applicable to this agreement.

F. Non-discrimination. Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.

G. Access to Records. Each party shall have access to the books, documents and various records of the other party which are related to this agreement for the purpose of examination, copying, and audit, unless otherwise limited by law.

H. Subcontracts and Assignment. No party will further subcontract or assign any part of this agreement without the written consent of the other party. All TTASK Force partners that plan on subcontracting services must adhere to regulations specified in Section 80.36 in EDGAR.

I. This is the entire agreement. This Agreement constitutes the entire and integrated agreement between the Parties and may be modified or amended only by the written agreement of the Parties.

TIGARD-TUALATIN SCHOOL DISTRICT NO. 23J

By: _____
Rob Saxton
Superintendent

Date: _____

CITY OF TUALATIN

By: _____
Mayor

Date: 8-22-11

Attest: Shanks
City Recorder

Date: 8-22-11

APPROVED AS TO LEGAL FORM

Brenda L. Prade
CITY ATTORNEY

Sent for Signatures
By: Bolice



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 8-22-11
Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Ginny Kirby, Office Coordinator
Michael A. McKillip, City Engineer

DATE: 08/22/2011

SUBJECT: Resolution Accepting Public Improvements Constructed in Association with Powin - Phase 1

ISSUE BEFORE THE COUNCIL:

Acceptance of the public improvements constructed in association with Powin - Phase 1.

RECOMMENDATION:

Council adopt the attached resolution approving and accepting the constructed improvements.

EXECUTIVE SUMMARY:

All public improvements were construction as part of Public Works Permit 09-20. The improvements were done as required by AR 09-09, issued on February 22, 2010, and have been satisfactorily completed.

FINANCIAL IMPLICATIONS:

There are no impacts on utility funds as a result of this work.

Attachments: A - Resolution

RESOLUTION NO. 5060-11

A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
CONSTRUCTED IN ASSOCIATION WITH POWIN – PHASE 1

WHEREAS the City of Tualatin, hereinafter referred to as CITY, issued Powin Pacific Properties, LLC, hereinafter referred to as DEVELOPER, Public Works Construction Permit No. 09-20 to install a sanitary sewer and street improvements on SW 115th Avenue in association with Powin – Phase 1, said improvements being required by Section IX of CITY Subdivision Ordinance No. 176-70 and AR 09-09 issued on February 22, 2010; and

WHEREAS DEVELOPER has constructed said required public improvements to standards required by CITY, and now desires to have CITY accept said improvements; and

WHEREAS CITY staff has inspected and recommends approval and acceptance of all public improvements; and

WHEREAS it is in the public interest that CITY accept said improvements.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The subject improvements are hereby approved and accepted by the CITY.

INTRODUCED AND ADOPTED this 22nd day of August, 2011.

CITY OF TUALATIN, OREGON

BY _____

Mayer

ATTEST:

BY _____

City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 8-22-11

Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: William Harper, Senior Planner
Brenda Braden, City Attorney *BB*

DATE: 08/22/2011

SUBJECT: Resolution Approving an Amendment to the August 23, 2010 "Amended and Restated Non-Statutory Development Agreement" Between the City of Tualatin, Tigard-Tualatin School District 23J and Marquis Companies

ISSUE BEFORE THE COUNCIL:

Council consideration of adopting a resolution approving an amendment to the "Amended and Restated" Non-Statutory Development Agreement (the "Agreement") between the City of Tualatin, the Tigard-Tualatin School District 23J (TTSD) (the Property Owner) and Marquis Companies (Property owner and the Developer) for development of a senior living project on the former Tualatin Elementary School site (the "Property") located at 19945 SW Lower Boones Ferry Road. (See Attachment A for location map).

The Amended and Restated Agreement was approved by the Council on August 23, 2010 as Resolution #5003-10 in conjunction with Plan (Map and Text) Amendments (PMA-09-01 and PMA-10-01) that rezoned the property to Medium-Low Density Residential (RML) and allowed a public street access to SW Boones Ferry Road (PTA-10-02). Architectural Review (AR) 10-02 approved the Marquis Phase I development of an Assisted Living and Skilled Nursing facility on the property.

The proposed amendment to Section 4(b) of the Amended and Restated Agreement was requested by Marquis Companies and TTSD (Attachment B) to allow the additional time needed to obtain a foundation permit for the development and to secure federal financing for the project.

RECOMMENDATION:

Staff recommends the Council consider the staff report and the request from Marquis Companies and the Tigard-Tualatin School District 23J to amend the Amended and Restated Non-Statutory Development Agreement and adopt the attached resolution.

EXECUTIVE SUMMARY:

- This action does not require a public hearing.
- The property covered by the Amended and Restated Non-Statutory Development Agreement encompasses the 12.75 acre Old Tualatin Elementary School site located at 19945 SW Boones Ferry Road (Assessors Map 2S123DD 0500) (Attachment A). The property is the site of the Marquis Companies senior housing development including the Marquis Tualatin Assisted Living and Skilled Nursing Facility approved in Architectural Review AR-10-04.
- The Development Agreement was adopted and signed by the parties on August 23, 2010 in conjunction with Plan Amendments (PMA-09-01 and PMA-10-01) that rezoned the property to Medium-Low Density Residential (RML) and allowed a public street access to SW Boones Ferry Road (PTA-10-04).

The Development Agreement described the timing and scope of the senior living development proposed by Marquis Companies on the property and includes deadlines intended to ensure that the development proposed by Marquis that was considered in PMA-09-01, PMA-10-01 and PTA-01 will be constructed in a timely manner.

Section 4(a) required Marquis Companies to obtain an Architectural Review for the project within 18 months of enactment of the Amended and Restated Agreement and was satisfied with the approval of AR-10-04 on September 10, 2010.

Section 4(b) required Marquis Companies to obtain a Foundation Building Permit for the project within 12 months of the Architectural Review approval cited in 4(b), which brings the deadline to September 10, 2011. Marquis is making substantial effort to meet the 4(b) deadline, preparing the plans, documents and assurances necessary to obtain a Foundation Permit and the associated Grading & Excavation Permit and Site Utilities Permit for the building approved in AR-10-04. Marquis has also indicated that they plan to submit the rest of the building plans and related Public Work Permit plans for the Assisted Living and Skilled Nursing facility in October for review by the Building and Engineering Divisions.

- Marquis Companies and the Tigard-Tualatin School District have requested as parties to the Amended and Restated Development Agreement to revise the 12-month deadline in Section 4(b) by extending it to a later date. As stated in the requests (Attachment C), the parties ask for the extension to allow additional time for Marquis Companies to complete the federal financing process and obtain State Fire Marshal, environmental and public facilities approvals necessary to obtain the Foundation Permit. In the requests, Marquis describes the progress on the development to date and emphasizes its continuing efforts to submit for and obtain the Foundation Permit by the September 10, 2011 date and proceeding with its schedule of submitting all the project plans for building review in October (Attachment C).
- The proposed amendment (Attachment B) would revise Section 4(b) of the Amended and Restated Agreement and extend the 12 month deadline for obtaining a Foundation Permit (current deadline is September 10, 2011) to **June 10, 2012** to allow additional time that may be necessary for the developer to complete the federal financing process and obtain all the approvals necessary for a Foundation Permit. If approved, both Marquis Companies and TTSD will sign the amended Agreement.

• In separate decisions on September 10, 2010 (AR-10-04), the Architectural Review Board and the City Engineer approved the Marquis Companies Phase I project. The Phase I project consists of a 3-level, 80-unit assisted living/54-bed skilled nursing senior care facility with supporting living, dining, health and community facilities for the residents on the 4.1 acre eastern portion of former Old Tualatin Elementary School site. Marquis is in the process of completing the revised plans to meet Architectural Review conditions, Public Works Permit plan review, and Building Plan Review. The project is currently subject to the AR-10-04 approval and the conditions of the Architectural Features and Public Facilities Decisions.

On August 2, 2011, at the request of Marquis Companies, the approval of AR-10-04 was extended for 6 additional months (from the September 10, 2011 1-year approval) to **March 10, 2012**. Under current provisions of the Tualatin Development Code [TDC 73.056], the **Architectural Review approvals will be vested when a building permit is issued and an inspection of the permitted work is completed**. If Marquis Companies obtains the Foundation Permit required in Section 4(b) of the Development Agreement prior to the 4(b) deadline [proposed extension of 4(b) to June 10, 2012] and performs work on the permits with an inspection prior to the AR expiration on March 10, 2012, the Architectural Review for Marquis Phase I will be vested and remain effective as long as there are active Building Permits for the project.

Under current provisions of the Tualatin Development Code [TDC 73.056], if the conditions of AR-10-04 are not met on March 10, 2012 and no Building Permits have been activated and inspected, the Architectural Review approvals will expire and a new Architectural Review will be necessary.

OUTCOMES OF DECISION:

Approval of the Resolution amending the Amended and Restated Non-Statutory Development Agreement would result in the following:

1. Marquis Companies will have until June 10, 2012 - 9 additional months from September 10, 2011- to obtain a Foundation Permit for the project and meet the requirements of Section 4(b). If the Foundation Permit is obtained within the required timeline, the provisions of 4(b) will be met and as other Sections of the Amended and Restated Agreement are satisfied, the Plan Amendments PMA-09-03, PMA-10-01 and PTA-10-02 will be effective.
2. All other provisions of the Amended and Restated Agreement including the provisions concerning Plan Amendments PMA-09-03, PMA-10-01 and PTA-10-02 will remain unchanged and in effect. If the terms of the amended Agreement are not met, Amendments PTA-09-03 and PMA-10-01 will not be in effect and the property will remain RL (Low-Density Residential) and the Public Street access to SW Boones Ferry Road approved in PTA-10-02 will not be allowed.

Not approving the proposed Resolution would result in the following:

1. The August 23, 2010 Amended and Restated Agreement will be unchanged and remain in effect. Marquis Companies and Tigard-Tualatin School District 23J (TTSD) are obligated to meet all provisions of the existing Agreement including Section 4(b) requiring that Marquis Companies obtain a Foundation Permit for the project building approved in Architectural Review AR-10-04. If the terms of the Agreement are not met, Amendments

PTA-09-03 and PMA-10-01 will not be in effect and the property will remain RL (Low-Density Residential) and the Public Street access to SW Boones Ferry Road approved in PTA-10-02 will not be allowed.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation are:

Approve the Resolution with alterations to the proposed amendments to the Amended and Restated Non-Statutory Development Agreement.

Deny the request for the proposed amendment to the Development Agreement.

Continue the discussion of the amendment proposed to the Development Agreement and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The Fiscal Year 2011/2012 budgets account for the cost of creating and amending development agreements.

Attachments: A - Aerial Site Map
 B - Amendment to the Agreement
 C - Marquis Request Letter
 D - TTSD Request Letter
 E - Resolution



**AMENDMENT TO THE AMENDED AND RESTATED NON-STATUTORY
DEVELOPMENT AGREEMENT BETWEEN THE TIGARD-TUALATIN SCHOOL
DISTRICT 23J, MARQUIS COMPANIES I, INC., AND THE CITY OF TUALATIN**

WHEREAS, the Tigard-Tualatin School District 23J (the "School District"), Marquis Companies I, Inc. ("Marquis"), and the City of Tualatin (the "City") entered into an Amended and Restated Non-Statutory Development Agreement, dated August 23, 2010 (the "Development Agreement"), pertaining to, among other things, establishing timelines for the development by Marquis of that portion of the 12.75 acres in Tualatin on Boones Ferry Road, which is owned by Marquis as set forth in Attachment A (the balance of such property being owned by the School District; and

WHEREAS, Marquis has obtained the approvals required by Section 4(a) of the Development Agreement, including Architectural Review; and

WHEREAS, Marquis' project will be financed with the proceeds of a loan insured by the United States Department of Housing and Urban Development ("HUD"); and

WHEREAS, Marquis has applied for, and is in the process of pursuing, the HUD financing; and

WHEREAS, the parties wish to allow Marquis to have the additional time necessary to obtain the HUD financing.

NOW, THEREFORE, the parties agree as follows:

The Development Agreement is amended as follows: the date by which Marquis is to secure the foundation permit as set forth in Section 4(b) is extended to June 10, 2012.

Except as set forth in this Amendment, the Development Agreement shall remain in full force and effect as originally executed by the parties thereto.

This Amendment may be executed in counterparts, each of which shall be deemed to be an original, but all of which taken together shall constitute but one and the same instrument.

Dated this 11 day of August, 2011.

THE CITY OF TUALATIN By: _____ Title: <u>Mayor</u> ATTEST: <u>[Signature]</u> City Recorder	MARQUIS COMPANIES I, INC. By: <u>[Signature]</u> Title: <u>Director of Property Development</u>
THE TIGARD-TUALATIN SCHOOL DISTRICT By: _____ Title: _____	

APPROVED AS TO LEGAL FORM

[Signature]
CITY ATTORNEY

This Amendment may be executed in counterparts, each of which shall be deemed to be an original, but all of which taken together shall constitute but one and the same instrument.

Dated this 22 day of August, 2011.

THE CITY OF TUALATIN By: _____ Title: <u>Mayor</u> ATTEST: _____ City Recorder	MARQUIS COMPANIES I, INC. By: _____ Title: _____
THE TIGARD-TUALATIN SCHOOL DISTRICT By: <u>[Signature]</u> Title: <u>Superintendent</u>	

August 10, 2011

City of Tualatin, Oregon
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Attn: Brenda Braden, City Attorney

Re: Amended and Restated Non-Statutory Development Agreement dated as of August 23, 2010 (the "Development Agreement") by and among Tigard-Tualatin School District 23J, an Oregon school district (the "District"), Marquis Companies I, Inc., an Oregon corporation ("Marquis) and The City of Tualatin, Oregon (the "City)

Dear Brenda:

I am writing on behalf of Marquis in connection with the Development Agreement. As you may be aware, the Development Agreement conditions the approvals granted thereunder on the occurrence of two Conditions Subsequent--Marquis having secured the Project Approvals within 18 months after the date of the Development Agreement (the "Project Approval Deadline) and Marquis having secured a foundation permit within 12 months after its receipt of the Project Approvals (the "Foundation Permit Deadline").


Since the execution of the Development Agreement Marquis has been diligently pursuing the Project. An outline of the steps taken by Marquis to date in the development process is set forth in Exhibit A hereto. However, we have encountered delays in our financing for the Project and, as a result, Marquis requested, and secured, a six month extension to March 10, 2011 of the deadline for receipt of the Phase I Architectural Review (the "Project Approval"). Although Marquis continues to work diligently to secure the foundation permit by the original Foundation Permit Deadline of September 10, 2011, we would like to request a nine (9) month extension of the Foundation Permit Deadline to June 10, 2012 so that we have twenty one (21) months from the receipt of the Project Approval to obtain our foundation permit, all in order to ensure that there is no risk that the approvals granted to Marquis under the Development Agreement will become ineffective as a result the failure of that Conditions Subsequent.

City of Tualatin, Oregon
August 10, 2011
Page 2

Your cooperation with this request would be greatly appreciated. Please let me know if you have any questions or if you need anything further in order to process this request.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott J. Miller".

Scott Miller
For Marquis Companies I, Inc.

EXHIBIT A
PROJECT DEVELOPMENT STEPS TO DATE

Marquis Tualatin Timeline

As of: August 05, 2011

Participating Agencies and Parties

Department of Human Services Facilities Planning and Safety (DHS)
Oregon State Fire Marshal (OSFM)
City of Tualatin Community Development Department, Planning Division (COT Planning)
City of Tualatin Engineering and Building Department, Building Division (COT Building)
City of Tualatin Architectural Review Board (COT ARB)
U.S. Department of Housing and Urban Development (HUD)
CW Capital Lending
Surveys, Inc. HUD Lean 232 Third Party Review

Milestones and Submittals

COT ARB Review Submittal	May 26, 2010
DHS Schematic Review Submittal	June 23, 2010
HUD Lean 232 Initial Third Party Review Submittal	July 27, 2010
CW Capital Underwriting Begins (30-45 Days)	August 1, 2010
ARB Final Decision	September 10, 2010
COT Building Permit Application Submittal (with Civil and Landscape)	October 15, 2010
Onsite Construction Plans to Pavilion Drainage Report to City of Tualatin	October 18, 2010
Project Plans to City of Tualatin	November 18, 2010
Washington County Electrical Permit Application Submittal	December 02, 2010
OSFM SNF Construction Document Review Submittal	December 16, 2011
DHS Construction Document Review Submittal	January 05, 2011

OSFM SNF Construction Document Review Comments	January 14, 2011
DHS Construction Document Review Comments	February 23, 2011
DHS Construction Document Review MEP Comments	March 09, 2011
Public Works Drawing to City of Tualatin	March 24, 2011
Onsite Construction Plans to City of Tualatin	March 31, 2011
HUD Third Party Review Comments	March 31, 2011
HUD Queue Start Date (300 Days)	April 1, 2011
Marquis Core Modifications Authorization	April 05, 2011
SPL Exhibits to CWS	May 23, 2011
OSFM SNF Construction Document Review Submittal	May 24, 2011
Public Works Submittal to City of Tualatin	June 15, 2011
OSFM SNF Construction Document Review Comments	June 30, 2011
Permit Application and Fees for: Erosion Control Excavation & Grading Site Utilities Underground Fire Protection 1200C/LUCS 1200C Drawings/Onsite Construction Plan Sets	August 4, 2011
<u>Estimated HUD Completion:</u>	
HUD Queue End Date (300 Days)	January 31, 2012
HUD Legal Review (30-45 Days)	February 15, 2012
HUD Commitment (30 Days)	March 15, 2012
HUD Closing (30 Days)	April 15, 2012



MILLER NASH LLP
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Kelly S. Hossaini
kelly.hossaini@millernash.com
(503) 205-2332 direct line

August 4, 2011

**BY FIRST-CLASS MAIL AND
ELECTRONIC MAIL**

Mr. William Harper
AICP/Senior Planner
City of Tualatin
Community Development Dept.
Planning Division
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092

Subject: Amended and Restated Non-Statutory Development Agreement

Dear Will:

We represent Tigard-Tualatin School District (the "District"). On August 23, 2010, the District, Marquis Companies ("Marquis"), and the City of Tualatin (the "City") entered into the above-referenced development agreement (the "Agreement") with respect to a zone change on property owned by the District, located at 19945 SW Boones Ferry Road. Marquis has since purchased part of that property, and the District has retained the remainder. The Agreement controls when the zone change for all of the property goes into effect, and has a deadline of September 10, 2011, for Marquis to obtain a foundation permit. It is the District's understanding that Marquis is pursuing that foundation permit, but that Marquis would like the foundation permit deadline in the Agreement to be extended until June 10, 2012. The District requests, then, that the City prepare an amendment to the Agreement to that effect for city council consideration at its August 22, 2011, meeting.



MILLER NASH^{LLP}
ATTORNEYS AT LAW

PORTLAND, OREGON
SEATTLE, WASHINGTON
VANCOUVER, WASHINGTON
CENTRAL OREGON
WWW.MILLERNASH.COM

Mr. William Harper
August 4, 2011
Page 2

Please let me know if you have any questions.

Very truly yours,

Kelly S. Hossaini

cc: Rob Saxton (via e-mail)
Bonnie Maplethorpe (via e-mail)

RESOLUTION NO. 5061-11

A RESOLUTION APPROVING AN AMENDMENT TO THE AMENDED AND RESTATED NON-STATUTORY DEVELOPMENT AGREEMENT BETWEEN THE TIGARD-TUALATIN SCHOOL DISTRICT 23J, MARQUIS COMPANIES I, INC., AND THE CITY OF TUALATIN

WHEREAS it is in the best interest of the City to amend the Agreement.

THE CITY OF TUALATIN, OREGON ORDAINS AS FOLLOWS:

Section 1. The Mayor and the City Recorder are authorized and directed to execute the Amendment to the Development Agreement on behalf of the City of Tualatin.

INTRODUCED AND ADOPTED this 22nd day of August, 2011.

CITY OF TUALATIN, OREGON

BY  _____
Mayor

ATTEST:

BY  _____
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 8-22-11
Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Kathy Kaatz, Program Coordinator
Daniel J. Boss, Operations Director

DATE: 08/22/2011

SUBJECT: Resolution Authorizing Continuance of the Intergovernmental Agreement Between Washington County and the City of Tualatin for Participation in the Regional Solid Waste and Recycling Cooperative

ISSUE BEFORE THE COUNCIL:

Council will consider the attached Intergovernmental Agreement (IGA) authorizing continued participation with the Washington County Wasteshed Cooperative for solid waste and recycling.

RECOMMENDATION:

Council to review information provided and act upon the decision of continuing participation with the Washington County Technical Wasteshed Committee.

EXECUTIVE SUMMARY:

Since 1990, Metro and its local government partners have developed cooperative plans to implement the region's waste prevention and recycling programs. These plans serve as one of the implementation tools for the Regional Solid Waste Management Plan (RSWMP) that provides direction for waste reduction programs for the metropolitan region.

The cooperative process that this partnership utilizes results in a single plan creating consistent program standards throughout the wasteshed that meets or exceeds Metro's guidelines. Sharing technical expertise and administration, as well as coordinating program implementation and promotion activities while gaining cost efficiencies are just some of the benefits of this partnership.

Washington County provides waste reduction and recycling program oversight, education, planning for the unincorporated areas of the County as well as the local governments that belong to the Washington County Cooperative. Cities belonging to the cooperative includes, Banks, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tigard and Tualatin. The City's participation with the Cooperative is what keeps us in compliance with state and local regulations.

Participation shall be accomplished by adoption of the Annual Waste Reduction Work Plan and by entering into this Agreement. The terms of this Agreement shall commence upon execution and shall continue in effect through June 30, 2015, unless terminated by any party as provided for in Section II Termination and Opt-Out herein. Thereafter, this Agreement shall be automatically renewed for successive five-year terms (July 1 to June 30) for as long as funding from Metro continues to be available.

OUTCOMES OF DECISION:

The City of Tualatin will continue to operate under the guidelines set forth by Metro Regional Government with the Washington County Cooperative managing the Regional Solid Waste Management Plan for the participating cities.

ALTERNATIVES TO RECOMMENDATION:

The alternative to continued participation in the Cooperative with the other Cities in the region and absorb the funding from Metro would require the City to comply with all state and regional regulations by providing all the solid waste and recycling plans on their own. It is estimated that to run this program without the cooperative efforts of the group, we would need an additional half-time person to staff this position.

FINANCIAL IMPLICATIONS:

The only financial implications is the City's portion of the Metro Challenge Grant funds that are currently provided to Washington County in exchange for services outlined in the annual current year plan (Year 22).

The current allocation of funds from Metro for Tualatin based upon the population of 26,160 is \$19,573. This amount does not include the additional funding that was allotted for the final year of the Business Recycling Requirement in the amount of \$8,389. Tualatin has allocated these funds to Portland State's Community Environmental Services (CES) for the 2011/12 fiscal year.

-
- Attachments:** A - Resolution
 B - IGA
 C - Year 22 Workplan

RESOLUTION NO. 5062-11

RESOLUTION AUTHORIZING CONTINUANCE OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN WASHINGTON COUNTY AND THE CITY OF TUALATIN FOR PARTICIPATION IN THE REGIONAL SOLID WASTE AND RECYCLING COOPERATIVE.

WHEREAS participating local governments have responsibilities related to the management of solid waste under the provisions of ORS Chapter 268, ORS Chapter 459 and related administrative rules; and

WHEREAS continued participation in the Regional Wasteshed Cooperative, allows for performance of these responsibilities in a collaborative and cooperative manner and incorporates the cost-effective and efficient use of public resources.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The Mayor to authorize the continuance of this IGA for solid waste and recycling programs, effective upon execution and continue in effect through June 30, 2015, unless terminated by any party as provided for in Section II of the IGA. This agreement shall automatically renew for successive five-year terms (July 1 through June 30) for as long as funding from Metro continues to be available.

INTRODUCED AND ADOPTED this 22nd day of August, 2011.

CITY OF TUALATIN, OREGON

BY


Mayer

ATTEST:

BY


City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

**INTERGOVERNMENTAL AGREEMENT
WASHINGTON COUNTY WASTESHED TECHNICAL COMMITTEE**

THIS AGREEMENT, entered into under the provisions of ORS Chapter 190 and ORS 459.065(1)(b), is between Washington County, hereinafter referred to as "County", whose address is 155 N First, Hillsboro, OR 97124, and the individual signatory city of TUALATIN hereinafter referred to as "City". An identical agreement will also be entered into between Washington County and other Washington County cities. Any reference hereinafter to "Participating Local Governments" shall include both County and all individual signatory cities to an agreement identical to this Agreement including City. The Participating Local Governments are Washington County and the Cities of Cornelius, Durham, Forest Grove, Hillsboro, King City, Sherwood, Tigard and Tualatin.

WHEREAS, Participating Local Governments have responsibilities related to the management of solid waste under the provisions of ORS Chapter 268, ORS Chapter 459, and related administrative rules; and

WHEREAS, the Participating Local Governments agree that performing these responsibilities in a collaborative and cooperative manner promotes the cost-effective and efficient use of public resources; and

WHEREAS, the Participating Local Governments including County and City desire to enter into an agreement to establish procedures for mutually performing these responsibilities and related services and defining legal relationships and responsibilities; now, therefore,

In consideration of the mutual covenants herein, and in exchange for the promises and other valuable consideration set forth below, County and City agree as follows:

i. Purpose

Pursuant to ORS Chapter 268, ORS Chapter 459, and related administrative rules, Metro has established a Regional Solid Waste Management Plan (hereinafter referred to as "the RSWMP"), including a waste reduction chapter. The RSWMP provides that Metro shall establish a multi-year work plan for solid waste reduction and identifies specific programs to implement the Metro plan. Metro has established guidelines for local governments' participation in these programs in the form of a recurring Annual Waste Reduction Program. The Metro plan requires cities and counties to adopt a work program annually for two primary programs – Residential Waste Reduction and Recycle at Work. This program is funded by Metro through the adoption of an annual intergovernmental agreement that incorporates specific work tasks associated with these two programs (hereinafter referred to as the "Annual Waste Reduction Work Plan").

The RSWMP establishes minimum requirements for city and county work programs and provides that cities and counties may work cooperatively with neighboring cities and counties if intergovernmental agreements documenting cooperative arrangements are submitted with the program. The purpose of this Agreement is to document the cooperative arrangements among the Participating Local Governments, to establish the duties of the County as administrator of the Annual Waste Reduction Work Plan on behalf of the Participating Local Governments for each fiscal year covered under this Agreement, and to provide a structure for continuing working relationships among the Participating Local Governments as they relate to ongoing requirements that may become a part of the RSMWP in the future. This structure will be referred to as the Washington County Wasteshed Technical Committee (Committee).

II. Term of Agreement

Participation shall be accomplished by adoption of the Annual Waste Reduction Work Plan and by entering into this Agreement. The term of this Agreement shall commence upon execution and shall continue in effect through June 30, 2015, unless terminated by any party as provided for in Section III Termination and Opt-Out herein. Thereafter, this agreement shall automatically renew for successive five-year terms (July 1 – June 30) for as long as funding from Metro continues to be available.

III. Termination and Opt-Out

County or City may opt out of this Agreement without cause upon giving 90 days written notice of intent to opt out. County or City may be terminated from further participation in this Agreement if either County or City is in default of the terms of this Agreement. In the case of a default, the party alleging the default shall give the defaulting party and all Participating Local Governments written notice of the alleged default. The defaulting party shall have 30 days to cure the default.

When County or City successfully opts out of this agreement or is terminated for cause as provided for herein, the effective date of said action shall be July 1 of the next ensuing fiscal year. Further, that party's assigned funding associated with the current year's work program as provided for within Section VIII Funding herein shall remain under the authority of the Agreement for the remainder of the current fiscal year.

IV. Review of Agreement

The terms and conditions of this Agreement may be reviewed by the Participating Local Governments at any time upon written request by any Participating Local Government. Any Participating Local Government that wishes to review the Agreement shall submit its request in writing to all Participating Local Governments at least sixty (60) days prior to this review. Any such requested review shall be conducted as part of a general meeting of the Committee. Any

action to approve any requested amendment resulting from said review will require an affirmative approval of all Participating Local Governments in order to be adopted. Any such amendment approved by the Participating Local Governments shall be incorporated into the Agreement to become effective upon execution of a new agreement by all Participating Local Governments.

V. Administrative Structure of the Committee

- A. The Committee shall consist of a staff member from each Participating Local Government, appointed by each of the Participating Local Government administrators or governing bodies. The City of North Plains and the City of Banks may also have a staff member on the Committee although the two cities are not Participating Local Governments. County staff shall act as administrative coordinator of the Technical Committee.
- B. The County shall develop and propose an annual work plan and present said plan to the Committee each year, including projected annual expenses and revenues for future years as necessary. The Annual Waste Reduction Work Plan will be developed in a timely manner so as to meet all deadlines set by the Oregon Department of Environmental Quality (DEQ), Metro and Participating Local Governments. Annual Waste Reduction Work Plans will be presented for approval by the Committee on one-year intervals only. The Annual Waste Reduction Work Plans shall provide Participating Local Governments with minimum waste reduction standards consistent with the RSWMP; individual Participating Local Governments may impose higher standards for waste reduction.

VI. Duties of Parties

A. Duties of County

- 1. The County shall perform work requiring technical expertise, including plan development, data collection and compilation, report writing, program coordination, technical advice to Participating Local Governments, and general information to the public.
- 2. The County shall recommend policies and develop model ordinances as necessary, and generally promote the Participating Local Government's waste reduction programs.
- 3. The County shall perform fieldwork including performing waste evaluations, commercial recycling, single-family recycling, multi-family recycling, school and community education, and special event promotion for which Metro funding has been allocated as provided for in Section VIII herein. Where funding for specific cities is curtailed by Metro, then adjustments shall be made by the County in the types of fieldwork conducted.
- 4. The County shall perform work requiring coordination with Metro, DEQ, and other agencies, and represent the Participating Local Governments before such agencies.

5. The County shall act as agent for all Participating Local Governments in applying for waste reduction and recycling grant funds as determined appropriate by the Committee. Disbursement of said funds will be to Participating Local Governments or franchised haulers based on a formula to be determined by the Committee or set by grant requirements. This does not preclude any Participating Local Government from applying individually for any waste reduction and recycling grant.
6. The County shall perform the specific duties assigned as outlined in the Annual Waste Reduction Work Plan as established for any given year.

B. Duties of Participating Local Governments including City

1. City shall undertake annual program tasks that are internal in nature, such as waste reduction and recycling activities and procurement of recycled products.
2. Unless otherwise assigned by a separate intergovernmental agreement, City shall be responsible for enforcement of solid waste reduction plan standards with respect to the solid waste collection ordinances and franchises within the City. Such enforcement may include complaint investigation, service standard review, reporting and revisions to city codes based upon the model code developed by the County.
3. City shall perform the specific duties assigned as outlined in the Annual Waste Reduction Work Plan as established for any given year.

VII. Indemnification

- A. Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, the County shall hold harmless, defend, and indemnify City, it's directors, officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the County's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of the County.
- B. Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, City shall hold harmless, defend and indemnify the County, its Commissioners, employees and agents against all claims, demands, actions, and suits (including all attorney fees and costs) arising from City's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of City.

VIII. Funding

A. Annual Waste Reduction and Recycle at Work Programs

1. For any given year subject to this Agreement, each Participating Local Government's share of the revenue provided by Metro in support of the "Annual Waste Reduction Program" and the "Recycle at Work Program", as calculated by Metro for the current program year, shall be provided to the County for purposes of funding those activities outlined in Section VI(A) herein.
2. Washington County shall act as administrator for said revenues on behalf of the Participating Local Governments.
3. Each Participating Local Government shall have the right to audit for up to three years County records relating to Metro grant funds received through this Agreement. County may immediately terminate this Agreement by written notice to City in the event County does not receive adequate funding from Metro.

B. Other Programs Funded through Metro

1. For all other sources of funding provided by Metro related to compliance activities under the RSWMP, each Participating Local Government including City shall make a determination whether to receive those funds directly or whether to allocate those funds to the County as provided for within this Agreement.
2. Any Participating Local Government including City choosing to retain said funding shall notify in writing all other Participating Local Governments of its intent to retain said funds by no later than January 31 of each year.
3. Any Participating Local Government choosing to object to such action shall submit a written response to all other Participating Local Governments within thirty (30) days of receipt of the original notice.
4. If no objection is raised, then the Participating Local Government choosing to retain its funding shall be free to do so at its discretion. However, if an objection is raised then the Participating Local Governments shall use their best efforts to resolve the issues.

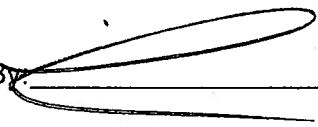
IX. Exclusivity

This writing is intended both as the final expression of the Agreement between County and City with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement. All previous agreements between County and City regarding the Washington County Wasteshed Technical Committee are hereby revoked and repealed.

WASHINGTON COUNTY (County)

CITY of TUALATIN (City)

By: _____

By:  _____

Print name and title

Lou Ogden, Mayor
Print name and title

Date

8-22-2011
Date

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

Sent for Signatures
By: operations

COPY

**2011-12 (Year 22)
Metro and Local Government
Annual Waste Reduction Work Plan**

June 1, 2011

I. Introduction

Since 1990, Metro and its local government partners have developed cooperative plans to implement the region's waste prevention and recycling programs. These plans serve as one of the implementation tools for the Regional Solid Waste Management Plan (RSWMP) that provides direction for waste reduction programs for the metropolitan region.

The Annual Waste Reduction Work Plan is the primary means by which Metro and local governments plan for waste prevention and recycling programs, projects and activities. Plans are developed on an annual basis by regional work groups and reviewed by stakeholder groups and policy makers.

The region's waste reduction work is guided by the RSWMP, which envisions an evolution from today's end-of-the-pipe solid waste management practices to those that more holistically contribute to the sustainable use of natural resources. The need for Metro to play a lead role in driving this evolution has been reinforced by the Metro Council, Metro Auditor, and key partners, local governments and stakeholders. To that end, Metro is beginning to shift the emphasis of its policies and programs from end-of-life to upstream, focusing on implementation of waste prevention practices.

Year 22 will be the first year that Metro and its local government partners will begin to transition the Annual Waste Reduction Work Plan incrementally toward a focus on upstream waste prevention practices. It is likely that this transition will take several years to accomplish.

II. Plan Structure & Format

The Annual Work Plan is divided into two areas:

- Recycle at Work
- Maintenance & Expansion of Existing Programs

A. The **Recycle at Work** program is designed to address the individual needs, barriers and the particular circumstances affecting the business sector with regard to waste prevention and recycling. Additional funding assistance is provided to local jurisdictions specifically for the Recycle at Work program. Allocations are based on the number of employees per jurisdiction derived from data supplied by the State of Oregon Employment Department. The Recycle at Work program provides technical assistance to regional businesses through on-site waste evaluations. In order to receive funding, local jurisdictions must develop and submit a Recycle at Work plan that includes the elements listed below.

1. Hire individuals as staff or contractors who work in the jurisdiction's offices or external contractors whose primary responsibilities and duties are to provide waste evaluations (outlined in number 2 below), technical assistance and business recycling requirement compliance services to businesses.

2. Provide technical assistance to businesses by conducting baseline and follow-up on-site evaluations in recycling, waste prevention and sustainable purchasing and operations, following the Recycle at Work Program core actions.
3. Participate in regional outreach campaigns as developed by the Business Recycling Work Group (BRWG) and provide follow-up technical assistance and evaluation as required by the media outreach program design.
4. Develop an Outreach Plan that identifies the jurisdiction's strategy for targeting and recruiting businesses for Recycle at Work assistance. The plan must also include the following two strategies to ensure: 1, a focus on assisting the jurisdiction's government facilities and ensuring that each facility is in compliance with Business Recycling Requirements; and 2, a focus on new businesses to the program and Medium (50 -250 or more employees) businesses. In addition, the plan should take into account the jurisdiction's participation in regional media outreach campaigns. Other elements of the Outreach Plan should include businesses or institutions that are targeted and desired outcomes.
5. Make available resources to businesses as identified by the BRWG and appropriate for the jurisdiction.
6. Collect data for each business that summarizes key contact information and the actions taken in recycling, waste prevention, sustainable purchasing, operations and business recycling requirement compliance. Enter all data in the Recycle at Work Information System developed by Metro and the BRWG, whose design allows for regional consistency and uniform analysis of program data.
7. Conduct a follow-up evaluation at each business that has received technical assistance and provide on-site evaluation assistance, whenever possible and appropriate, of the changes the business has made.
8. Prepare an annual progress report on the accomplishments of the Recycle at Work Program that will include administrative information (staff and expenditures), review of the outreach strategy, the number of site visits and deliveries, evaluations performed, actions recommended and implemented, time spent on data entry, administration and program coordination, outreach and marketing, compliance actions taken, resources delivered, and successes and challenges.
9. Establish a compliance program for Business Recycling Requirements consistent with Section 2.6 of the administrative procedures for Metro Code Chapter 5.10 and provide written description to Metro.
10. Staff participation in quarterly Specialist Roundtables and any training identified by BRWG.
11. Track the use of any tools that have been developed by Metro with the guidance of BRWG.

- B. The second area of the Annual Work Plan focuses on **Maintenance & Expansion of Existing Programs** and established local and regional waste reduction and recycling programs through per capita grants to local governments. In order to maintain past successes, established programs must continue to be funded, staffed and maintained at the same time that new initiatives are introduced. The RSWMP envisions an evolution from today's end-of-the-pipe solid waste management practices to those that more holistically contribute to the sustainable use of natural resources. Therefore, this Annual Waste Reduction Work Plan will begin, in Year 22, to shift emphasis from end-of-life to upstream, focusing on implementation of waste prevention practices and not just recycling and recovery.

The funding assistance provided to local jurisdictions to maintain existing programs is allocated on a per capita basis. Each jurisdiction receives an allocation based upon its percent of the region's total population and its level of compliance with state and regional requirements.

The objectives of the maintenance & expansion section are to maintain and increase recovery through support of existing and new local government waste prevention and recycling programs; to provide an incentive for local governments to participate in regional waste reduction planning activities; and to continue to ensure compliance with the RSWMP and state program elements for waste prevention and recycling programs.

The program format is intentionally simple and straightforward. Local governments will submit an overview of existing waste prevention and recycling programs in place; detailing the outreach, education and collection programs currently implemented and the efforts they will engage in to maintain these programs. This will provide a comprehensive regional picture of existing programs in place as well as demonstrate compliance with the RSWMP and state law.

III. **Required Compliance with the Regional Solid Waste Management Plan and State Law**

All local jurisdictions are required to comply with the provisions set forth in the RSWMP and to satisfactorily demonstrate compliance. These provisions include the Regional Service Standard and the Business Recycling Requirements.

Local jurisdictions must also demonstrate compliance with state law (OAR 340-090-0040 and ORS 459A). Metro has been designated by the State as the reporting agency for the region's three-county area and local jurisdictions shall provide data to Metro to assist with this annual reporting responsibility.

Metro will review Annual Reports for compliance with both the RSWMP and state law. Local jurisdictions that are out of compliance with the RSWMP and/or state law may not be eligible for associated program funding assistance from Metro.

IV. Monitoring and Evaluation

The Recycle at Work and Maintenance & Expansion of Existing Programs sections of the annual plan each have independent progress measurement and reporting scenarios tied to the specific tasks involved. These performance measures, combined with the annual Department of Environmental Quality Material Recovery Survey Report, are used to assess progress.

Recycle at Work

Recycle at Work has specific reporting requirements associated with the program. A final report shall be submitted to Metro in tandem with the maintenance & expansion reporting noted below no later than August 1, 2012. Jurisdictions must also report on compliance with the Business Recycling Requirement.

Maintenance & Expansion of Existing Programs

Annual reports documenting efforts completed by local governments during FY 2011-12 shall be submitted to Metro no later than August 1, 2012. These annual reports serve as the basis for monitoring the status of existing programs and progress with regard to the RSWMP and required annual reporting to the Oregon Department of Environmental Quality.

The maintenance & expansion efforts shall also be reviewed based upon the following:

- Local governments shall implement waste prevention activities for each area of the residential and commercial sector (single-family, multi-family, business, construction & demolition, commercial organics, toxicity reduction).
- Local governments shall demonstrate compliance with the Regional Service Standard.
- Local governments shall identify and undertake a specific curbside recycling outreach activity for an existing local government program.
- Local government representatives shall participate in at least one regional waste reduction planning group (larger jurisdictions will tend to participate in more than one group).
- Local governments shall provide jurisdictional solid waste and recycling budget information to Metro.
- Curbside recovery levels shall be maintained or increased (total tons and per capita tons recovered and disposed).

Metro publishes a complete Performance Measures Report in the spring following the Annual Work Plan completion and data gathering.

YEAR 22 (FY 2011-12)
LOCAL GOVERNMENT ANNUAL WASTE REDUCTION WORK PLAN TEMPLATE

Jurisdiction: Washington County Contact: Jerry Green, 503-846-3665

I. Program Overview Narrative

Please provide a narrative overview of programs, services and focus areas for FY 2011-12 and describe your jurisdiction's waste prevention and recycling activities separately. Include participation with regional planning efforts and demonstration of compliance with state law. In addition, the following elements are **required** as part of the Annual Plan and may be addressed in the narrative portion of your plan or in the tasks table:

- a) Demonstrate compliance with the Regional Service Standard by stating whether or not your jurisdiction has submitted a Compliance Certification form to Metro--cooperatives should report on behalf of member jurisdictions.
- b) Implement waste prevention activities for each area of the residential and commercial sector (single-family, multi-family, business, construction & demolition, commercial organics, toxicity reduction).
- c) Identify and undertake a specific curbside recycling outreach activity for an existing local government program.
- d) Participate in at least one regional waste reduction planning group.
- e) Maintain or increase curbside recovery levels (total tons and per capita tons recovered and disposed).
- f) Recycle at Work program goals (including compliance with the Business Recycling Requirement).

Washington County provides waste reduction and recycling program oversight, education and planning for the unincorporated areas of the County as well as other local governments that belong to the Washington County Cooperative. Cities belonging to the cooperative include Banks, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tigard, and Tualatin.

The County's program services approximately 439,400 citizens. The July 2010 population estimate for unincorporated Washington County and the Cooperative Cities is shown below:

Unincorporated Washington County	213,387
Banks	1,435
Cornelius	11,020
Durham	1,405
Forest Grove	21,770
Hillsboro	91,215
King City	2,800
North Plains	1,935
Sherwood	16,705
Tigard	47,596
Tualatin	<u>26,160</u>
Total	435,428

This population represents a significant cultural diversity which reflects a critical element in the County's education outreach strategy.

Washington County has 11 FTE assigned to the Solid Waste and Recycling Program in the Department of Health and Human Services. However, not all of these positions are funded through this grant. This program serves all residential, multi-family, commercial and public service sectors within the Washington County Cooperative.

The program maintains solid waste management and regulatory oversight for three (3) privately-operated disposal sites and thirteen (13) certificated sanitary service haulers that operate within fourteen (14) discreet service areas within unincorporated Washington County. Regulatory staff is charged with setting rates for solid waste, recycling and medical waste collection, while ensuring collection providers in unincorporated county areas comply with all county, state and regional requirements. Staff coordinates with both the Oregon State Department of Environmental Quality (DEQ) and Metro on state and local permitting and enforcement issues as they relate to any of the facilities located in Washington County. The program also provides general code enforcement for those sections of the County's code that address the collection of solid wastes, solid waste disposal sites and general nuisance conditions such as illegal dumping and solid waste accumulation.

The Education Program staff provides administration, development, and implementation of the annual waste reduction plan for the Cooperative. Education and promotion of waste reduction, recycling, reuse, and composting programs are accomplished with a staff of four (4) Program Educators (three with the Recycle at Work (RAW) program and one Senior Program Educator), one Recycling Program Specialist and 1 Administrative Specialist (customer service).

Customer service is provided to the general public by multiple means, including use of a dedicated telephone line, printed materials distributed within the community and maintenance of a comprehensive web site. Typical calls involve questions regarding solid waste rates, levels of service, and recycling. Over 3,000 calls are handled annually. The customer service number is published in brochures, flyers, newsletters and the general telephone book. It is also posted on the County website, as well as in the County's business card-sized services directory. In response to the County's growing cultural diversity, most printed materials are made available in Spanish. In addition, one of the RAW program educators is fluent in Spanish. The County publishes a residential newsletter twice each year (Recyclewise) that is direct mailed to approximately 170,000 households within the Cooperative as well as distributed through other outreach opportunities such as local fairs, farmers' markets and similar outlets. The County also produces a Business newsletter, *The Recycle at Work Business Bulletin*, distributed to Washington County businesses throughout the Cooperative via electronic subscription or in printed format.

A website is maintained on behalf of the Cooperative that offers comprehensive information for residences, apartment complexes and the workplace. The URL for this website is: <http://www.RecycleWise.org/>. This web site allows residents to more easily access solid waste and recycling information that is comprehensive and current, and allows the County to link residents to resources beyond the County such as our regional partners, DEQ and other public/private service providers.

On a regional level, program staff participates in a variety of support roles and specialized work groups including the Metro Policy Alternatives Committee Solid Waste Director's Meetings, Metro's work groups for Business Recycle at Work, Construction and Demolition Debris, Organics, Local Government Recycling Coordinators and Multifamily Residential, the

Master Recyclers Program, the Pollution Prevention Outreach (P2O) and the Washington County Sustainability Network.

The program focuses on two specific strategies as part of its waste reduction program. These include:

1. Reduce generation through waste prevention at the source level; and
2. Increase the rates of recycling/diversion with an associated reduction in contamination.

These strategies are reflected throughout the education and action objectives outlined in the County's work program tasks. The following is a brief summary of the strategic approach for each of the key program categories.

Residential (single and multi-family)

Within the Cooperative, single-family and multi-family residents receive a newsletter, *Recyclewise*. The newsletter is mailed to approximately 170,000 households twice per year. The residential newsletter provides information on waste reduction and prevention, recycling, recycling depot locations, material preparation, yard debris, household hazardous waste and home composting. In addition to publishing its own newsletter, Washington County staff submits articles to cities and Citizen Participation Organizations (CPO) for inclusion in their respective newsletters and media releases to local media outlets on various topics. Brochures are placed in libraries, Chambers of Commerce offices, County Building lobbies, and city permit centers, and are distributed at special events such as the Washington County Fair, local farmers' markets, and through Master Recycler volunteers performing outreach. Many of these materials are bi-lingual (English/Spanish).

Informational "leave-behinds" that explain the correct preparation of recyclables are made available to haulers to distribute to those customers on their routes that are not recycling properly. Yard debris and recycling pick-up calendars are distributed annually via haulers or upon request.

All urban single-family communities now use roll carts exclusively for collection of garbage, recycling and yard debris. Bins continue to be used for separation of glass at the curb. Rural residents continue to use bins to collect commingled recycling separate from glass bottles and jars.

In the multi-family community, there are approximately 50,000 households located in more than 700 multi-family developments. A focus of the program this year will be to work with multi-family property managers to improve the onsite recycling system and to improve the residents' understanding of the recycling program. Decals, enclosure signs, educational literature and recycling bags will be distributed as needed. Staff has participated in the multi-family program workgroup during the past year and will continue to participate for the coming year to improve the educational materials and improve recycling in the multifamily sector.

Business Recycling

The business technical assistance program, *Recycle at Work* (RAW), provides the majority of the assistance that Washington County businesses receive in waste reduction and recycling. Staff for this program also works with businesses affected by the new Business Recycling Requirement adopted by both the County (in 2010) and the cooperative member cities in 2009.

In addition to the RAW program staff providing technical assistance to businesses, they also provide an education/outreach development element to businesses. This program includes the development and printing of materials and material distribution which is done as part of the County's overall waste reduction program. Washington County provides additional funding for rate setting activities, standards, planning, and reporting.

Building Industries

Staff continues to promote construction and demolition recycling through distribution of Metro's Construction Salvage and Recycling Toolkit, a construction salvage and recycling guide, to buildings where builders and architects frequently conduct business, such as city planning/building departments and the Washington County Department of Land Use and Transportation's Building Services Division, in addition to providing them directly to private architectural firms and area contractors.

Staff continues to promote the Green Building Resource Center and provide reference to the hotline number in a variety of publications and as a link from the County's web sites. These resources are also promoted in public service announcements and in community program interviews, if opportunities exist.

Commercial Organics

One of the three franchised disposal sites within Washington County is a composting facility that accepts pre-consumer vegetative feedstock. This site was recently granted a waiver by the County and a Solid Waste Letter of Authorization by DEQ to allow them to accept non-green feedstock including meat and dairy products contained in post-consumer food waste. Program staff continues to work with Metro and DEQ in order to maintain the appropriate permitting for this site in order to have a viable outlet for businesses that are looking for a commercial organic disposal option other than a standard landfill. Staff with the Recycle at Work program continues to work with local businesses in an effort to promote the concepts of food donation through the Fork it Over! program and recycling both pre- and post-consumer food wastes via a composting option as compared to standard disposal options.

Other

Washington County establishes the rates paid by customers that receive collection service from the certificated haulers, administers the County code and administrative rules related to both solid waste disposal and collection, and plans new collection programs. The work related to the County's collection system is a critical and time-consuming portion of the overall recycling and solid waste program effort. In the past the County utilized a rate review workgroup, on behalf of the Cooperative Cities, to provide a forum for the exchange of ideas regarding the regulatory challenges of each jurisdiction. The County will continue to collaborate with both its local government partners in the Cooperative as well as its regional partners on rate issues that have regional implications. In addition, the County will continue similar efforts to further discussions with both Cooperative and regional partners about issues related to the establishment of consistent administrative rules, service levels, and collection programs.

Compliance with the Regional Service Standard

Washington County is in compliance with the Regional Service Standard.

The cities of Hillsboro, Sherwood and Tigard are in compliance with the Regional service Standard, pending final Metro decisions on their proposed residential alternative programs. The County and city members of the cooperative are in compliance with the other provisions of the Regional Service Standard.

II. Budget Information

- a) Provide overall solid waste and recycling budget.
- b) Provide overall Recycle at Work budget and percentage of budget supported by Metro Recycle at Work funds. List staff working on Recycle at Work, FTE, and source of funding for staff (Metro or local government).
 - Budget and funding sources
 - Staff (name, title, FTE, funding source, changes over previous FY)

Overall Solid Waste and Recycling Budget Information

The FY 2011-12 funding allocation for Washington County and the cities in the Cooperative for the Waste Reduction Program equals \$394,098. This number represents the combined totals of what have previously been reported separately for the Waste Reduction Program and the Recycle at Work Program, including the new Business Recycling Requirement funding. This represents approximately 27.97 percent of the overall \$1,409,219 budget for the Washington County Solid Waste Program. The \$394,098 contributes 5.4 FTE to the program.

Recycle at Work/Business Recycling/Organics Budget Information

The combined funding for Recycle at Work and Business Recycling, including Organics, totals \$201,125. This money funds 3.51 FTE as part of the Recycle at Work/Business Recycling/Organics Program. The three primary FTE working in this program are Eflua Osam-Cue, Thomas Egleston and Justin Gast, all incumbent Program Educators. The remaining .51 FTE for this program is distributed across other education and outreach and technical assistance staff.

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III. Annual Program Tasks

Complete the following tables, separately listing specific waste prevention and recycling activities planned for completion during this fiscal year. Identify if the particular program or activity is primarily ongoing (O), revised (R) or new (N). Add additional rows if needed.

Include the Recycle at Work outreach plan in the Business section.

Status Key:

O = Ongoing (minor administrative updates and changes only).

R = Revised (major program policy or implementation adjustments).

N = New (brand new program, or substantially revised or reconstituted).

Single-family Residential (Include home composting programs)	
Waste Prevention Activities	Status
1. Publish twice annually and distribute ~170,000 <i>RecycleWise</i> newsletters through residential mailings, at educational outreach opportunities and electronically via the website.	R
2. Maintain the <i>RecycleWise.org</i> website with relevant residential content. Review and update regularly.	O
3. Record PSA and Community Close-ups, as needed.	R
4. Submit information to Cooperative Recycling Program cities and Citizen Participation Organization (CPO) for inclusion in their respective newsletters.	R
5. Provide educational displays at public facilities and events such as, the Washington County Public Services Building lobbies, community festivals and events staffed by the Master Recyclers.	O
6. Distribute Metro materials at tabling events and upon request	O
7. Work with Spanish language media outlets, publications, and events to distribute Spanish-language recycling materials and messages.	O
8. Distribute <i>It's Easy to Make Your Own Compost, Worm Composting, and Compost Resources</i> literature at public venues, institutions, and community events.	O
9. Promote Metro's residential compost bin through the <i>RecycleWise</i> newsletters, on the <i>RecycleWise.org</i> website, and over the phone.	O
10. Deliver education presentations upon request.	O
11. Support Master Recycler program: <ul style="list-style-type: none"> ▪ Provide \$5,000 in funding for the 2011-2012 program ▪ Participate in regularly scheduled Master Recycler Advisory Committee meetings ▪ Host one Master Recycler class training in support of Metro and local government public outreach events 	O
Recycling Activities	Status
1. Required: Curbside recycling outreach activity for an existing program: Continue the "Tip Your Lid" anti-contamination campaign to encourage residents to rethink the items they are putting in their carts and keep plastic bags/film and packaging, electronics and textiles out. Avenues for media include the <i>Recyclewise.org</i> newsletter and website, Citizen Participation Organizations (CPO) and city newsletters, newspaper advertisements and Tualatin Valley Community Television's (TVCTV), as well as web campaigns as funding allows. Distribute Tip Your Lid doorhangers and utility bill inserts to 5,000 households.	R
2. Publish twice annually and distribute ~170,000 <i>RecycleWise</i> newsletters through residential mailings, at educational outreach opportunities and electronically via the website.	R
3. Maintain the <i>RecycleWise.org</i> website with relevant residential content. Review and update regularly.	O

4. Record PSA and Community Close-ups, as needed.	R
5. Submit information to Cooperative Recycling Program cities and Citizen Participation Organization (CPO) for inclusion in their respective newsletters.	R
6. Provide educational displays at public facilities and events such as, the Washington County Public Services Building lobbies, community festivals and events staffed by the Master Recyclers.	O
7. Distribute Metro materials at tabling events and upon request	O
8. Work with Spanish language media outlets, publications, and events to distribute Spanish-language recycling materials and messages.	O
9. Distribute <i>It's Easy to Make Your Own Compost, Worm Composting, and Compost Resources</i> literature at public venues, institutions, and community events.	O
10. Promote Metro's residential compost bin through the <i>RecycleWise</i> newsletters, on the <i>RecycleWise.org</i> website, and over the phone.	O
11. Deliver recycling education presentations upon request.	O
12. Develop, produce, and distribute residential collection brochures.	O
13. Develop, produce, and distribute <i>Curbside Collection</i> calendars.	R
14. Update and print <i>Incorrect Preparation Notices</i> . Distribute to haulers.	R
15. Support Master Recycler program: <ul style="list-style-type: none"> ▪ Provide \$5,000 in funding for the 2011-2012 program ▪ Participate in regularly scheduled Master Recycler Advisory Committee meetings ▪ Host one Master Recycler class training in support of Metro and local government public outreach events 	O

Multi-family Residential	
Waste Prevention Activities	Status
1. Distribute property manager guides and tenant education materials upon request.	O
2. Maintain the <i>RecycleWise.org</i> website with relevant multifamily property content. Review and update regularly.	O
3. Provide presentations and displays regarding waste prevention and recycling upon request.	O
4. Partner with energy and water conservation programs to educate property managers and promote each agency's assistance programs.	O
5. Develop with agency partners, a workshop designed for property managers at multifamily communities. The workshop content may include tips for on-site recycling, educating residents, water conservation, energy conservation, and dealing with hazardous waste and bulky items.	O
6. Work with Metro and other jurisdictions to network with property managers to promote the Property Manager Technical Assistance program and the relevant education materials.	O
7. Develop and produce a new tabletop recycling and waste prevention display for use at multifamily properties.	N
Recycling Activities	Status
1. Distribute property manager guides and tenant education materials upon request.	O
2. Distribute recycling decals and enclosure signs as needed.	O
3. Distribute 2,500 durable bags at multifamily communities for the collection and transport of recyclable materials to common recycling areas.	R
4. Maintain the <i>RecycleWise.org</i> website with relevant multifamily property content. Review and update regularly.	O
5. Provide presentations and displays regarding waste prevention and recycling upon request.	O
6. Develop and produce a new tabletop recycling and waste prevention display for use at multifamily properties.	N
7. Partner with energy and water conservation programs to educate property managers and	O

promote each agency's assistance programs.	
8. Develop with agency partners, a workshop designed for property managers at multifamily communities. The workshop content may include tips for on-site recycling, educating residents, water conservation, energy conservation, and dealing with hazardous waste and bulky items.	N
9. Work with Metro and other jurisdictions to network with property managers to promote the Property Manager Technical Assistance program and the relevant education materials.	O

Recycle at Work Outreach Strategy	
Target audience, goals, and outreach strategy	Status
Government Facilities (required)	
Goals: To continue to assist government agencies in waste prevention and recycling activities.	R
Outreach Strategy:	
1. Offer technical assistance to cities and other governmental agencies.	O
2. Provide displays, event tabling and presentations upon request.	O
3. Provide support to the Washington County Sustainability Program Coordinator with lobby displays during Recycling Awareness and Earth Weeks. Provide deskside and central collection recycling boxes and presentation upon request.	R
<p>Best management practices currently practiced at Washington County buildings:</p> <ul style="list-style-type: none"> ▪ Designated sustainability coordinator for all County facilities ▪ Purchase of recycled content paper ▪ Collaboration with janitorial staff to support recycling at every workspace ▪ Recycling containers placed in lobby at Public Service Building ▪ Recycling offered at County events including the County Fair and employee fundraising events ▪ Recycling of batteries, light bulbs/tubes, scrap metal and electronics ▪ Use of electronic timesheets instead of paper forms ▪ Facilities policy includes: Reusing or sending for reuse, useable electronics and building materials. Replacing end of life light bulbs/tubes with more energy efficient bulbs/tubes. ▪ Hybrid vehicles are purchased regularly ▪ One hundred percent subsidization of mass transit passes for County employees ▪ The Washington County Green Team includes representatives from multiple departments ▪ The Solid Waste and Recycling department will use online complaint forms to reduce use of paper complaint forms. ▪ Washington County Fleet Facility is EcoBiz certified ▪ Utilize OfficeMax durable shipping container program ▪ Earned Recycle at Work Business recognition in spring 2011 ▪ A ReUse Office Supply Store that is open to all staff for office supply needs ▪ Green Office Purchasing Guidelines promoting the purchase of environmentally preferable office products ▪ Implementation of aGreen Housekeeping Policy during 2011 <p>First GHG inventory will be released during summer 2</p>	
New and Large Businesses (required)	
Goals: To continue to recruit new businesses through Chamber of Commerce involvement and assist new and large businesses in waste prevention and recycling activities.	O
Outreach Strategy:	

4. New businesses: Continue Chamber memberships and attend Chamber meetings.	O
5. Large businesses: See Targeted Sectors: Grocery Store and Industrial Generators.	O
Target Businesses that are Underserved or Underrepresented	
Goals: To provide recycling and waste prevention assistance and tools to businesses with predominantly Spanish-speaking owners and employees.	N
Outreach Strategy:	
6. Develop resources and tools that will help predominantly Spanish-speaking businesses reduce waste and improve recycling activities.	R
Target Business Sectors	
Goals: To focus on businesses in the industrial generator and grocery store sectors to promote waste prevention and recycling activities.	N
Outreach Strategy:	
7. Plan and host a Resourceful Use workshop. This workshop is designed to connect businesses that generate a waste product with other businesses that can use that waste product as a resource in their operations.	N
8. Promote Fork it Over! to grocery stores.	O
9. Provide assistance and resources to grocery stores that want to start a food scraps collection program if available in their area.	N
Target Geographical Areas	
Goals: To concentrate on businesses within specific garbage and recycling service areas not yet compliant with their area's Business Recycling Requirements.	N
Outreach Strategy:	
10. See #2 in Compliance Strategy for Business Recycling Requirements.	N
Compliance Strategy for Business Recycling Requirements (required)	
Goals: To identify and assist businesses needing compliance with Business Recycling Requirements.	R
Outreach Strategy:	
11. Co-host two business recycling workshops in September with the Hillsboro Chamber of Commerce, including one that targets Spanish speaking business owners and employees. Although the workshops are open to all businesses, a targeted invitation will be sent to businesses that have worked with RAW within a specified distance of event location.	R
12. Request, from haulers, a list of businesses not subscribed to recycling service. Contact those businesses and offer assistance.	N

Construction & Demolition	
Waste Prevention Activities	Status
1. Provide Green Building Display in the Public Services Building.	O
2. Distribute Metro C&D Toolkits via displays, community events. Offer to city and county building departments.	O
3. Promote the Green Building Hotline via Recyclewise.org website and newsletter.	O
4. Support the Green Building Hotline with \$2000.	O
Recycling Activities	Status
1. Provide Green Building Display in the Public Services Building.	O
2. Distribute Metro C&D Toolkits via displays, community events. Offer to city and county building departments.	O

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3. Promote the Green Building Hotline via Recyclewise.org website and newsletter.	O
4. Support the Green Building Hotline with \$2000.	O

Commercial Organics	
Waste Prevention Activities	Status
1. Promote <i>Fork it Over!</i> to food service businesses.	O
Recycling Activities	Status
1. Plan a food scraps collection program for unincorporated Washington County	N
2. Implement food scraps collection programs with selected businesses.	N
3. Provide businesses participating in food scraps collection decals, posters and internal collection containers as necessary.	N
4. Develop food scraps collection training guide for grocery stores.	N

Toxicity Reduction	
Waste Prevention Activities	Status
1. Promote the reduction of toxics via Recyclewise.org newsletter and website	O
2. Provide Green Cleaners display and Metro Green Cleaner booklets upon request and at community events.	O
3. Provide paint recycling and reuse options upon request and via website.	O
4. Distribute Take on Toxics bookmarks at public community events.	O
Recycling Activities	Status
1. Promote proper Sharps disposal options via brochures, newsletter and website.	R
2. Provide information about Metro Hazardous Waste Roundups as requested.	O
3. Promote electronics recycling and Oregon E-Cycles in printed and electronic materials.	O
4. Provide paint recycling and reuse options upon request and via website.	O

Other	
Required Elements (may be addressed here or in narrative portion of the plan)	Status
1. Demonstrate compliance with the Regional Service Standard (including individual jurisdictions within cooperatives) a. Please see individual certifications provided to Metro from individual jurisdictions.	
2. Maintain or increase curbside recovery levels (total tons and per capita tons recovered and disposed). a. Maintain or increase education/outreach efforts and technical assistance activities associated with curbside recovery levels. b. Review reporting by haulers to ensure consistency with Metro requirements.	O
3. Participate in at least one regional waste reduction planning group. (please provide details) a. Will participate in solid waste management work groups, including: Solid Waste Advisory Committee, Solid Waste Directors, Non-Business Sector, Organics, Business Waste Reduction.	O
Waste Prevention Activities	Status

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1. Distribute 'Tips to Put a Lid on Trash' English/Spanish sheets at events	○
Recycling Activities	Status
1. Make available Event Recycling Containers to Washington County Technical Wasteshed Committee Members to use at city- or county-staffed events.	○
2. Promote proper disposal and recycling of unwanted, unusable household debris in the Spring/Summer issue of RecycleWise.org newsletter. Place a display ad in community newspapers related to this topic targeting illegal dumping.	○
3. Place an illegal dumping display ad in community newspapers to inform the public how to report illegal dumping activities.	○
4. Target illegal dumping through code enforcement program materials and outreach. Distribute illegal dumping signage.	○

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STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 8-22-11

Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Executive Assistant

DATE: 08/22/2011

SUBJECT: Community Involvement Committee Appointments

ISSUE BEFORE THE COUNCIL:

Should the City Council approve appointments to various Advisory Committees and Boards.

RECOMMENDATION:

Staff recommends the City Council approve the Community Involvement Committee (CIC) recommendations and appoint the below listed individual(s).

EXECUTIVE SUMMARY:

The Community Involvement Committee met and interviewed citizens interested in participating on City committees and boards. The Committee recommends appointing and/or reappointing the following individual(s):

<i>Individuals</i>	<i>Committee / Board</i>	<i>Term</i>
John Howorth	Core Area Parking District Board	Partial term expiring 12/31/2011

Attachments:



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Linda Odermott, Paralegal
Brenda Braden *BB*

DATE: 08/22/2011

SUBJECT: Resolution Allowing the Mayor to Sign an Amendment to the Intergovernmental Agreement with the City of Durham for Police Services

ISSUE BEFORE THE COUNCIL:

Council will consider a Resolution allowing the Mayor to sign an Amendment to the Intergovernmental Agreement (IGA) to extend the current IGA with the City of Durham to provide police services until December 31, 2011.

RECOMMENDATION:

Staff recommends that Council approve the Resolution.

EXECUTIVE SUMMARY:

Tualatin has had an Intergovernmental Agreement to provide police services to Durham for several years. That agreement expired on July 1, 2011. Both cities are willing to continue the arrangement and wish to enter into a new agreement but have not yet finished negotiating terms and costs. To allow the parties to have sufficient time to finish negotiations, the attached amendment would extend the terms of the recent agreement until December 31, 2011.

OUTCOMES OF DECISION:

If the Amendment is approved, Tualatin Police will continue to provide police services to Durham and Durham will pay for such services under the old contract until the end of 2011.

If the Amendment is not approved, Tualatin Police will respond to priority 1 calls only as a first responder.

FINANCIAL IMPLICATIONS:

If the amendment is not approved, Tualatin would not receive revenue from Durham for responding to Priority 1 calls and it would lose the revenue provided under the Intergovernmental Agreement.

Attachments: A - Resolution

B - Amendment to Durham IGA for Police Services

RESOLUTION NO. 5063-11

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF DURHAM FOR POLICE SERVICES

WHEREAS the Intergovernmental Agreement between the City of Durham and the City of Tualatin for Tualatin to provide Police Services expired on June 30, 2011; and

WHEREAS the City wishes to extend the terms of that Agreement for an additional six months, up to December 31, 2011 to allow the Cities to consider changes to the Agreement; and

WHEREAS it is in the best interest of the City to extend the Agreement

THE CITY OF TUALATIN, OREGON ORDAINS AS FOLLOWS:

Section 1. The Mayor and the City Recorder are authorized and directed to execute the Amendment to the Intergovernmental Agreement on behalf of the City of Tualatin.

INTRODUCED AND ADOPTED this 22nd day of August, 2011.

CITY OF TUALATIN, OREGON

BY 

Mayor

ATTEST:
BY 

City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

**AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITIES OF TUALATIN AND DURHAM FOR POLICE SERVICES**

The Intergovernmental Agreement, dated August, 2010, between the Cities of Tualatin and Durham, which sets out the terms and conditions under which the City of Tualatin provides police services to the City of Durham, expired on June 30, 2011. However, the Cities wish to extend the terms of that Agreement for an additional six months, up to December 31, 2011 to allow the Cities to consider changes to the Agreement.

Therefore, by this amendment, the Cities agree to extend the above-referenced Agreement to December 31, 2011.

Dated this 22 day of August, 2011.

CITY OF TUALATIN

By [Signature]
Mayor
[Signature]
City Recorder

CITY OF DURHAM

By _____
Mayor

City Recorder

APPROVED AS TO LEGAL FORM

[Signature]
CITY ATTORNEY

Sent for Signatures
By: Police

COPY

City Council Meeting

E. 1.

Meeting
Date: 08/22/2011

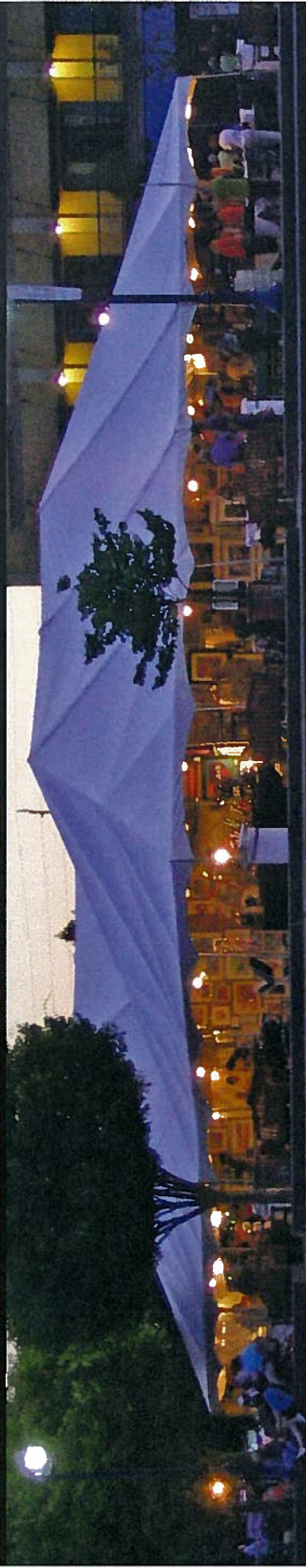
SPECIAL ArtSplash Art Show and Sale Presentation
REPORTS:

Information

Attachments

A - ArtSplash Presentation

ArtSplash Art Show & Sale



The 16th Annual ArtSplash Art Show and Sale was held at the Tualatin Commons July 22 - 24, 2011.

Artist Reception



An artist reception was held on Friday,
July 22 at the Winona Grange.

ArtSplash



Fifty artists participated in ArtSplash this year.

ArtSplash



Over 4,000 people attended the show, with total sales of \$22,730 (highest sales ever!)

Kids Art Camp



On Saturday, July 23, about 100 kids participated in a free art camp and created clay critters, watercolors or self-portraits.

Chalk-It Up



On Sunday, July 24, the Library sponsored a fun day of chalk art.

Concerts on the Commons



Concert on Friday night
featured Curtis Salgado



Saturday night concert showcased
Swing DC

Concerts on the Commons



Over 1,000 people enjoyed the Curtis Salgado concert on Friday night. Overall attendance at ArtSplash was over 4,000 people.



Questions/Comments?

City Council Meeting

E. 2.

Meeting
Date: 08/22/2011

SPECIAL Transportation System Plan Update
REPORTS:

Information

Attachments

PowerPoint Presentation

City of Tualatin Transportation System Plan Update



August 22, 2011

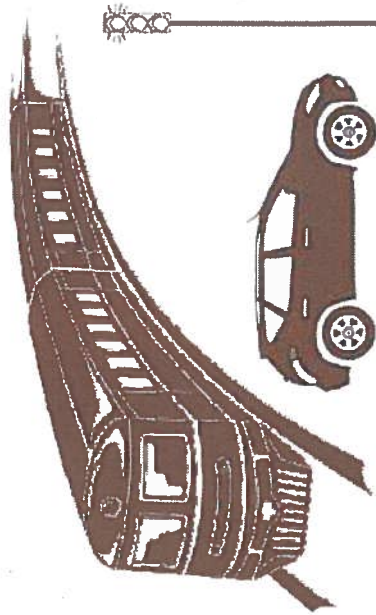
Public Involvement





Video Contest

MOVING TUALATIN Transportation VIDEO Contest





Online Mapping



Español | Website Map | Font: A A+

Home | About the Project | Public Involvement | Comments

Comment Map

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Submit a Comment





Consultants

CH2MHILL





Summary

The Transportation System Plan (TSP) is a blueprint for building and maintaining Tualatin's transportation network. To update the TSP, we will study what we have and envision what we want in 2035. We must balance the needs of those using cars, buses, trucks, trains, bikes and walking paths and consider our place in the region, while working diligently to protect what we love about Tualatin.

Project News

We will post news, project notices, and other information here as it becomes available. Have something you think we should post? Let us know.

Join the Conversation

July 22, 2011

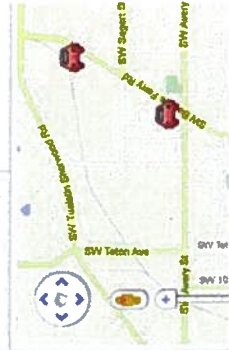
Talk about transportation using our interactive map

The first step in updating the Transportation System Plan is assessing what we have. Use our interactive comment map to share your perspective on Tualatin's transportation system.

- How do you get around?
- What makes getting around Tualatin easy? What makes it hard?
- What frustrates you?
- What would you change? What would you repeat?

Come back and share as many comments as you would like. You can agree or disagree with other people's comments and share your perspective. [Go to map](#)

Submit a Comment



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Mailing List

First Name

Last Name



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 8-22-11

Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Colin Cortes, Assistant Planner
Alice Rouyer, Community Development Director

DATE: 08/22/2011

SUBJECT: Amending Architectural Review, Partition, and Subdivision Approval and Extension Periods and Conditional Use Approval Period; and Amending Tualatin Development Code (TDC) 32.080, 32.090, 36.160, 36.240, AND 73.056 Planned Text Amendment (PTA-11-05)

ISSUE BEFORE THE COUNCIL:

The issue before the City Council is consideration of Plan Text Amendment (PTA) 11-05, to amend the Tualatin Development Code (TDC) to:

- Increase the Architectural Review (AR) and Conditional Use Permit (CUP) approval periods from one (1) to two (2) years
- Allow AR, Partition, and Subdivision a single one-year extension
- Allow for staff or the Architectural Review Board (ARB) to review an Architectural Review (AR) extension request depending on what party approved the AR
- Specify additional extension criteria.

RECOMMENDATION:

During its August 2, 2011 meeting, the Tualatin Planning Advisory Committee (TPAC) reviewed the proposed Plan Text Amendment (PTA) 11-05 and recommended the following:

- That Council approve PTA-11-05 as proposed in the staff report, adding that there should be an extension fee that recovers costs and is a percentage of the applicable original application submittal fee.
- The recommendation was unanimous.

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare an ordinance granting PTA-11-05, and establish extension fee(s).

EXECUTIVE SUMMARY:

- This matter is a land use action requiring a legislative public hearing.
- This matter is a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC).
- The applicant is the City.
- The request is to increase the Architectural Review (AR) and Conditional Use Permit (CUP) approval periods from one (1) to two (2) years; allow AR, Partition, and Subdivision a single one-year extension. Additionally, the amendment would allow for staff or the Architectural Review Board (ARB) to review an AR extension request depending on what party approved the AR; allow the City Engineer to review a Partition or Subdivision extension request; and, specify additional extension criteria.
- Conditional Use Permit (CUP) renewal occurs through resubmittal of an application and approval via resolution by the City Council with the conditions and time limit the Council sees fit; no change to this process is proposed.
- By providing Partitions and Subdivisions allowance for extension requests, the amendment would make the approval period uniform for the major Tualatin land use applications most closely associated with building – AR, CUP, Partition, and Subdivision – by making the approval period of each application two (2) years and by allowing a single one-year extension for AR, Partition, and Subdivision. This would ease administration.
- Architectural Review (AR) is an application process by which the City reviews site development and redevelopment in order to foster public health, safety, and welfare and that includes a review through TDC 73 “Community Design Standards” of on-site improvements, primarily within the purview of the Planning Division, and of improvements that connect to and affect public facilities such as streets and sanitary and storm sewers, primarily within the purview of the Engineering Division.
- A Conditional Use Permit (CUP) is an application process by which staff and the Council review the potential effects of a use listed as conditional within a particular Planning District (i.e. zoning district) and approves it by imposing conditions of approval as needed to mitigate any potential ill effects, which is why such a use is termed a “conditional use.”
- Partition and Subdivision are land divisions, partition being land division limited to the creation of up to three (3) total lots in a calendar year with few limited exceptions pursuant to Oregon Revised Statutes (ORS) 92.010(9).
- On October 26, 2009, the Council granted a blanket extension of all AR approvals that had been approved on or after January 1, 2007 through June 30, 2009 to December 31, 2012 to account for the downturn in the economy (PTA-09-06).
- On May 9, 2011, the Council revised the end of the date range from June 30 to September 30, 2009 to extend two additional AR approvals (PTA-11-03). This solution targeted a specific situation that prompted staff to consider revision of the existing regulations relating to land use approval periods and extensions.
- On June 7, 2011, the Tualatin Planning Advisory Committee (TPAC) discussed and proposed an approach consistent with staff’s proposal; TPAC comments helped shape staff’s proposal. TPAC liked the provisions requiring notice of extension (re-notice) to previous AR notice recipients and adding the criterion that neglect of site maintenance (i.e.

blight) can be factored in an extension decision. The committee commented also that there should be extension request fees scaled in proportion to what the original AR fees were, and that they would still be less than the fees to resubmit ARs.

- On June 13, 2011, staff presented the TPAC recommendation on the proposed amendment during work City Council session. The Council liked the extension criterion from Milwaukie, Oregon that required an applicant to provide updated information about special studies such as a transportation study and expressed concerns about applicants neglecting site maintenance for projects such as the Alexan Bridgeport (18067 SW Lower Boones Ferry Road) and River House (18615 SW Lower Boones Ferry Road). The Council agreed with charging extension fees and mentioned that they could be incorporated during the next scheduled City Fee Schedule update. (Refer to Attachment D.)
- On July 20, 2011, staff met with the Architectural Review Board (ARB) because the proposal adds a duty to the ARB by specifying that if an applicant requests an extension of an AR that the ARB had approved, then the ARB would review the request. The ARB suggested specifying a time period for the City to review and decide upon an extension request, e.g. no later than 45 or 60 days after date of receipt of the request.
- The ARB also discussed charging an extension request fee. TPAC had mentioned June 7 that there should be extension request fees scaled in proportion to what the original AR fees were, and that they would still be less than the fees to resubmit ARs. Below is a comparative table that includes fees of other select Oregon cities:

<i>City</i>	<i>Fee</i>	<i>Notes</i>
Lake Oswego	\$1,492 for minor modification or \$2,500 for major	Extension processed as modification of approval
Sherwood	\$150	n/a
Tigard	\$296	n/a
West Linn	50% of original development review fee (\$525 to \$2,000)	Extension processed as modification of approval
Wilsonville	\$80 administrative/staff or \$400 for ARB equivalent	n/a

- On August 2, 2011, TPAC discussed and made a formal recommendation on the amendment. Much of the discussion related to extension request fee(s). Ideas included charging a fee equal to 50% of the original application submittal fee, charging a cost recovery fee, or combining the two concepts as a basis by which to calculate a set fee. (Refer to Attachment F.)
- The Finance Department will prepare an update to the City Fee Schedule for extension request and other fees. Staff anticipates a resolution to update the fee schedule will go before the Council for its adoption on the same date as the ordinance enabling this amendment, September 12, 2011. Staff is proposing two fees:
 - \$150 for an extension request reviewed by staff
 - \$850 for an extension request reviewed by the ARB

This fee structure is consistent with the estimated cost of processing extension requests.

- The basic purpose of the amendment is to prevent the need for future blanket extensions of AR approval periods by lengthening the approval period. The proposed total time allowed is three (3) years: a two-year approval period and allowance for a one-year extension. Currently, the TDC provides for a one-year approval period with allowance for a six-month extension. The time difference between existing and proposed is 1 ½ years.
- This table summarizes proposed regulations:

<i>Application</i>	<i>Approval Period</i>	<i>Extension</i>
Architectural Review (AR)	2-year approval period	a single 1-year extension by staff or ARB depending on who approved the AR
Conditional Use Permit (CUP)	2-year approval period	allowance for renewal by the City Council (i.e. no change)
Subdivision & Partition	2-year approval period (i.e. no change)	a single 1-year extension by City Engineer

- The existing AR extension criterion is:

There have been no significant changes in any conditions, ordinances, regulations, or other standards of the City agencies that affect the previously approved project so as to warrant its resubmittal for AR

- The proposed AR criteria are:

1. There have been no significant changes in any conditions, ordinances, regulations, or other standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for AR (Existing and Revised)
2. If the applicant neglected site maintenance and allowed the site to become blighted, the deciding party shall factor this into its decision (New)
3. If the previously approved application included a special study such as a transportation study, the applicant provided with the extension request a status report that shows no significant changes on the site or within the vicinity of the site. A letter from a recognized professional also would satisfy this criterion if it states that conditions have not changed after the original approval and that no new study is warranted (New)

- No Partition or Subdivision extension criteria presently exist. The new proposed criteria are:

1. There have been no significant changes in any conditions, ordinances, regulations, or other standards of the City or applicable agencies that affect the previously approved subdivision so as to warrant its resubmittal
2. If the applicant neglected site maintenance and allowed the site to become blighted, the City Engineer shall factor this into the decision

- This table recapitulates the three previous bullets:

Criterion	Applications			
	AR	CUP	Partition	Subdivision
1	Yes	No; n/a	Yes	Yes
2	Yes	No; n/a	Yes	Yes
3	Yes	No; n/a	No; n/a	No; n/a

- Following Council approval of the amendment (August 22, 2011), subsequent adoption of the enabling ordinance (September 12, 2011), and the ordinance taking effect (October 12, 2011), applications approved prior to the amendment would be eligible for the one-year extension, including those ARs that received the six-month extension and excluding the ARs extended to December 31, 2012
- Applications submitted and under review prior to the amendment would receive a one-year approval period; those submitted and under review after the amendment takes effect would receive a two-year approval period
- Refer to Attachment A for the proposed amending text.
- This amendment follows discussion within the City, including the Council, TPAC, the ARB, the City Attorney, and staff of the Engineering and Planning Divisions.
- If the Council approves the amendment, the enabling ordinance would be scheduled for the September 12, 2011 Council meeting.
- Because the amendment is a legislative action, the 120-day rule codified in Oregon Revised Statutes (ORS) 227.178(2) is not applicable.
- The applicable local policies and regulations that apply to the amendment are in TDC Section 1.032 Amendments "Burden of Proof."
- Before granting the proposed amendment, the Council must find that the application meets the plan amendment criteria listed in TDC 1.032. The Analysis and Findings section of this report (Attachment B) examines the application.

OUTCOMES OF DECISION:

Approval of the PTA request would result in the following:

- Architectural Review (AR) and Conditional Use Permit (CUP) approval periods increase from one (1) to two (2) years
- CUP renewal process remains as is
- AR extension process designates staff as the deciding party if staff approved the AR or the Architectural Review Board (ARB) if the ARB approved the AR
- Applications approved prior to the amendment would be eligible for the one-year extension, including those ARs that received the six-month extension and excluding the ARs extended to December 31, 2012

- Applications submitted and under review prior to the amendment would receive a one-year approval period; those submitted and under review after the amendment takes effect would receive a two-year approval period
- Besides the City code changes extension criterion, additional AR extension criteria relate to special studies and neglect of site maintenance (i.e. blight)
- Partition and Subdivision are given allowance for a single one-year extension decided by the City Engineer with criteria relating to City code changes and neglect of site maintenance (i.e. blight)

Denial of the PTA request would result in the following:

- AR and CUP approval periods remain one (1) year
- AR retains allowance for a single six-month administrative (i.e. staff) extension with City code changes as the criterion
- CUP renewal process remains as is
- Partition and Subdivision approval periods remain two (2) years with no allowance for extension

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation to the Council are:

- Recommend the Council approve the proposed amendment with alterations.
- Continue the discussion of the proposed amendment and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The Fiscal Year (FY) 2011/12 budget accounts for the cost of City-initiated land use applications.

Attachments: [Attachment A - Proposed Amending Text](#)
 [Attachment B - Analysis and Findings](#)
 [Attachment C - TPAC Minutes June 7, 2011](#)
 [Attachment D - City Council Regular Meeting Minutes March 28, 2011](#)
 [Attachment E - ARB Minutes July 20, 2011](#)
 [Attachment F - TPAC Minutes August 2, 2011](#)

PTA-11-05 ATTACHMENT A
PROPOSED AMENDING TEXT

Section 36.160 Subdivision Plan Approval.

- (1) A subdivision application shall not be approved unless the City Engineer first finds that adequate public improvements are, or will be, made available to serve the proposed subdivision.
- (2) The City Engineer may approve, approve with conditions, or deny the application based upon demonstrated compliance with applicable City regulations. The City Engineer's decision shall be supported by written findings and reasons for the decision. Findings and reasons may consist of references to the applicable Tualatin Development Code (TDC) or Tualatin Municipal Code (TMC), ordinance provisions, or special studies. The decision shall also include an explanation of the rights of each party to request a review of the decision.
- (3) One copy of the subdivision plan and decision shall be filed with both the City Recorder and the City Engineer.
- (4) The decision of the City Engineer on a subdivision shall become final 14 calendar days after the date the notice of the decision is given, unless the applicant submits a written request for review ~~is sought~~.
- (5) The approval for the subdivision shall expire ~~24 months~~ two years from the date the decision ~~becomes final~~ is issued unless the applicant requests an extension and the City Engineer approves it pursuant to Subsection (6).
- (6) Before approving an extension of a subdivision approval, the City Engineer shall find that the request meets these criteria:
 - (a) There have been no significant changes in any conditions, ordinances, regulations, or other standards of the City or applicable agencies that affect the previously approved subdivision so as to warrant its resubmittal.
 - (b) If the applicant neglected site maintenance and allowed the site to become blighted, the City Engineer shall factor this into the decision.
 - (c) The City Engineer shall grant no more than a single one-year extension.
- (67) A subdivision plan approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:
 - (a) protect the public from the potentially deleterious effects of the proposal;
 - (b) fulfill the need for public facilities and services created by the proposal, or increased or in part attributable to the impacts of the proposal; or
 - (c) further the implementation of the requirements of the ~~Tualatin Development Code~~TDC.

Section 36.240 Final Decision.

- (1) The City Engineer shall render a final decision for a partition or an Expedited Partition Application.

(2) The City Engineer shall approve nNo partition or expedited partition application shall be approved by the City Engineer unless adequate public facilities are available to serve the proposed partition.

(3) The City Engineer's decision may be to approve, approve with conditions or deny the partition or expedited partition application based upon demonstrated compliance with applicable City regulations. The City Engineer's decision shall be supported by written findings and reasons for the decision. Findings and reasons may consist of references to the applicable Tualatin Development Code (TDC) or Tualatin Municipal Code (TMC) ordinance provisions.

(4) The final decision shall be written, and at a minimum shall identify:

(a) the applicant;

(b) the date of the decision;

(c) the decision;

(d) any time frame and conditions to which the decision is subject;

(e) a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in the rendering the decision, explains the justification for the decision based on the criteria, standards and facts set forth; and

(f) an explanation of the rights to request a review of the decision.

(5) Notice of the decision shall be provided to the applicant, property owner, and any party who submitted comments within the 14 calendar-day comment period. Notice of the decision shall include a description of rights to request a review of the decision.

(6) The decision of the City Engineer shall become final 14 calendar days after the date the notice of the decision is given unless a written request to review the decision has been received by the City in accordance with applicable procedures provided in TDC 36.161. If a request for City Council review is timely and properly filed, the decision on the partition application shall not be final until a final determination is made by the City Council.

(7) The final decision of the City Engineer, or approval by the City Council, shall expire ~~24 months~~two years from the date the City Engineer issues the final decision or the City Council is issued, or adopts the resolution is adopted unless the applicant requests an extension and the City Engineer approves it pursuant to Subsection (8).

(8) Before approving an extension of a partition approval, the City Engineer shall find that the request meets these criteria:

(a) There have been no significant changes in any conditions, ordinances, regulations, or other standards of the City or applicable agencies that affect the previously approved subdivision so as to warrant its resubmittal.

(b) If the applicant neglected site maintenance and allowed the site to become blighted, the City Engineer shall factor this into the decision.

(c) The City Engineer shall grant no more than a single one-year extension.

(89) A partition plan approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

(a) protect the public from the potentially deleterious effects of the proposal;

(b) fulfill the need for public facilities and services created by the proposal, or increased or in part attributable to the impacts of the proposal;

(c) further the implementation of the requirements of the ~~Tualatin Development Code~~TDC.

(910) The final decision of the City Council on a partition associated with an Industrial Master Plan (TDC 37) shall be subject to all requirements of TDC 36.240.

Section 32.080 Revocation of Conditional Use Permit.

(1) Any previously granted conditional use permit may be revoked by the City Council, after a hearing conducted in the manner required for approval of a conditional use permit initially, upon the following grounds:

- (a) Failure to comply with the conditions of approval.
- (b) Discontinuance of the use for a period in excess of ~~4~~two years.
- (c) Failure to comply with other applicable provisions of the Tualatin Community Plan regarding design, dimensional or use requirements.
- (d) A change in the Tualatin Community Plan or Planning District Standards of the planning district within which the use is located that have the effect of no longer allowing a new conditional use permit application to be considered in such planning district.

(2) Revocations initiated under TDC 32.080(1)(a) or (b) above shall not be initiated for at least 6 months after approval of the conditional use permit. Revocations initiated under TDC 32.080(1)(a), (b) and (c) above shall have the effect of making the previously granted conditional use permit void until a new application is submitted and granted. Revocations initiated under TDC 32.080(d) above shall have the effect of making the previously granted conditional use a nonconforming use.

Section 32.090 Automatic Termination of Conditional Use.

(1) Unless otherwise provided by the Council in the resolution granting approval of the conditional use permit, a conditional use permit shall automatically become null and void ~~4~~two years after the effective date upon which it was granted unless one of the following events occur:

- (a) The applicant or his successor in interest has secured a building permit within said ~~4~~two-year period, if a building permit is required, and has actually commenced construction of the building or structure authorized by the permit within said ~~4~~two-year period.
- (b) The applicant or his successor in interest has commenced the activity or installation of the facility or structure authorized by the conditional use permit within said ~~4~~two-year period.

(2) The applicant may submit a ~~written~~ request to the City Council for an extension of time on the conditional use permit to avoid the permit's becoming null and void. The request for extension must be ~~filed-submitted with the City Recorder~~ prior to the expiration of the times established by Subsection (1) above. The City Council may,

in the resolution granting such conditional use permit, provide for an extension of time beyond ~~two~~ years.

Section 73.056 Time Limit on Approval.

Architectural Review approvals shall ~~be void~~ expire after ~~one~~ two years unless:

- (1) A building, or grading permit submitted in conjunction with a building permit application, has been issued and substantial construction pursuant thereto has taken place and an inspection performed by a member of the Building Division; or
- (2) ~~An extension is requested by the applicant of the Architectural Review and approved by the Community Development Director and City Engineer. Before approving an extension the Community Development Director and City Engineer shall find that there have been no significant changes in any ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. The following conditions shall also apply.~~ The Architectural Review (AR) applicant requests in writing an extension and the City approves it. If the Community Development Director and City Engineer or their designees approved the AR, then the Community Development Director and City Engineer shall decide upon the extension request. If the Architectural Review Board (ARB) approved the AR, then the ARB shall decide upon the extension request. The applicant shall provide notice of extension request to past recipients of the AR notice of application and post a sign pursuant to TDC 31.064. Before approving an extension, the deciding party shall find that the request meets these criteria:
 - (a) ~~An extension request shall be submitted prior to the initial one-year expiration, and~~ The applicant submitted a written extension request prior to the the original expiration date.
 - (b) ~~No more than one 6-month extension shall be granted for a project receiving Architectural Review approval.~~ There have been no significant changes in any conditions, ordinances, regulations, or other standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for AR.
 - (c) If the previously approved application included a special ~~n-environmental or transportation~~ study, the applicant provided with the extension request a status report that shows no significant changes on the site or within the vicinity of the site. A letter from a recognized professional also would satisfy this criterion if it states that conditions have not changed after the original approval and that no new study is warranted.
 - (d) If the AR applicant neglected site maintenance and allowed the site to become blighted, the deciding party shall factor this into its decision.
 - (e) The deciding party shall grant no more than a single one-year extension for an AR approval.
 - (f) If the Community Development Director and City Engineer or their designees are the deciding party, then they shall decide within thirty (30) days of receipt of the request. If the ARB is the deciding party, then the ARB shall

decide within sixty (60) days of receipt of the request. If the deciding party fails to decide within the applicable time period, the decision shall default to approval.

(3) The Architectural review approval was granted on or after January 1, 2007 through September 30, 2009. In those cases approval shall be extended to December 31, 2012. Such approval shall not be eligible for extension under TDC 73.056(2). This subsection (3) shall terminate on January 2, 2013, without further action of the City Council.

PTA-11-05 ATTACHMENT B:

ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC), Section 1.032, must be met if the proposed PTA is to be granted. The plan amendment criteria are addressed below:

1. Granting the amendment is in the public interest.

The two blanket extensions of Architectural Review (AR) approvals through PTA-09-06 and PTA-11-03 were awkward legislative short-term solutions to an on-going problem caused by the compound effect of the national recession and a one-year AR approval period that is short compared with the five neighboring cities of Lake Oswego, Sherwood, Tigard, West Linn, and Wilsonville. Since 2008, there has been one Conditional Use Permit (CUP) that expired and that the City renewed in 2009 (CUP-08-02; CUP-09-03). Together, these circumstances suggest a more durable and strategic action to lessen the need for and frequency of extension requests for ARs and CUPs.

The amendment would give building projects approved through AR – as well as CUPs – a more reasonable amount of time to begin construction by providing a two-year rather than one-year period and lessen the need for and frequency of extension requests.

Additionally, by providing Partitions and Subdivisions allowance for extension requests, the amendment would make the approval period uniform for the major Tualatin land use applications most closely associated with building – AR, CUP, Partition, and Subdivision – by making the approval period of each application two (2) years and by allowing each a single one-year extension with the exception of CUP because the City Council renews a lapsed CUP through re-approval instead of extension. This would ease administration.

Together, these changes will lessen the need for City Council, TPAC, and staff to spend time reviewing extension requests. This change benefits applicants by allowing more time and enhancing the quality of the City's customer service. The time-limited approval and extension periods retain the City ability to review projects and their benefit to the public interest.

Granting the amendment is in the public interest. Criterion "A" is met.

2. The public interest is best protected by granting the amendment at this time.

As examined for Criterion A, the purpose of the amendment is to lessen the need for and frequency of extension requests, and in recent years the need for and frequency of extension requests has consumed an undue amount of time from the City Council, TPAC, and staff, making the amendment timely.

Granting the amendment at this time best protects the public interest.

3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

The amendment neither directly relates to nor interferes with comprehensive plan objectives.

Criterion "C" is met.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

The factor is not relevant to the proposed amendment because it does not affect any planning district designation or related regulation.

The suitability of the areas for particular land uses and improvements in the areas.

The factor is not relevant to the proposed amendment because it does not affect any planning district designation or related regulation.

Trends in land improvement and development.

The factor is not relevant to the proposed amendment because it does not relate to trends in land improvement and development.

The needs of economic enterprises and the future development of the area.

The [National Bureau of Economic Research](#) dated the beginning of the national recession December 2007. While the agency officially has declared that the recession ended in June 2009, recessionary effects on local real estate continue. For this reason, at this time the needs of economic enterprises and the future development of commercial and industrial areas of Tualatin need additional time, primarily to maintain or obtain bank financing of building projects. The amendment directly addresses this need.

Needed right-of-way and access for and to particular sites in the area.

The factor is not relevant to the proposed amendment because it does not relate to needed right-of-way and access for and to particular sites in the area.

Natural resources of the City and the protection and conservation of said resources.

The factor is not relevant to the proposed amendment because it does not relate to natural resources of the City and the protection and conservation of said resources.

Prospective requirements for the development of natural resources in the City.

The consideration of the previous factor applies here also.

And the public need for healthful, safe, aesthetic surroundings and conditions.

The amendment establishes an additional criterion for review of an AR extension request: If an applicant neglected site maintenance (i.e. allowed blight), the deciding party may factor this into its decision. The amendment consciously considers the factor of public need for healthful, safe, aesthetic surroundings and conditions.

Proof of change in a neighborhood or area

Neither the applicant nor staff assert proof of change in a neighborhood or area.

Mistake in the Plan Text or Plan Map.

Neither the applicant nor staff assert a mistake in the Plan Text or Plan Map.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

Because the amendment does not relate to residential use, the criterion is not applicable.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Of the 19 statewide planning goals, the applicable ones are Goals [2 "Land Use Planning"](#) and [9 "Economic Development."](#)

The purpose of the amendment is to lessen the need for and frequency of extension requests. The amendment is in keeping with a land use planning process and policy framework that is a basis for all decision and actions related to use of land and assures an adequate factual base for such decisions and actions. By increasing approval periods, it also provides more reasonable opportunity for a variety of economic activities vital to the health, welfare, and prosperity of Tualatin's residents and employees to manifest themselves on the landscape.

The criterion is met.

7. Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.

The Urban Growth Management Functional Plan (UGMFP), codified in Metro Code 3.07, neither precludes the amendment nor regulates how a local government may set its land use approval period. The criterion is met.

8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

Because the amendment does not relate to vehicle trip generation at a land use level, the criterion is not applicable.



City of Tualatin

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OFFICIAL

TUALATIN PLANNING ADVISORY COMMITTEE - MINUTES OF June 7, 2011

TPAC MEMBERS PRESENT:

Paul Sivley, Chair
Alan Aplin
Jeff DeHaan (*arrived after Agenda Item 4*)
Steve Klingerman
Nic Herriges (*arrived after Agenda Item 4*)
Mike Riley
Sam Graham
Bill Beers

STAFF PRESENT:

Alice Rouyer
Aquilla Hurd-Ravich
Colin Cortes
Ben Bryant
Carl Switzer
Heidi Blaine

TPAC MEMBER ABSENT:

GUESTS: Kathy Newcomb and Steve Titus

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5. COMMUNICATION FROM CITY STAFF:

5.1 Land Use Decision Approval & Extension Periods: Research & Alternative Actions

Mr. Cortes provided background on the land use decision approval and extension periods scheduled to go to Council on June 13. The proposed plan text amendment would make it easier to deal with extension of land use applications. He reviewed the PowerPoint presentation distributed to TPAC. A few sites in town had been approved but were not under construction so the sites were becoming blighted. In the future, they would like to be able to say if the site was not being maintained, no extensions could be requested. Besides the number and length of extensions, they considered the possibility of charging a fee for the extensions.

Discussion continued with questions being asked and answered as follows:

There was concern that if projects were extended long enough, enough time could pass between when it was first noticed to when it was actually constructed that there would be changes in population and some people would be taken by surprise. Some residents might be upset and try to stop the project. (Slide 7) The requirement for new notice would keep the project from falling out of memory. Mr. Sivley noted it was important to word the notice to make clear that it was not a reapproval but extension of time to develop until x date and include the reason for the extension.

Nic Herriges arrived at this time.

There was currently no fee for the six-month extension. Administratively, four or five extensions had been done apart from the blanket extension, and some had received extensions before the blanket extensions. Mr. Klingerman did not think the rules should be changed for a 10- or 15-year event and should instead handle this on a case by case basis. Mr. Colin explained that the status quo was a bit cumbersome for both the City and the applicants. Sam Graham added that with a blanket rule, they would not have to worry about issues such as preferential treatment, prejudice or discrimination that could come up when extensions were granted on a case by case basis.

RiverHouse was outside the purview of this ordinance, but it did prompt staff to consider the blight criterion. They had received an extension in May and needed to show progress by November, or the project needed completed. There was Code related to general site maintenance, so a developer could be asked to cut grass that was too high for example. The Stafford Hills Fitness and Racquet Club was in the final stages of completing their bank financing and expected construction to begin in four to six weeks. The land use approval was good; it had not expired. Mr. Sivley suggested that on these lingering projects, the City could have applicants/developers meet with staff, TPAC or Council to discuss the progress, etc.

Since 2008, the longest period of approval using extensions was about three years. TPAC discussed different extension alternatives including six-month extensions requiring administrative approval, more involved one-year extensions with possibly higher fees and notices, and two-year blanket extensions as a legislative fix. The initial approval would be for two years with one year or six month extensions following. According to the Building Code, an inspection or series of inspections was required to show substantial progress before an extension would be granted. The two-year time frame applied to all projects, regardless of size. At this time, the architectural review (AR? If so, change sentence) approval period was the same for every AR. The fee charged should be proportional to the complexity of the project and commensurate with the work that staff needed to do. If extensions ran out on a project and the applicant process restarted, the fees could be 25% or 50% of the original fees based on the cost of service provided by staff. All ARs were done in house.

Ms. Hurd-Ravich stated that the next step was to take the project to a Council worksession. She summarized that TPAC discussed that one option was increase the initial approval period to two years with an option for a one-year extension to include renoticing. They also discussed having an initial approval period of two-years followed by the developer having a choice of six-month administrative approval extensions or a one-year extension granted by ARB with renoticing. They had also discussed some type of fee scaled to the project, either based on square footage, type or tiered based on valuation, possibly a percentage of the original cost. Also, the fee would somehow be linked to the amount of staff work involved. Regarding the issue of blight, there were

conditions when AR's were issued which required sites to be maintained throughout the project as well as after completion. In the Municipal Code, if a site was not maintained, they could be cited. The suggestion was made that if a certain number of citations were issued, an application would need to be resubmitted and the full fee paid to resubmit. The longevity of certain projects in town should be addressed through staff meetings with the developer or Council or TPAC.



**OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR
JUNE 13, 2011**

Present: Mayor Lou Ogden, Councilor Monique Beikman, Councilor Joelle Davis, Councilor Wade Brooksby (arrived at 6:13 p.m.), Councilor Frank Bubenik, Councilor Ed Truax

Absent: Council President Chris Barhyte

Staff Present: City Manager Sherilyn Lombos, City Attorney Brenda Braden, City Engineer Mike McKillip, Police Chief Kent Barker, Operations Director Dan Boss, Human Resources Director Nancy McDonald, Finance Director Don Hudson, Planning Manager Aquilla Hurd-Ravich, Development Manager Eric Underwood, Senior Planner William Harper, Assistant Planner Colin Cortes, Parks and Recreation Manager Carl Switzer, Library Manager Abigail Elder, Civil Engineer Kaaren Hofmann, Engineer Associate Tony Doran, Volunteer Services Coordinator Victoria Eggleston, Program Coordinator Kathy Kaatz, Management Intern Ben Bryant, Executive Assistant Maureen Smith, Assistant to the City Manager Sara Singer, Community Development Director Alice Rouyer

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2. ITEMS FOR DISCUSSION

B. Land Use Decision Approval & Extension Periods: Research & Alternative Actions

Planning Manager Aquilla Hurd-Ravich began with a brief background on the first extension that was done in 2009, explaining the different hurdles that arose, primarily due to the economic downturn. In May, there was another request and approval that extended the time frame for some other architectural reviews. Staff then started looking at different ways to make the process work better by being able to give a longer period of time/extension. It also gives developers a reasonable amount of time to get started on their project, and less costly with extensions.

Assistant Planner Colin Cortes continued with an explanation of what an extension entails. It was asked and explained what it means to get a "project" going, and the permitting process. Giving a longer approval period from one to two years would allow for a developer to address issues such as financing, other agency regulations, and timeframes, etc. In looking at other cities, comparatively Tualatin has a short approval period. It was asked and explained about the costs associated with re-noticing for an extension request.

Discussion followed. It was asked about regulations that could change during the

extension period, and how it would be addressed, and staff explained the proposal is to keep language that is already included to be able to deal with regulations changes. It was noted how Milwaukie handles their procedure.

City Manager Lombos summarized the discussion and said staff will bring back a draft, including some of the Milwaukie language, and present at a future Council meeting.



City of Tualatin

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Unofficial

ARCHITECTURAL REVIEW BOARD

MINUTES OF JULY 20, 2011

MEMBERS PRESENT:

Robert Perron, Served as Chair
Chris Goodell
Terry Novak
John Howorth
Bill Lambert
Skip Stanaway

STAFF PRESENT:

Alice Rouyer
Aquilla Hurd-Ravich
Will Harper
Colin Cortes
Heidi Blaine

MEMBER ABSENT: Ed Truax, Chair, Alternates Brian Wethington and John Medvec

GUESTS: See List

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5. COMMUNICATION FROM STAFF

5.1 Discuss a Proposed Land Use Decision Approval and Extension Periods (PTA-11-05)

Mr. Harper introduced the speaker Colin Cortes, Assistant Planner, to the Board and the background behind his presentation. Mr. Harper continued that the important component is that the ARB would be involved in making the decision to approve the extensions that had previously been heard by the Board.

Mr. Cortes explained the history behind this Planned Text Amendment (PTA-11-05). He said that the City had granted a blanket extension of Architectural Reviews (ARs) that were approved between January 1, 2007 and September 30, 2009. These extensions expire on December 31, 2012. The extension has prompted staff to review and consider refinements to the current regulations pertaining to extensions of development approvals. He said that the extension approval would be determined by the party who granted the application. So, if staff approved it, then they would decide the extension and if the ARB granted it, then they would be left to decide to grant the extension.

Mr. Cortes distributed handouts that provided background and outlined the different types of land use applications with their current approval periods and extension periods along with setting forth extension criteria. He also presented Council comments from the

Work Session on June 13, 2011 about these changes. Lastly, Mr. Cortes outlined the next steps in this process.

Ms. Rouyer stated that staff wanted to discuss these proposed changes with the Board because it affects the group in the types of decisions it makes. Also, the Board members have experiences and expertise that can provide staff with good feedback.

Discussion:

The Architectural Review Board spent time asking Mr. Cortes and staff questions about the presentation and how it would affect their decision making.

Highlights of this discussion included:

- Several members of the ARB stressed the importance of using direct language in the code about the exact expiration dates of approval and extension periods. Mr. Novak talked about the importance of an applicant knowing a timeframe because this is how development related companies conduct their businesses.
- Mr. Lambert, Novak and Stanaway asked for advance notice of an extension request needing ARB's review.
- Mr. Stanaway was concerned about attaching City issued fees to extensions. He said it is important to recover City expenses such as salaries. In general, the ARB members agreed.
- The ARB members generally thought it was important for staff to decide if there would be a "grandfather" type clause allowed for these extensions and how it would affect future decisions. Mr. Novak stressed the importance of knowing upfront if you will be "grandfathered" into a set of codes because restructuring a project to fit new codes can be time consuming and expensive.
- The question was asked "How long can you ask for extensions?" Mr. Cortes clarified that you can get one one-year extension. Otherwise an applicant would have to resubmit.
- Mr. Howorth spoke more about the importance of time extensions. He stated how important it is to know about the extension process and information from the beginning of the application process. He continued that by knowing all the information upfront it allows for proper planning during the different development phases. He said it was important for the City to incorporate language about how long the City would have to grant extensions. He asked if the City takes a few weeks and within that time the approval expires, what happens then? The group discussed different options and outcomes. Mr. Lambert said the more you know about expiration dates the easier it is to explain to clients. Overall, the Board

believed it is important that the code be built with language that makes it clear what the expiration and extension dates are. Mr. Lambert, Novack and Stanaway suggested that the City should decide upon an extension request within a set period like 30, 45 or 60 days.

- The ARB members discussed the topic of when it would be appropriate to require applicants to submit studies, updated reports and other types of information to the group before they would grant an extension. Ms. Hurd-Ravich said that the studies wouldn't be different than the reports that were required to begin with, the applicant would be asked to update that material. Mr. Harper asked if that could be the same for the ARB. Mr. Cortes said yes, that the ARB could ask for updated material on the application.
- Mr. Cortes shared his research about extension periods in other municipalities. Ms. Hurd-Ravich indicated that the new changes would put us somewhere in the middle as far as being restrictive.
- Mr. Stanaway urged staff to keep the ARB informed of pertinent code changes.



City of Tualatin

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UNOFFICIAL

TUALATIN PLANNING ADVISORY COMMITTEE - MINUTES OF August 2, 2011

TPAC MEMBERS PRESENT:

Paul Sivley, Chair
Mike Riley, Vice Chair
Alan Aplin
Jeff DeHaan
Steve Klingerman
Nic Herriges
Bill Beers

STAFF PRESENT:

Alice Rouyer
Aquilla Hurd-Ravich
Colin Cortes
Heidi Blaine

TPAC MEMBER(S) ABSENT: *None.*

GUESTS: *None.*

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4. ACTION ITEMS

A. Amending Architectural Review, Partition, and Subdivision Approval and Extension Periods and Conditional Use Approval Period; and Amending TDC 32.080, 32.090, 36.160, 36.240, AND 73.056 (PTA-11-05)

Assistant Planner Cortes provided an overview of the proposed changes to the Tualatin Development Code. He gave a summary of the discussion with the Architectural Review Board (ARB). The Advisory Committee and Staff discussed the current fee structure for an architectural review application.

Assistant Planner Cortes explained the current different fee tiers for architectural review applications which are based on valuation of the completed project. The Committee reviewed the Staff Report and concentrated on the portion about extension fees of nearby cities. This led to discussion about fee methodology and if a fee should be determined either based on a percentage of the original application's fee, if it should be set in a tiered fashion or if it should recover costs. Mr. Klingerman inquired how much staff time is involved in an architectural review extension application. Assistant Planner Cortes said that he attempted an educated guess to this question by doing back of the envelope calculations and determined that Wilsonville's fees would match closest to the time staff spends on extension requests. He said that the fees would be around \$80 for a staff level decision and \$400 for an ARB review.

Planning Manager Hurd-Ravich requested feedback from the Committee so that Staff can better work with the Finance Division to set appropriate costs. Mr. Herriges suggested that the goal was to have fees recover mostly staff time spent on requests. Mr. Aplin stated that coding staff time is not always the most accurate and perhaps a percentage of the original application might be most effective.

Discussion ensued about on what level extension decisions are made. Chair Sivley was concerned for what body makes decisions in the cases of large controversial matters. The Committee and staff had a rigorous discussion about how the extension process works. Staff explained how it is determined that an extension goes before staff or the ARB and described the Building and Planning Divisions' roles in the process. Staff stated that most extension decisions are made at the staff level. Assistant Planner Cortes used what he called a colloquial term "out of AR" to describe that once a land use decision has been approved by the Planning Division then a project moves to the Building Division and becomes part of that division's decision-making process. Planning Manager Hurd-Ravich clarified the appeal process.

Staff and the Committee discussed different examples including the Stafford Racquet Club. Ms. Hurd-Ravich provided insight into this issue and clarified that the Stafford Racquet Club has building permit extensions, not land use extensions. Chair Sivley requested a timeline with deadlines associated with permits for the Stafford Racquet Club from Planning staff. Assistant Planner Cortes clarified that a project can fail to obtain a building permit, but can still be in the land use approval period. In this example the applicant would simply apply for another building permit. However, if the project lapsed on its building permit deadlines and the land use application deadline had expired then the applicant would have to start the Architectural Review (AR) application process again.

Mr. DeHann started to propose a motion but more discussion developed around the fee concept, and he suggested setting it as a percentage. He wondered if higher than 50% might be deterring to an applicant. Mr. Riley agreed. Mr. DeHann said he can understand Mr. Herriges point of wanting a fee to accurately reflect costs. Further discussion about how to place a fee on an application extension followed.

The Committee discussed the issue of why applicants are getting extensions. With regards to staff time for extensions, Mr. Klingerman wondered how much information has changed from the original application. Assistant Planner Cortes replied that the proposed amending text allows for the City to request updated information, and that the amendment is about extending approval, not modifying approval. Chair Sivley stated that sometimes other studies are required or can be requested for an extension. Mr. Klingerman suggested that the fee is not a lot of money when compared to losing your whole project. Community Development Director Rouyer said to Chair Sivley that planning staff will take the Committee's recommendations when developing a fee methodology. She said they will try to establish a fee that recovers costs and is consistent with other fees that are set by the City.

Chair Sivley solicited further comments.

MOTION by Riley SECONDED by Klingerman to approve the amendment to the Tualatin Development Code with the recommendation to the Council to add a fee based on a percentage. MOTION PASSED (7-0).

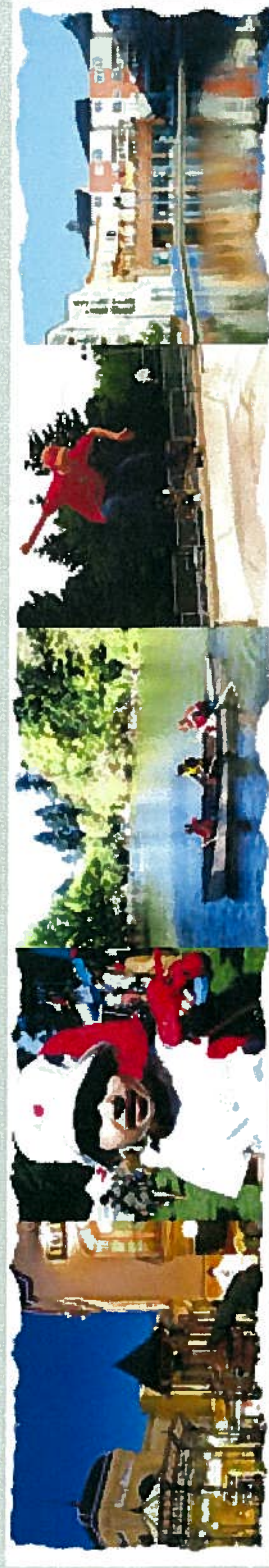
Development Code Amendment:

PTA-11-05

Land Use Decision Approval & Extension Periods

City Council Public Hearing

August 22, 2011





Background

- City granted blanket extension to Architectural Reviews (ARs) approved 1/01/2007 – 9/30/2009
- Blanket extension expires 12/31/2012
- Extensions prompted City to review how to better handle future extensions



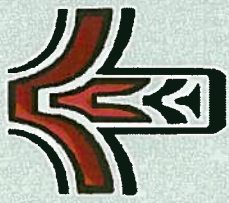
Current Approval & Extension Periods

Land Use Application	Approval Period	Extension
Architectural Review (AR)	1-year approval period	a single 6-month administrative extension
Conditional Use Permit (CUP)	1-year approval period	allowance for renewal by the City Council



Proposed Approval & Extension Periods

Land Use Application	Approval Period	Extension
Architectural Review (AR)	2-year approval period	a single 1-year extension by staff or ARB depending on who approved the AR
Conditional Use Permit (CUP)	2-year approval period	allowance for renewal by the City Council (i.e. no change)
Subdivision & Partition	2-year approval period (i.e. no change)	A single 1-year extension by City Engineer



Existing AR Extension Criterion

The Community Development
Director and City Engineer
determine no code changes
necessitate re-submittal and review



New AR Extension Criteria

1. The Community Development Director and City Engineer determine no code or agency code changes necessitate re-submittal and review (Existing and Revised)
2. If the applicant neglected site maintenance and allowed the site to become blighted, the deciding party shall factor this into its decision (New)
3. If the AR had included a special study such as a transportation study, the applicant provided a status report that shows no significant changes (New)



Partition/Subdivision Extension Criteria

- No Partition or Subdivision extension criteria presently exist
- The new proposed criteria are:
 1. The Community Development Director and City Engineer determine no code changes necessitate re-submittal and review
 2. If the applicant neglected site maintenance and allowed the site to become blighted, the City Engineer shall factor this into the decision



ARB & TPAC

Recommendations

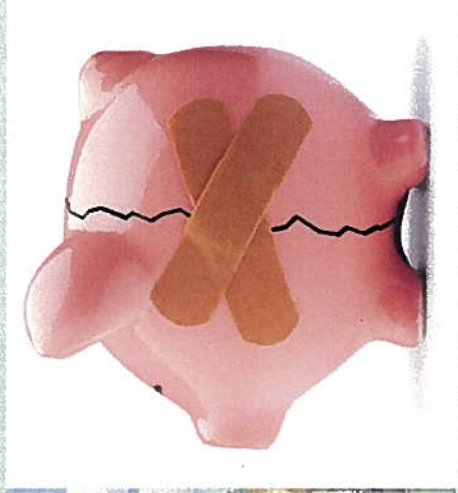
- On July 20, 2011 staff presented the amendment to the Architectural Review Board (ARB) for comments because it adds to ARB duties; the ARB agreed with the amendment
- On August 2, 2011 the Tualatin Planning Advisory Committee (TPAC) made a formal recommendation to approve the amendment



Fees

- ARB and TPAC suggested extension review fees
- Per TPAC staff is working with the Finance Department to set fees that are a percentage of the original application fees and that recover extension review costs

Questions?



[City Council Work Session June 13, 2011 Memo \(PTA-11-05\)](#)
[City Council Work Session June 13, 2011 Minutes \(PTA-11-05\)](#)



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Colin Cortes, Assistant Planner
Alice Rouyer, Community Development Director

DATE: 08/22/2011

SUBJECT: Amending the Tualatin Planning Advisory Committee (TPAC); and Amending Tualatin Development Code (TDC) 2.060; Plan Text Amendment (PTA-11-06)

ISSUE BEFORE THE COUNCIL:

The issue before the City Council is consideration of Plan Text Amendment (PTA) 11-06 to amend Tualatin Development Code (TDC) Section 2.060(1) to change the Tualatin Planning Advisory Committee (TPAC) by reducing the number of positions from nine (9) to seven (7) and amending Section 2.060(2) to remove the limit that a member may serve no more than two (2) consecutive terms.

The Legal Division is processing a complementary revision of Tualatin Municipal Code Chapter (TMC) 11-1 "Planning Advisory Committee,"

- Section 11-1-40 to establish a majority of appointed members as a quorum and
- Section 11-1-020(1) to reduce the number of positions from nine (9) to seven (7) and to remove the limit that a member may serve no more than two (2) consecutive terms.

This latter revision related to positions and term limits is necessary because the Development Code (TDC 2.060) reflects the content of the Municipal Code (TMC 11-1-020 and 11-1-40). TMC Title 11 "City Committees and Boards" regulates all advisory committees.

RECOMMENDATION:

During its June 7, 2011 meeting, the Tualatin Planning Advisory Committee (TPAC) reviewed the proposed Plan Text Amendment (PTA) 11-06 and recommended the following:

- That Council approve PTA-11-06 as proposed in the staff report, motioning that, "A majority of the members of the Committee appointed by City Council shall constitute a quorum."
- Approval was 6-1.

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare an ordinance granting PTA-11-06.

EXECUTIVE SUMMARY:

This matter is a land use action requiring a legislative public hearing: a Plan Text Amendment to the Tualatin Development Code (TDC). The applicant is the City on behalf of TPAC, which exists to meet Oregon Statewide Planning Goal 1 "Citizen Involvement."

The request is to amend TDC Section 2.060 to make two changes to TPAC by reducing the number of positions from nine (9) to seven (7) and to remove the limit that a member may serve no more than two consecutive terms.

The Legal Division is processing a complementary revision of Tualatin Municipal Code (TMC) Chapter 11-1 "Planning Advisory Committee,"

- Section 11-1-020(1) to reduce the number of positions from nine (9) to seven (7) and to remove the limit that a member may serve no more than two consecutive terms
- Section 11-1-40 to establish a majority of appointed members as a quorum. (A "quorum" is the minimum number of members of a deliberative assembly (a body that uses parliamentary procedure) necessary to conduct the business of that group.)

Refer to Attachment A for the proposed amending text.

The purpose of the amendment is to acknowledge a realistic number of potential TPAC members among the general public who are willing to attend meetings following Council appointment, to retain these members, and allow TPAC a realistic quorum.

Here is a chronology of advisory committee meetings about the amendment:

- During its November 2, 2010 meeting, TPAC recommended that the Council reduce the number of TPAC positions from nine (9) to seven (7). Chairman Paul Sivley had raised the discussion topic and had noted that other City advisory committees have seven (7) members. (Excerpted minutes are in Attachment C.)
- During its December 7, 2010 meeting, TPAC recommended that staff investigate reducing the number of TPAC positions from nine (9) to seven (7). TPAC had discussed the existing allowance for some positions to be open to those living outside city limits but within the Urban Growth Boundary (UGB) and the ideal number of TPAC positions. (Excerpted minutes are in Attachment D.)
- During its February 1, 2011 meeting, TPAC motioned 5-0 that, "A majority of the members of the Committee appointed by City Council shall constitute a quorum." TPAC had discussed the challenges faced with the lack of a quorum and the options for making a quorum easier to achieve, including recruitment through neighborhood organizations and amending the quorum to be a majority of members rather than total positions. (Excerpted minutes are in Attachment E.)
- During its March 28 meeting and following discussion of the 2010 Annual Report of TPAC, the City Council directed staff to prepare an ordinance to change TPAC from nine (9) to seven (7) members, with a quorum of those actually present, and to remove the limit that a member may serve no more than two consecutive terms. The TMC revision addresses quorum. Chairman Sivley was present and spoke of his goals for TPAC to fill positions and encourage involvement. Relating reduction of the number of TPAC positions from nine (9) to seven (7) to these goals, he noted that there were four 2010 TPAC meetings that failed

to attain quorum primarily because of vacant positions. (Excerpted minutes are in Attachment F.)

- During its June 7, 2011 meeting, TPAC motioned 6-1 to recommend granting the amendment with the proposed amending text. TPAC made a formal recommendation because TPAC makes recommendation on plan amendments to the City Council. (Excerpted minutes are in Attachment G.)

The applicable local policies and regulations that apply to the amendment are in TDC Section 1.032 Amendments "Burden of Proof." Before granting the proposed Plan Text Amendment, the City Council must find that the application meets the plan amendment criteria listed in TDC 1.032. The Analysis and Findings section of this report (Attachment B) examines the amendment. Because the amendment is a legislative action, the 120-day rule codified in Oregon Revised Statutes (ORS) 227.178(2) is not applicable.

OUTCOMES OF DECISION:

Approval of the PTA request would result in the following:

- The number of Tualatin Planning Advisory Committee (TPAC) positions is reduced from nine (9) to seven (7), and the limit on the number of consecutive terms a member may serve is removed.

Denial of the PTA request would result in the following:

- The number of TPAC positions remains nine (9), and any member must continue to serve no more than two (2) consecutive terms.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the Tualatin Planning Advisory Committee recommendation to the Council are:

- Approve the proposed amendment with alterations.
- Deny the proposed amendment.
- Continue the discussion of the proposed amendment and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The Fiscal Year 2011/12 budget accounts for the cost of City-initiated land use applications.

Attachments: [Attachment A - Proposed Amending Text](#)
 [Attachment B - Proposed Amending Text](#)
 [Attachment C - TPAC Minutes November 2, 2010](#)
 [Attachment D - TPAC Minutes December 7, 2010](#)
 [Attachment E - TPAC Minutes February 1, 2011](#)
 [Attachment F - City Council Regular Meeting Minutes March 28, 2011](#)
 [Attachment G - TPAC Minutes June 7, 2011](#)

PTA-11-06 ATTACHMENT A
PROPOSED AMENDING TEXT

Section 2.060 Tualatin Planning Advisory Committee (TPAC).

(1) Number of members: ~~9~~7.

(2) Selection criteria: good geographic balance; no more than three members with same occupation; no more than two members engaged in the real estate development profession; reside within City except for those members allowed to live outside the City who must reside within the Urban Growth Area.

(3) Term of office: ~~three years~~ Each committee member shall serve three years per term. The City Council may reappoint a member continually or appoint a successor.

(4) Powers and duties: recommend and make suggestions to the Council regarding preparation and revision of plans for the growth, development, and beautification of areas both inside the corporate limits of Tualatin and within the City's Urban Growth Boundary, such plans to incorporate elements and subelements, including but not limited to the following:

(a) Land Use

(b) Economic Development
Housing
Commercial and Industrial

(c) Public Facilities
Transportation
Water Supply
Sewerage
Drainage
Parks and Open Space
Institutions

(d) Historic Resources

(e) Recommend and make suggestions to the Council regarding preparation and revision of community development ordinances, including but not limited to the following:

Tualatin Development Code
Tualatin Sign Ordinance
Tree Planting Regulations

(f) Study and propose in general such measures as may be advisable for promotion of public interest, health, morals, safety, comfort, convenience, and welfare of the City and of the area within the City's Urban Growth Boundary.

PTA-11-06 ATTACHMENT B:

ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC), Section 1.032, must be met if the proposed PTA is to be granted. The plan amendment criteria are addressed below:

1. Granting the amendment is in the public interest.

Tualatin Development Code (TDC) 2.050, part of the City's comprehensive plan, designates the (Tualatin Planning Advisory Committee) TPAC as a citizen body responsible for fulfilling Goal 1 "Citizen Involvement."

The purpose of the amendment is to acknowledge a realistic number of potential TPAC members among the general public who are willing to attend meetings following Council appointment, to retain these members. The action is to decrease the number of positions from nine (9) to seven (7). (Of the 9 present positions, 7 are filled.) This action increases the ability of TPAC to conduct business regularly, a condition that is in and better serves the public interest. A second action is to remove the limit that a member may serve no more than two consecutive terms and allow the term of office to reside with Council's discretion. The City Council ultimately has the authority to approve new members and end the term of existing members as per the Tualatin Municipal Code Section 11-1-020(3).

Granting the amendment is in the public interest. Criterion "A" is met.

2. The public interest is best protected by granting the amendment at this time.

As examined for Criterion A, the purpose of the amendment is to acknowledge a realistic number of potential TPAC members among the general public who are willing to attend meetings following Council appointment, to retain these members. The action is to decrease the number of positions from nine (9) to seven (7). (Of the 9 present positions, 7 are filled.) This action increases the ability of TPAC to conduct business regularly.

A second action is to remove the limit that a member may serve no more than two consecutive terms. The City Council ultimately has the authority to approve new members and end the term of existing members. Eliminating term limits assists the Planning Advisory Committee with the ability to retain full membership, while keeping the ability to approve and remove members at Council discretion. In the past, members who are citizen volunteers and have shown great interest in land use issues affecting the community were forced to step down due to the current limit of terms that is three (3) years. This is a disservice to our community when there are

citizens who are interested in participating in decision making about the future of the City but are unable to participate. The public interest is in fact better protected through removal of the limit that a member may serve no more than two consecutive terms.

In 2010, primarily because of vacant positions TPAC failed to attain quorum for four meetings, including two consecutive meetings, delaying action items. The committee has attracted and retained seven (7) members though having nine (9) positions. These conditions make the amendment timely.

Granting the amendment at this time best protects the public interest.

3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

In 1976 Tualatin Development Code (TDC) 2.050 designated TPAC as a citizen body responsible for fulfilling Goal 1 "Citizen Involvement." The amendment does not interfere with the Plan objective of TPAC fulfilling Goal 1.

The proposed amendment conforms with the objectives of the Tualatin Community Plan. Criterion "C" is met.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

The factor is not relevant to the proposed amendment because it does not affect any planning district designation or related regulation.

The suitability of the areas for particular land uses and improvements in the areas.

The factor is not relevant to the proposed amendment because it does not affect any planning district designation or related regulation.

Trends in land improvement and development.

The factor is not relevant to the proposed amendment because it does not relate to trends in land improvement and development.

The needs of economic enterprises and the future development of the area.

The factor is not relevant to the proposed amendment because it does not relate to the needs of economic enterprises and the future development of the area.

Needed right-of-way and access for and to particular sites in the area.

The factor is not relevant to the proposed amendment because it does not relate to needed right-of-way and access for and to particular sites in the area.

Natural resources of the City and the protection and conservation of said resources.

The factor is not relevant to the proposed amendment because it does not relate to natural resources of the City and the protection and conservation of said resources.

Prospective requirements for the development of natural resources in the City.

The consideration of the previous factor applies here also.

And the public need for healthful, safe, aesthetic surroundings and conditions.

The factor is not relevant to the proposed amendment because it does not relate to the public need for healthful, safe, aesthetic surroundings and conditions.

Proof of change in a neighborhood or area

Neither the applicant nor staff assert proof of change in a neighborhood or area.

Mistake in the Plan Text or Plan Map.

Neither the applicant nor staff assert a mistake in the Plan Text or Plan Map.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

Because the amendment does not relate to residential use, the criterion is not applicable.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Of the 19 statewide planning goals, the applicable one is [Goal 1 "Citizen Involvement."](#)

The purpose of the amendment is to acknowledge a realistic number of potential TPAC members among the general public who are willing to attend meetings

following Council appointment, to retain these members, and allow TPAC a realistic quorum. Additionally, the purpose of the amendment is to remove the limit that a member may serve no more than two consecutive terms and change the terms of office to reside with Council's discretion. This action allows citizen volunteers the opportunity to continue serving the community as long as they and the City Council are willing.

The amendment does not interfere with the City Council designation of TPAC in Tualatin Development Code (TDC) 2.050 as a citizen body responsible for fulfilling Goal 1. The criterion is met.

7. Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.

The Urban Growth Management Functional Plan (UGMFP), codified in Metro Code 3.07, neither precludes the amendment nor regulates how a local government constitutes its planning commission or equivalent. The criterion is met.

8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

Because the amendment does not relate to vehicle trip generation at a land use level, the criterion is not applicable.



City of Tualatin

www.ci.tualatin.or.us

UNOFFICIAL

TUALATIN PLANNING ADVISORY COMMITTEE - MINUTES OF NOVEMBER 2, 2010

TPAC MEMBERS PRESENT:

Alan Aplin
Steve Klingerman
Paul Sivley
Jeff DeHaan
Mike Riley

STAFF PRESENT:

Aquilla Hurd-Ravich
Stacy Crawford
Sherilyn Lombos

TPAC MEMBER ABSENT: Nic Herriges

GUESTS: Kathy Newcomb, Jan Giunta, Steve Titus and Jim Zupancic

...

8. FUTURE (ACTION) ITEMS:

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Mr. Sivley wanted to discuss with the other members what their thoughts were to change the size of TPAC. Other committees have seven members. After discussion, it was determined to recommend to the Council that TPAC reduce its size from nine to seven members.

...



City of Tualatin

www.ci.tualatin.or.us

UNOFFICIAL

TUALATIN PLANNING ADVISORY COMMITTEE - MINUTES OF DECEMBER 7, 2010

TPAC MEMBERS PRESENT:

Alan Aplin
Steve Klingerman
Nic Herriges
Mike Riley

STAFF PRESENT:

Aquilla Hurd-Ravich
Stacy Crawford
Colin Cortes
Ben Bryant
Mike McKillip

TPAC MEMBER ABSENT: Paul Sivley and Jeff DeHaan

GUESTS: Kathy Newcomb and Steve Titus

...

5. COMMUNICATION FROM CITY STAFF:

...

Ms. Hurd-Ravich asked the members about the prior discussion of reducing the number of members from 9 to 7. The TMC 2-3 members can reside outside of the City. Would TPAC prefer doing taking away from those members outside the City? Mr. Herriges would like to know the definition of a quorum. She suggested that the members make a recommendation as to how many members should be on this committee. A suggestion by Mr. Klingerman is to reduce the total size of the committee to seven with two alternates. Ms. Hurd-Ravich will return with a staff report seeking a recommendation to take to the City Council to change the language in the code.

...



City of Tualatin

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TUALATIN PLANNING ADVISORY COMMITTEE - MINUTES OF FEBRUARY 1, 2011

TPAC MEMBERS PRESENT:

Paul Sivley
Alan Aplin
Steve Klingerman
Nic Herriges
Jeff DeHaan

STAFF PRESENT:

Will Harper
Cindy Hahn
Colin Cortes

TPAC MEMBERS ABSENT: Mike Riley

GUESTS: Jan Giunta, Kathy Newcomb, Joseph Troccoli

...

4. ACTION ITEMS

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4.4 TPAC Quorum and Related Issues – Colin Cortes

Colin Cortes reviewed his memo, which recapped how TPAC was established in the Code and how it compared to Planning Commission functions in other cities. Medford was the only other city in the entire state of Oregon with a Planning Advisory Committee, but like most cities it is set up to complement the Planning Commission, so was not quite comparable. He would investigate further about the Municipal Code allowing a youth member on TPAC.

The Committee briefly discussed the challenges faced with the lack of a quorum and the options for making a quorum easier to achieve. Recruiting TPAC members from local neighborhood organizations, where at least one person is tasked to care about the same issues as TPAC, made sense. Amending the quorum definition to be a majority of the currently appointed TPAC members, rather than a majority of all possible committee members was suggested. This would allow for the CIOs to be members and interested youth members to come and go without hampering monthly TPAC business with a high quorum number. Ms. Giunta suggested that TPAC members co-present issues to City Council with staff, which would elevate the Committee's role and possibly attract other members of the public.

MOTION by DeHaan SECONDED by Herriges to amend Section 11-1-040 to state, "A majority of the members of the Committee appointed by City Council shall constitute a quorum." MOTION PASSED 5-0.

2. 2010 Annual Report of the Tualatin Planning Advisory Committee

Acting Planning Manager Aquilla Hurd-Ravich was present and gave an overview of the 2010 Tualatin Planning Advisory Committee's (TPAC) annual report.

Paul Sivley, chair of TPAC, was also present and spoke on his goals for TPAC when he became chair, which were to fill positions and encourage involvement. Mr. Sivley noted there were four meetings in 2010 that failed to have a quorum due primarily to unfilled membership. Requesting that membership be reduced from nine to seven, as with the other advisory committees. The issue of not having term limits was also brought up. Mr. Sivley said another problem is lack of diversity on the committee, but said that is another issue altogether. Mr. Sivley also wanted to thank staff, in particular Associate Planner Will Harper and Acting Planning Manager Aquilla Hurd-Ravich for stepping up during this difficult past year.

Discussion followed. Council directed staff to prepare an ordinance to change TPAC from nine to seven members, with a quorum of those actually present, and eliminate term limits. It was also directed to eliminate term limits for all advisory committees/boards.

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

I. COMMUNICATIONS FROM COUNCILORS

Councilor Bubenik noted the *Vine2Wine Event* at the Library on April 23, 2011, that the Tualatin Library Foundation is putting on.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

MOTION by Councilor Ed Truax, SECONDED by Councilor Joelle Davis to adjourn the meeting at 10:35 p.m.

Vote: 7 - 0 CARRIED

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary



City of Tualatin

www.ci.tualatin.or.us

OFFICIAL

TUALATIN PLANNING ADVISORY COMMITTEE - MINUTES OF June 7, 2011

TPAC MEMBERS PRESENT:

Paul Sivley, Chair
Alan Aplin
Jeff DeHaan (*arrived after Agenda Item 4*)
Steve Klingerman
Nic Herriges (*arrived after Agenda Item 4*)
Mike Riley
Sam Graham
Bill Beers

STAFF PRESENT:

Alice Rouyer
Aquila Hurd-Ravich
Colin Cortes
Ben Bryant
Carl Switzer
Heidi Blaine

TPAC MEMBER ABSENT:

GUESTS: Kathy Newcomb and Steve Titus

...

4. ACTION ITEMS

1. An Ordinance Amending the Tualatin Planning Advisory Committee (TPAC) Amending TSC 2.060; Legislative Action (PTA-11-06)

Colin Cortes distributed a supplement, an updated Attachment B to TPAC. He gave a brief summary of the draft ordinance which would change the number of TPAC members from nine to seven, refine the terms of office and define a quorum as four of seven members. This ordinance would return to Council for final adoption on July 25.

Mr. Klingerman suggested having a pool of people ready to step into TPAC or other committees in the event a current member left the Committee. Ms. Rouyer stated the citizen involvement program which would be starting in Tualatin would be a good incubator for neighborhood and business leaders who could step in. Ms. Newcomb reminded that she had applied for TPAC but was turned down and was considering options.

MOTION by Riley SECONDED by Aplin to recommend to City Council to adopt the recommended changes to TPAC. MOTION PASSED 6 to 1.

Jeff DeHaan arrived at this time.

Development Code Amendment:

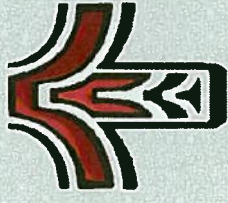
PTA-11-06

Amending the Tualatin Planning Advisory Committee (TPAC)

City Council Public Hearing

August 22, 2011





Background

- 4 TPAC 2010 meetings failed to attain quorum because of vacancies
- November 2010: TPAC recommended that Council reduce TPAC positions from nine (9) to seven (7)
- February 2011: TPAC motioned 5-0 that, "A majority of the members of the Committee appointed by City Council shall constitute a quorum"
- March 2011: At City Council work session, TPAC Chairman Sivley spoke of his goals for TPAC to fill positions and encourage involvement



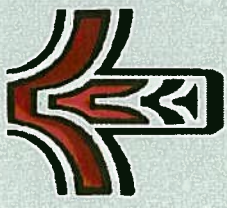
Recent Actions

- **March 2011: City Council directed staff to:**
 1. reduce TPAC positions from 9 to 7
 2. make a quorum those members actually present
 3. remove limit that a member may serve no more than two (2) consecutive terms
- **June 2011: TPAC made a formal recommendation to approve the amendment**



Summary of Changes

Aspect	Current	Proposed	Through
Number of Positions	9	7	Tualatin Development Code (TDC)
Term Limits	Member may serve no more than two (2) consecutive terms	Member may serve an unlimited number of terms	TDC
Quorum	Majority of members present	4 members	Tualatin Municipal Code (TMC)



Questions?



August 22, 2011

City of Tualatin



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Sara Singer, Assistant to the City Manager

DATE: 08/22/2011

SUBJECT: An Ordinance Relating to the Citizen Involvement Organization Program; and Adding a New Chapter 11-9 to the Tualatin Municipal Code

ISSUE BEFORE THE COUNCIL:

The City Council has been working with an independent Citizen Involvement Organization (CIO) Ad Hoc Committee to develop Code Language and a Boundary Map for a Citizen Involvement Organization Program (CIOP). The Council heard public comments on the proposed Code Language and Boundary Map at the City Council Meeting on July 25, 2011. The language has been modified to reflect the requested changes.

RECOMMENDATION:

Staff recommends that the City Council adopt the proposed CIO Code Language and Boundary Map as presented.

EXECUTIVE SUMMARY:

Over the past several months, the City Council and the CIO Ad Hoc Committee have worked together to develop a program to enhance citizen involvement within Tualatin's neighborhoods. Citizen involvement is highly valued in the City of Tualatin, and the City strives to involve and inform citizens in decisions that affect the Community's quality of life. The proposed Code Language and Boundary Map will provide guidelines for the development of Citizen Involvement Organizations in the neighborhoods to allow for better communication between the City and the neighborhoods. An implementation plan for this program is being developed with the leaders of the CIO Ad Hoc Committee and City staff.

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE RELATING TO CITIZEN INVOLVEMENT ORGANIZATION PROGRAM; AND ADDING A NEW CHAPTER 11-9 TO THE TMC

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 11-9-010 is added to read as follows:

The Tualatin Citizen Involvement Organization Program (CIOP) is established and created.

Section 2. TMC 11-9-020 is added to read as follows:

The general purpose of the CIOP is to provide an opportunity for members to meaningfully cooperate with each other and with the City of Tualatin on matters affecting the neighborhoods and the City consistent with Tualatin's Principles of Citizen Involvement. A major purpose of the Citizen Involvement Organization (CIO) is to promote communication and a sense of community. Using best efforts to ensure opportunities for involvement and engagement by all CIO members, the means of accomplishing this purpose shall include but not be limited to:

(1) Provide a public forum for the review and evaluation of issues affecting the neighborhoods, the CIO, and the City; provide educational opportunities for citizens, groups and government bodies with respect to such issues; and provide for an exchange of views and opinions on such issues; and,

(2) Provide a public forum for community members to present their views and provide input to City Council and other governmental and community bodies such as the City advisory boards and committees, service clubs, and other community organizations, and on land use and other matters affecting neighborhoods, the City, or the region; and,

(3) Provide a formalized channel of communication and dissemination of accurate and timely information between the City government, other governmental bodies, and the CIO and the CIO's members.

Section 3. TMC 11-9-030 is added to read as follows:

(1) Citizen Involvement Organization Program (CIOP): The CIOP is composed of Citizen Involvement Organizations and the Citizen Involvement Coordinating Committee (CICC) should one be formed.

ATTACHMENT A

(2) Citizen Involvement Organizations (CIOs): CIOs are formalized and distinct groups of community members within specified boundaries.

(3) CIO Map: The CIO map and the CIO map boundaries are established in order to optimize and promote citizen involvement. The initial CIO Map is attached as exhibit "B.1," and included herein by reference.

Section 4. TMC 11-9-040 is added to read as follows:

(1) Membership in a residential CIO is open to all persons age 16 and older who are Tualatin residents living within the recognized boundary of that CIO; membership in the commercial or the manufacturing CIO is open to a business owner or owner's representative, non-profit organization representative, or property owner within the recognized boundary of the respective CIO (i.e. anywhere within the Planning Area of the City of Tualatin – see *Map, exhibit B1*), without regard to income, race, color, national origin, sex, age, disability, sexual orientation, religion, political affiliation, or marital status.

Tualatin residents living outside the boundaries of any residential CIO may belong to the residential CIO nearest to their residence.

(2) To be recognized by the City Council, a CIO must satisfy the standards below. The City Manager, or designee, confirms that these standards have been met and presents the application to the City Council for approval and recognition:

- a) Annual election of officers;
- b) All meetings shall be publicized at least 7 days in advance of the meeting date, except in case of emergency, in which case at least 24 hours advance notice shall be given.
- c) A current list of the names and addresses of the officers has been provided;
- d) After at least one initial organizational meeting in the first year of recognition, a minimum of two general meetings each year with the time, place and purpose well publicized throughout the CIO prior to each meeting;
- e) CIOs must provide an executed copy of their current bylaws.

Section 5. TMC 11-9-050 is added to read as follows:

Recognition of a CIO may be terminated by the City Council if the association fails to abide by the standards in 11-9-040. Before the Council terminates recognition, it

ATTACHMENT A

must notify the CIO 60 days in advance of determining that the CIO is no longer in compliance with the standards. If the deficiency is not corrected after 60 days, the City Council will then hold a public hearing and allow representatives from the CIO a reasonable opportunity to be heard.

Section 6. TMC 11-9-060 is added to read as follows:

Boundaries of residential CIOs are adopted by the City Council. Residential CIO areas must be mutually exclusive of other recognized residential CIOs. Residential CIO boundaries should be logical, contiguous, and follow identifiable physical features such as streets, property ownership boundaries, topographic features, boundaries of political jurisdictions, or public rights-of-way. The Commercial and Manufacturing CIOs' boundaries are designated as the boundary of the entire Planning Area of the City of Tualatin (*see Map, exhibit B1*) The City Manager, or designee, shall keep on file a current map of all CIO boundaries.

Any amendment to the CIO boundaries must be adopted by the City Council.

Section 7. TMC 11-9-070 is added to read as follows:

The City may, subject to City Council's judgment concerning availability of resources and budgetary limitations, provide support and assistance which may include human, financial, and informational resources and access to public meeting spaces.

Section 8. TMC 11-9-080 is added to read as follows:

The CIOs, or the CICC should one be formed on behalf of the CIOs, may make input to the City Council and the Tualatin Development Commission, City Advisory Committees, and the City Staff on matters affecting livability and land use.

Section 9. TMC 11-9-090 is added to read as follows:

The CIOs, or the CICC should one be formed, shall have no authority to make any expenditure of funds on behalf of the City or to obligate the City for payment of funds without first obtaining the approval of the City.

Section 10. TMC 11-9-100 is added to read as follows:

A Citizen Involvement Coordinating Committee (CICC) which is a volunteer group made up of the elected board members designated by their participating, recognized CIOs may be created by the CIOs. The CICC may serve as a liaison

ATTACHMENT A

between the CIOs and between the CIOs and the City offices and departments designated by the City. The CICC is a separate and distinct entity from the City of Tualatin.

The standards for CICC recognition by the City are:

- (1) Annual election of officers;
- (2) All meetings shall be publicized at least 7 days in advance of the meeting date, except in case of emergency, in which case at least 24 hours advance notice shall be given.
- (3) A current list of the names and addresses of the officers has been provided;
- (4) After at least one initial organizational meeting in the first year of recognition, a minimum of two general meetings each year, with the time, place and purpose well publicized throughout the CIO prior to each meeting;
- (5) The CICC must provide an executed copy of their current bylaws.

INTRODUCED AND ADOPTED this 22nd Day of August, 2011.

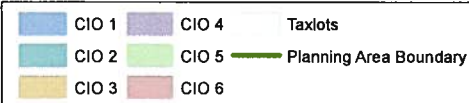
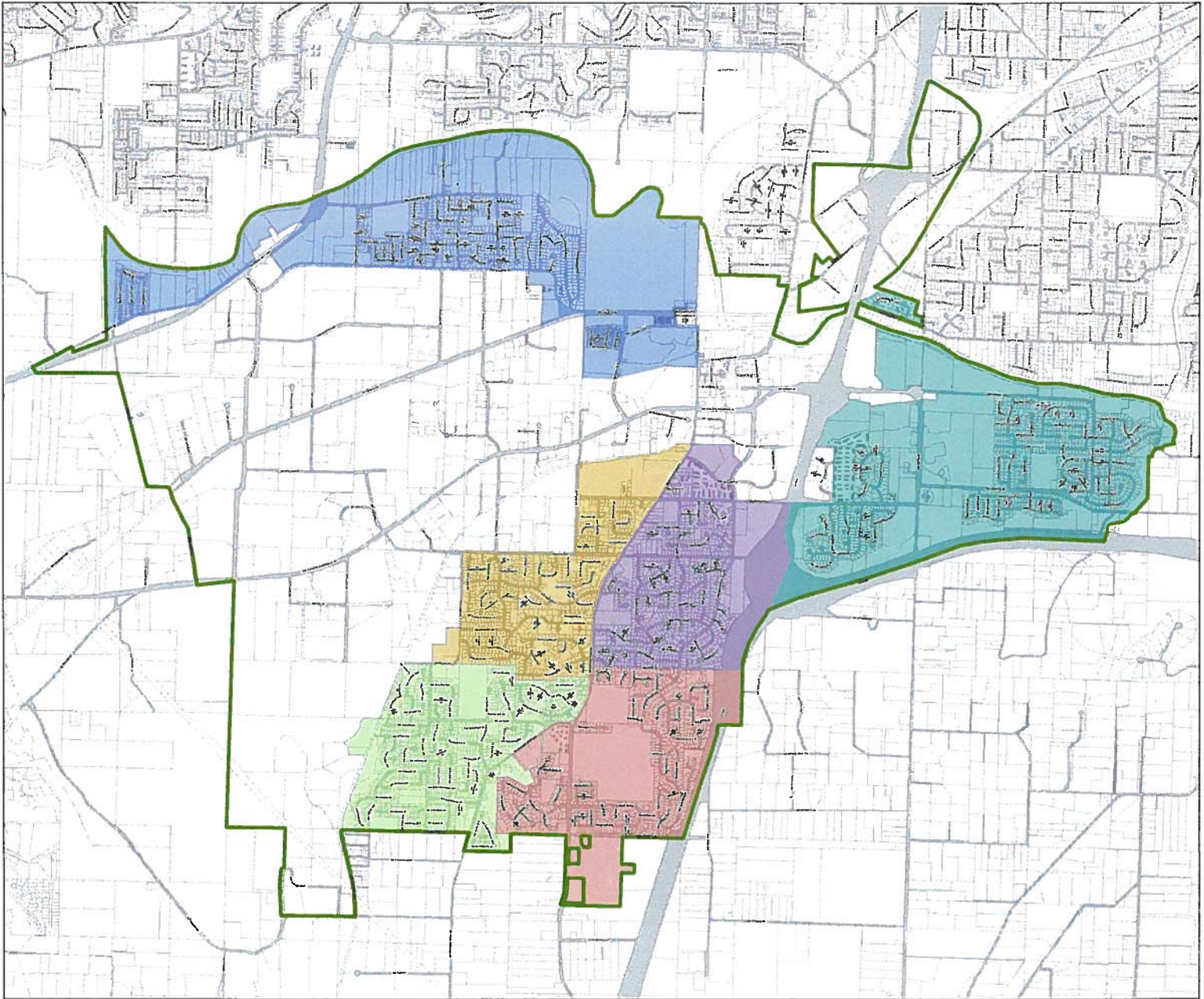
CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

Citizen Involvement Organizations



RF 1:14,400



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualgis, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". Engineering and Building Dept. Printed 7/7/2011

ORDINANCE NO. 1328-11

AN ORDINANCE RELATING TO CITIZEN INVOLVEMENT ORGANIZATION PROGRAM; AND ADDING A NEW CHAPTER 11-9 TO THE TMC

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 11-9-010 is added to read as follows:

The Tualatin Citizen Involvement Organization Program (CIOP) is established and created.

Section 2. TMC 11-9-020 is added to read as follows:

The general purpose of the CIOP is to provide an opportunity for members to meaningfully cooperate with each other and with the City of Tualatin on matters affecting the neighborhoods and the City consistent with Tualatin's Principles of Citizen Involvement. A major purpose of the Citizen Involvement Organization (CIO) is to promote communication and a sense of community. Using best efforts to ensure opportunities for involvement and engagement by all CIO members, the means of accomplishing this purpose shall include but not be limited to:

(1) Provide a public forum for the review and evaluation of issues affecting the neighborhoods, the CIO, and the City; provide educational opportunities for citizens, groups and government bodies with respect to such issues; and provide for an exchange of views and opinions on such issues; and,

(2) Provide a public forum for community members to present their views and provide input to City Council and other governmental and community bodies such as the City advisory boards and committees, service clubs, and other community organizations, and on land use and other matters affecting neighborhoods, the City, or the region; and,

(3) Provide a formalized channel of communication and dissemination of accurate and timely information between the City government, other governmental bodies, and the CIO and the CIO's members.

Section 3. TMC 11-9-030 is added to read as follows:

(1) Citizen Involvement Organization Program (CIOP): The CIOP is composed of Citizen Involvement Organizations and the Citizen Involvement Coordinating Committee (CICC) should one be formed.

(2) Citizen Involvement Organizations (CIOs): CIOs are formalized and distinct groups of community members within specified boundaries.

(3) CIO Map: The CIO map and the CIO map boundaries are established in order to optimize and promote citizen involvement. The initial CIO Map is attached as exhibit "B.1," and included herein by reference.

Section 4. TMC 11-9-040 is added to read as follows:

(1) Membership in a residential CIO is open to all persons age 16 and older who are Tualatin residents living within the recognized boundary of that CIO; membership in the commercial or the manufacturing CIO is open to a business owner or owner's representative, non-profit organization representative, or property owner within the recognized boundary of the respective CIO (i.e. anywhere within the Planning Area of the City of Tualatin – see *Map, exhibit B1*), without regard to income, race, color, national origin, sex, age, disability, sexual orientation, religion, political affiliation, or marital status.

Tualatin residents living outside the boundaries of any residential CIO may belong to the residential CIO nearest to their residence.

(2) To be recognized by the City Council, a CIO must satisfy the standards below. The City Manager, or designee, confirms that these standards have been met and presents the application to the City Council for approval and recognition:

- a) Annual election of officers;
- b) All meetings shall be publicized at least 7 days in advance of the meeting date, except in case of emergency, in which case at least 24 hours advance notice shall be given.
- c) A current list of the names and addresses of the officers has been provided;
- d) After at least one initial organizational meeting in the first year of recognition, a minimum of two general meetings each year with the time, place and purpose well publicized throughout the CIO prior to each meeting;
- e) CIOs must provide an executed copy of their current bylaws.

Section 5. TMC 11-9-050 is added to read as follows:

Recognition of a CIO may be terminated by the City Council if the association fails to abide by the standards in 11-9-040. Before the Council terminates recognition, it

must notify the CIO 60 days in advance of determining that the CIO is no longer in compliance with the standards. If the deficiency is not corrected after 60 days, the City Council will then hold a public hearing and allow representatives from the CIO a reasonable opportunity to be heard.

Section 6. TMC 11-9-060 is added to read as follows:

Boundaries of residential CIOs are adopted by the City Council. Residential CIO areas must be mutually exclusive of other recognized residential CIOs. Residential CIO boundaries should be logical, contiguous, and follow identifiable physical features such as streets, property ownership boundaries, topographic features, boundaries of political jurisdictions, or public rights-of-way. The Commercial and Manufacturing CIOs' boundaries are designated as the boundary of the entire Planning Area of the City of Tualatin (see *Map, exhibit B1*) The City Manager, or designee, shall keep on file a current map of all CIO boundaries.

Any amendment to the CIO boundaries must be adopted by the City Council.

Section 7. TMC 11-9-070 is added to read as follows:

The City may, subject to City Council's judgment concerning availability of resources and budgetary limitations, provide support and assistance which may include human, financial, and informational resources and access to public meeting spaces.

Section 8. TMC 11-9-080 is added to read as follows:

The CIOs, or the CICC should one be formed on behalf of the CIOs, may make input to the City Council and the Tualatin Development Commission, City Advisory Committees, and the City Staff on matters affecting livability and land use.

Section 9. TMC 11-9-090 is added to read as follows:

The CIOs, or the CICC should one be formed, shall have no authority to make any expenditure of funds on behalf of the City or to obligate the City for payment of funds without first obtaining the approval of the City.

Section 10. TMC 11-9-100 is added to read as follows:

A Citizen Involvement Coordinating Committee (CICC) which is a volunteer group made up of the elected board members designated by their participating, recognized CIOs may be created by the CIOs. The CICC may serve as a liaison

between the CIOs and between the CIOs and the City offices and departments designated by the City. The CICC is a separate and distinct entity from the City of Tualatin.

The standards for CICC recognition by the City are:

(1) Annual election of officers;

(2) All meetings shall be publicized at least 7 days in advance of the meeting date, except in case of emergency, in which case at least 24 hours advance notice shall be given.

(3) A current list of the names and addresses of the officers has been provided;

(4) After at least one initial organizational meeting in the first year of recognition, a minimum of two general meetings each year, with the time, place and purpose well publicized throughout the CIOP prior to each meeting;

(5) The CICC must provide an executed copy of their current bylaws.

INTRODUCED AND ADOPTED this 22nd Day of August, 2011.

CITY OF TUALATIN, OREGON

BY  _____
Mayor

ATTEST:
BY  _____
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 8-22-11
Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Linda Odermott, Paralegal
Brenda Braden, City Attorney *BB*

DATE: 08/22/2011

SUBJECT: An Ordinance Regarding Dog Control and Amending TMC 6-3

ISSUE BEFORE THE COUNCIL:

Council will consider an Ordinance that would update TMC 6-3 regarding the adoption of the Washington County Dog Ordinance, Chapter 6.04 of the Washington County Code.

RECOMMENDATION:

Staff recommends that Council approve the Ordinance.

EXECUTIVE SUMMARY:

The City of Tualatin previously adopted Ordinance Number 702-86, The City of Tualatin Dog Control Ordinance, that incorporated by reference Washington County's Dog Ordinance. The attached Ordinance will update TMC 6-3 with the most current language afforded by Washington County on this issue and will also provide index information for the exact text of the Washington County Ordinance.

Attachments: A - Ordinance
B - Washington County Code Chapter 6.04 - Dogs

ORDINANCE NO. 1329-11

AN ORDINANCE REGARDING DOG CONTROL AND AMENDING TMC 6-3

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 6-3-010 is amended to read as follows:

Washington County ~~Dog Ordinance Number 306, as amended by Ordinance Numbers 317 and 600~~ Chapter 6.04 of the Washington County Code is adopted and incorporated into this Code by reference and included in Appendix 19 of the TMC. This ordinance shall be referred to as "The City of Tualatin Dog Control Ordinance". Violation of Washington County Dog Ordinance ~~Number 306, as amended by Ordinance Numbers 317 and 600~~ Chapter 6.04, shall be an offense against the City of Tualatin.

INTRODUCED AND ADOPTED this 22nd Day of August, 2011.

CITY OF TUALATIN, OREGON

BY  _____
Mayor

ATTEST:

BY  _____
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

Title 6 ANIMALS

Chapter 6.04 DOGS

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- 6.04.020 Definitions.
- 6.04.030 Dog control officers--Powers and duties.
- 6.04.040 Interfering with officers prohibited.
- 6.04.050 Failing to prevent running at large prohibited.
- 6.04.060 Keeping dangerous dog prohibited.
- 6.04.080 Failure to prevent acts of nuisance prohibited.
- 6.04.090 Exceptions to acts of nuisance.
- 6.04.100 Allowing dog with contagious disease to run at large prohibited.
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- 6.04.130 Removal from county prohibited--When.
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6.04.010 Purpose.

In order to protect the health, safety and welfare of the residents and citizens of the county and to provide for control of dogs and protection of dogs and animals therein, the board of county commissioners of the county does enact the following provisions which may be referred to and pleaded as the "dog control ordinance." (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 2, 1985)

6.04.020 Definitions.

As used in this chapter, unless the context requires otherwise:

A. "Animal" means any mammal, bird, reptile or amphibian.

B. "Bail" means money or its equivalent deposited by a defendant to secure his appearance in court for a dog control ordinance offense.

C. "Dangerous dog" means any dog that has, due to the lack of the exercise of proper and adequate supervision and control by its owner or keeper, done an act harmful in its character, to human beings or animals, regardless of whether done in a playful or hostile manner.

D. "Dog" means any domestic mammal of the canine family.

E. "Dog control officer" means any individual employed by the county to act and perform the duties set forth in this chapter.

F. "Dog license" means that license required to be issued annually for each individual dog pursuant to the provisions of this chapter.

G. "Dog running at large" means a dog off or outside the premises of its keeper, not restrained by a rope, line, leash, chain, or other similar means, or not under the immediate control, restraint, or command of a keeper thereof. If a dog is not restrained

by a tether of some kind, is not at heel or not a working dog in the field, that dog shall be deemed "at large."

H. "Keeper" means any person who keeps, has custody of, is responsible for the control or care of, possesses, harbors or controls a dog or other animal or permits a dog or other animal to reside on property owned by the person, without regard as to whether the person has an ownership interest in the dog or other animal. Veterinary hospitals, kennels and pet shops shall not be deemed the keeper of an animal for purposes of this chapter unless expressly provided for herein. In a family situation, the adult heads of the household are presumed to be the keepers, jointly and severally, of the dog.

I. "Kennel" means the operation of any business or the participation in any activity in which five or more dogs with permanent canine teeth or which are more than six months of age are kept on the premises.

J. "Licensee" means the person in whose name a dog license is issued.

K. "Livestock" means cattle, horses, sheep, goats, swine, turkeys, chickens, ducks, geese, and rabbits, but excluding any fur-bearing animals, bred and maintained, commercially or otherwise.

L. "Owner" means any person who has a property interest in the animal sufficient to give the person the ultimate right to make decisions regarding the care and disposition of the animal.

M. "Person" means an individual, a partnership, company, association, corporation, or any other legal entity.

N. "Pet shop" means any person regularly engaged in the business of breeding, buying, selling, trading or otherwise offering the public animals of any species.

O. "Small animal shelter" means the facility by that name, built and maintained by the county.

P. "Vaccinated for rabies" means currently vaccinated according to the provisions of Oregon Administrative Rules, Chapter 333, Division 19, pertaining to rabies, and evidenced by rabies vaccination certificate issued by a veterinarian.

Q. "Veterinarian" means a participating veterinarian licensed pursuant to the laws of the state of Oregon to perform any of the acts set forth in ORS 686.030.

R. "Veterinary hospital" means any business establishment maintained and operated by a veterinarian which is operated for the diagnosis and treatment of diseases or injuries of animals. (Ord. 600 § 2 Exh. A (part), 2002; Ord. 394 § 2 Exh. A (part), 1991; Ord. 306 § 3, 1985)

6.04.030 Dog control officers--Powers and duties.

The powers and duties of the dog control officers are as follows:

A. To have police power in the enforcement of all provisions of this chapter relating to the licensing and impounding of dogs;

B. To maintain and keep a small animal shelter or other place where all dogs and small animals subject to impoundment may be kept and held safely and provided with proper and sufficient food, water and shelter;

- C. To impound and keep safely, any dog which is found doing any of the acts set forth in Sections 6.04.040 through 6.04.210 of this chapter, apparently abandoned or as required by the department of health of the county;
- D. To issue and prosecute citation for violation of this chapter, appear as witnesses and to perform all other acts necessary for the enforcement of this chapter;
- E. To issue notices of civil infractions for violations that are designated as civil infractions under the administrative enforcement ordinance;
- F. To receive and collect any costs and charges hereinafter provided by this chapter;
- G. To investigate reports of biting dogs as herein set forth by this chapter;
- H. To investigate livestock claims made pursuant to Sections 6.04.510 through 6.04.550 of this chapter;
- I. To post signs and notices stating that a dog control ordinance is in effect in the county, and advising the public as to provisions of the ordinance;
- J. As funds in the dog fund permit, to conduct educational and other programs to inform and advise the public and animal keepers and owners of the dog control ordinance, licensing and other provisions thereof, and proper care of dogs and other domestic animals. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 491 § 2(B) Exh. B (part), 1997: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 4, 1985)

6.04.040 Interfering with officers prohibited.

It is unlawful for any person to interfere with, hinder, molest or verbally abuse a dog control officer while in the exercise of his or her duties. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(1), 1985)

6.04.050 Failing to prevent running at large prohibited.

It is a civil infraction for any person to be the keeper of a dog running at large. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(2), 1985)

6.04.060 Keeping dangerous dog prohibited.

It is a civil infraction for any person to be the keeper of a dangerous dog. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(3), 1985)

6.04.080 Failure to prevent acts of nuisance prohibited.

It is a civil infraction for any person to be the keeper of a dog which the person fails to prevent from being a public nuisance by:

- A. Molesting passersby;
- B. Biting a person or animal;
- C. Chasing or attacking persons;
- D. Attacking other animals;
- E. Traveling upon school grounds, public parks, public game refuges and public watershed areas, except under the supervision and control of a person and with the property owner or manager's written permission;

- F. Damaging or destroying property of persons other than the owner or keeper of the dog;
- G. Scattering garbage;
- H. Chasing vehicles;
- I. Disturbing the peace, comfort, health or repose of any person of reasonable sensitivity by making loud, long, unnecessary and continuous noises;
- J. Being a female dog in season (estrus) and being accessible to a male dog not in the person's ownership except when access to the female dog is intended by the keepers or owners of both dogs for breeding purposes. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(5), 1985)

6.04.090 Exceptions to acts of nuisance.

A dog shall not be considered a public nuisance under Section 6.04.080 and it shall be an affirmative defense to a civil infraction if it bites a person wrongfully assaulting the dog or the dog's owner or keeper or if it bites a person trespassing upon premises occupied by the dog's keeper after being provoked by that person. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(6), 1985)

6.04.100 Allowing dog with contagious disease to run at large prohibited.

It is a civil infraction for any person to be the keeper or owner of a dog affected with a contagious disease which runs at large or is exposed in any public place whereby the health of man or beast may be affected. Such dog may be removed from the premises of the owner or keeper or other person by a veterinarian, dog control officer or police officer or by any person supervised by the department of health of the county. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(7), 1985)

6.04.110 Ownership of dog not vaccinated prohibited.

It is unlawful to be the owner or keeper of a dog not vaccinated for rabies, which has been alleged to have bitten a person. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(8), 1985)

6.04.120 Failure to quarantine prohibited.

It is unlawful for any person to fail to safely quarantine any dog alleged to have bitten a person by:

- A. Securing said dog on the owner or keeper's premises with the approval and under the supervision of the county health department or county dog control division, and not allowing said dog to be at large or to come in contact with any other person or animals; or
- B. Placing said dog in a veterinary hospital; or
- C. Impounding said dog at the small animal shelter; or
- D. Refusing to allow a dog control officer to impound said dog when said officer has probable cause to believe that such person has failed to comply with the quarantine

requirements of subsections A, B or C of this section. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(9), 1985)

6.04.130 Removal from county prohibited--When.

It is unlawful for any person to knowingly remove or cause the removal from the county of a dog for which the owner or keeper has been cited or issued a notice of civil infraction under Section 6.04.060 of this chapter, or for which the owner or keeper has received a written warning of such offense from the dog control division. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(10), 1985)

6.04.140 Failure to procure license prohibited--When.

It is unlawful for any person to be the keeper of any dog for which a dog license has not been obtained if such license is required under Sections 6.04.220 through 6.04.310 of this chapter. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(11), 1985)

6.04.150 Failure to display license prohibited.

It is unlawful for any person to be the keeper of any dog for which he has failed to display a dog license upon such dog when it is off the licensee's premises, if such license is required under this chapter. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(12), 1985)

6.04.155 Nonownership not a defense.

Lack of ownership interest in the dog shall not be a defense to a citation or any other legal proceeding arising from failure to procure or display a license. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991)

6.04.160 Cruelty prohibited.

It is unlawful for any person to knowingly or negligently commit acts of cruelty to animals. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 5(A)(13)(part), 1985)

6.04.170 Cruelty--Generally.

General acts of cruelty include but are not limited to the following:

A. To subject any animal under a person's ownership, custody or control to cruel mistreatment; or

B. To subject any animal under a person's ownership, custody or control to cruel neglect; or

C. To kill without legal privilege any animal under the ownership, custody or control of another person. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 5(A)(13)(a), 1985)

6.04.180 Cruelty--Specific acts.

Specific acts of cruelty to animals include but are not limited to the following:

A. For any person to overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or cruelly kill, or cause or procure any such cruel treatment of any animal while having the charge of or custody of any such animal as owner, or otherwise; or

B. For any owner or keeper of any animal, to cruelly drive or work the animal when unfit for labor, or to cruelly abandon any animal, or to carry or cause any animal to be carried in or upon any vehicle or otherwise, in a cruel, inhumane manner, or knowingly or willfully authorize or permit the animal to be subjected to torture, suffering, or cruelty of any kind; or

C. For any person owning, having charge or custody of any animal, except in the case of an emergency to deprive any such animal of necessary and adequate food for more than thirty-six hours or drink for more than twelve hours;

D. For any person owning, having charge or custody of any animal, except in the case of an emergency to deprive any such animal of necessary, adequate and humane shelter from the elements;

E. For any person to confine an animal within or on a motor vehicle at any location under conditions that endanger the health or well-being of the animal, including but not limited to: dangerous temperature; lack of food, or attention for more than thirty-six hours, or water for more than twelve hours; or confinement with a dangerous animal.

(Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(13)(b)(1)--(5), 1985)

6.04.190 Cruelty--Authorized entry and impoundment.

If there is probable cause to believe that subsections C or D of Section 6.04.180 are being violated, after obtaining a search warrant in the manner authorized by law, an animal control officer, peace officer, or any combination, may enter the premises where the animal is being held, provide food and water and impound such animal. If after reasonable search the owner or keeper of such animal cannot be found and notified of the impoundment, such notice shall be conspicuously posted on such premises and within seventy-two hours after the impoundment such notice shall be sent by certified mail to the address, if any, at which the animal was impounded. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(13)(b)(6), 1985)

6.04.200 Cruelty--Authorized removal from vehicle.

Any animal control or peace officer is authorized to remove any animal from a motor vehicle at any location when the officer reasonably believes it is confined in violation of subsection E of Section 6.04.180 and that harm to the confined animal has occurred or is in imminent danger of occurrence. Any animal so removed shall be delivered to the animal control shelter after the removing officer leaves written notice of the removal and delivery. Such notice shall include the officer's name, the address and phone number of

the shelter, and shall be placed in a conspicuous, secure location on or within the vehicle. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 5(A)(13) (b)(7), 1985)

6.04.210 Cruelty--Officer exemption from liability when acting to abate.

No animal control or peace officer shall be held criminally or civilly liable for action under Sections 6.04.040 through 6.04.200, provided the officer acts in good faith on probable cause and without malice. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 5(A)(13)(b)(8), 1985)

6.04.220 License--Required.

A. Every dog shall be licensed within thirty days after the date the dog reaches six months or has permanent canine teeth, whichever comes first. Any such dog shall be licensed within thirty days of being brought into Washington County.

B. Every keeper of a dog shall ensure that the dog is properly licensed and shall obtain a license for any unlicensed dog required to be licensed pursuant to subsection A. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(A), 1985)

6.04.230 License--Effective date.

A dog license shall be effective for one year from the date of issuance. The dog control division shall keep a numbered record of such licenses including information as to sex and breed of the dog, name and address of the licensee. The division may provide for annual license renewal in any manner that will promote administrative convenience and efficiency. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(B), 1985)

6.04.240 License--Fee.

A fee shall be charged for each dog license in the amount established pursuant to Section 6.04.450. This fee is due and payable on application for a dog license. If a dog keeper pays the license fee but fails to supply the required proof of rabies inoculation within thirty days of such payment, the amount paid shall be forfeited and retained by the division. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(C), 1985)

6.04.250 License--Guide dog fee exemption.

Notwithstanding any other provision of this chapter, any dog used as a guide dog by a blind or deaf person is exempt from a license fee while so used, but is not except from being licensed or from required rabies inoculation. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 6 (D), 1985)

6.04.260 License--Outside county residence exemption.

Sections 6.04.220 through 6.04.250 and 6.04.270 through 6.04.310 shall not apply to dog keepers residing outside the county, if dogs of such persons are kept within the county for thirty days or less, are duly licensed by the jurisdiction in which the person resides, and if such dogs are kept at all times under restraint. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(E), 1985)

6.04.270 License--Outside jurisdiction validity.

Licenses from other jurisdictions shall be valid in the county until they expire, provided any such license requires inoculation against rabies until that date. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 6(F), 1985)

6.04.280 License--Kennel or pet shop fee.

Any kennel or pet shop, or other such establishment which possesses, controls, owns, boards, keeps or has custody of dogs in the course of its business or other activities, which have permanent canine teeth or which are more than six months of age, shall pay an annual license fee in an amount established pursuant to Section 6.04.450. This fee shall be in lieu of the individual licensing and fee payment requirement for any dog kept by the establishment. Notwithstanding this provision, any eligible dog must be licensed pursuant to Sections 6.04.220--6.04.240 within thirty days of leaving the custody or possession of the establishment. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(G), 1985)

6.04.290 License--Vaccination required for issuance.

The owner or keeper of any dog with permanent canine teeth or which is more than six months of age kept in the county, including any dog owned by a kennel or pet shop, shall have that dog vaccinated for rabies. No license shall be issued for any dog, unless the applicant exhibits a certificate of such vaccination by a veterinarian. The certificate of inoculation must demonstrate that such vaccination is valid for immunity against rabies for not less than ten full months of the licensing period. However, if a veterinarian certifies to some physical condition of a dog which would prevent such inoculation for any period, no inoculation shall be required for the dog for that period, and a license may be issued for that dog. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(H), 1985)

6.04.300 License--Delinquency penalty.

Any keeper failing to procure or apply for a license as required by this chapter in any year shall pay a delinquent penalty for such failure in an amount established pursuant to Section 6.04.450 for each dog. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(I), 1985)

6.04.310 License--Tag.

Upon issuance of a dog license, the dog control division shall issue to the licensee a metallic or durable plastic license tag, prepared with one hole and stamped with an identifying number, the name Washington County, Oregon, and the effective date of the license. Such tag shall be securely fastened to the dog's collar or harness and shall be worn at all times when the dog is not on the premises of the licensee. If a license tag is lost, a licensee may secure a duplicate license tag, or in the case of a kennel or pet shops, a license certificate from the dog control division upon satisfactory proof of loss and payment of a fee in an amount established pursuant to Section 6.04.450. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(J), 1985)

6.04.320 Impoundment--Authority.

Whenever any dog is found performing any of the activities enumerated in Sections 6.04.040 through 6.04.210 of this chapter, or has bitten any person or animal, a dog control officer, any peace officer, or any other person may impound it by immediately delivering such dog to the small animal shelter. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(A), 1985)

6.04.330 Impoundment--Destruction.

Any impounded dog, which by reason of injury, disease or other cause, is suffering great pain or is dangerous to keep impounded, may be destroyed forthwith. The dog control division may request a veterinarian to certify to this fact in writing before such immediate destruction is undertaken. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 7(B), 1985)

6.04.340 Impoundment--Acceptance of dogs possessed by persons taken into custody.

The county dog control division, upon request of the county sheriff's office or the Oregon State Police, shall accept and take into custody and control at the small animal shelter any dog in the possession or under the control of any person taken into custody by such police agencies. The dog control division shall retain such dog for a period of five days, and unless during such period the person taken into custody has redeemed said dog or has made other arrangements for the care and custody of such dog, such dog shall be deemed abandoned, and such dog may at any time thereafter be disposed of as provided in Section 6.04.390. In the event the person, the licensee or the owner of record reclaims said dog or arranges for the same to be taken out of the custody of the dog control department of the county, said dog shall be released upon payment of the fee for redemption as provided in Sections 6.04.350 through 6.04.380. At the time the dog is delivered to the small animal shelter by the sheriff's department or state police, such police agency shall take from the county dog control division, a receipt therefor in duplicate, which receipt shall be in a form approved by the county counsel's office of the county, and shall have incorporated therein, notice to the licensee of such dog that such dog may be disposed of within five days unless the licensee or person taken into custody makes proper arrangements for its custody and care. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(C), 1985)

6.04.350 Impoundment--Disposal generally.

The dog control division shall keep any dog impounded or delivered to the dog control division for disposal or as otherwise provided in this chapter, for the period of time hereinafter specified, and shall dispose of dogs in accordance with the provisions set out in Sections 6.04.360 through 6.04.380. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 7(D)(part), 1985)

6.04.360 Impoundment--Unlicensed dog disposal.

Unless an unlicensed dog is redeemed, within three days after impoundment in a manner consistent with Section 6.04.390, the dog may be destroyed or sold in a manner consistent with Section 6.04.390. If such dog has been impounded because of the biting of a person, and does not have a vaccination which is valid for immunity against rabies at such time, such dog shall be kept in impoundment and quarantined for such period of time as necessary to observe said dog for the required ten-day quarantine period commencing after the biting of a person. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(D)(1), 1985)

6.04.370 Impoundment--Licensed dog disposal.

Unless a dog which evidences a valid license by this county or some other authorized governmental entity, is redeemed within seven days after notice of impoundment, is mailed, such dog may be destroyed or sold consistent with the manner prescribed by Section 6.04.390. Within five days after impoundment, notice of such impoundment shall be given by deposit in the United States mail of a certified and postage prepaid letter addressed to the person who purchased the license for the dog at his address shown on the license application. The notice shall advise the person that the dog has been impounded, the place where the dog is kept, and the procedure required for redemption. If a dog is sold under the provisions set out in Sections 6.04.320 through 6.04.430, to someone other than the prior licensee, a new license must be purchased. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(D)(2), 1985)

6.04.380 Impoundment--Unwanted dog disposal.

Any dog given to the dog control division by the owner, keeper or licensee thereof for disposal may be destroyed or sold in a manner consistent with Section 6.04.390, provided that a release by the owner, licensee or an authorized representative must be given in writing to the dog control division if a dog is to be destroyed within five days from such date, except as provided in Section 6.04.330. A person giving any dog to dog control for disposal pursuant to this section shall be charged a fee in an amount established pursuant to Section 6.04.450. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(D)(3), 1985)

6.04.390 Impoundment--Redemption requirements.

A. A dog may be transferred to a person other than the licensee or owner or sold only if the following qualifications are met:

1. That the dog is in good health and free from disease or in lieu thereof that the person purchasing or redeeming such dog make adequate and humane provisions for veterinary care of such dog;

2. That the dog is not dangerous;

3. That if the dog is sold, the purchaser pay prior to sale, the basic impoundment fee in an amount established pursuant to Section 6.04.450;

B. To redeem a dog the licensee or owner shall pay the impoundment and boarding charges and other fees, as applicable, prior to release of the dog; and shall supply proof of identity as the licensee or ownership. If the dog is unlicensed, the person redeeming the dog shall purchase a license and pay all applicable fees and penalties;

C. That the dog be immunized against rabies within thirty days after sale unless the dog lacks permanent canine teeth or is less than six months of age at the end of said thirty days, or there is proof that the dog has a rabies vaccination valid for the current licensing period;

D. That the dog be licensed at the time of sale unless the dog lacks permanent canine teeth or is less than six months of age. (Ord. 600 § 2 Exh. A (part), 2002: Ord 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(E), 1985)

6.04.400 Impoundment--Return of purchased dog.

Any dog sold by the dog control division may be returned within thirty days after purchase in exchange for another dog which qualifies for sale, or a voucher good for one year. Such exchange shall be free of any further impoundment fee. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 7(F), 1985)

6.04.410 Impoundment--Shelter hours.

The small animal shelter shall be open at reasonable times to the public, as the board of county commissioners may determine. Such times shall be posted at the small animal shelter. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 7(G), 1985)

6.04.420 Impoundment--Release charges.

Charges in an amount established pursuant to Section 6.04.450 shall be imposed for release of an impounded dog redeemed. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(H), 1985)

6.04.430 Impoundment--Release for purposes of vivisection or similar purposes prohibited.

The dog control division shall not sell or give away any live animal for surgical or medical demonstration or vivisection, nor permit the use of any impounded live animal in its custody for such purpose. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(I), 1985)

6.04.435 Impoundment--Court order.

A. Whenever any dog is alleged to have bitten, attacked, damaged or harmed a person and a notice of civil infraction for keeping a dangerous dog has been issued under this chapter, the hearings officer may order the dog impounded pending trial, sentencing, or other disposition of such citation.

1. Upon motion and affidavit showing the facts constituting the violation and the circumstances of a potential danger to public safety, the hearings officer may make an order upon the person charged with the violation, to show cause why the dog should not be impounded pending disposition of the notice of civil infraction for the violation. The order shall state the time and place for hearing on the motion and shall be served in the same manner as a notice of civil infraction.

2. If, upon hearing, the hearings officer determines by a preponderance of evidence that unless impounded, the dog is a potential danger to public health, safety or welfare, the hearings officer may order the dog impounded at the county animal shelter or other secure facility satisfactory to the court, pending the disposition of the violation. The hearings officer may consider the nature of the conduct constituting the alleged violation, any prior convictions, notices of civil infractions and citations pertaining to the dog and the defendant's past and present ability to control the dog and prevent it from harming any person, and the available alternatives to protect the public from harm.

B. The hearings officer may order the defendant to deliver the dog to the animal shelter and to pay in advance the usual boarding fees charged by the animal shelter. Upon impoundment under this section, no dog shall be released or destroyed, except upon further order by the hearings officer. The defendant shall be responsible for all fees incurred due to impoundment under this section. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 317 § 2 (Exh. A), 1986)

6.04.440 Disposition of moneys.

All sums representing license fees, delinquent license penalties, proceeds from the sale of dogs, impoundment charges and all other moneys and fees paid to the dog control division shall be turned over to the director of support services of the county as part of the dog fund of the county. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 8, 1985)

6.04.450 Fees--Authority.

The board of county commissioners shall prescribe by resolution and order and may from time to time amend the amount of each fee and charge imposed by this chapter. The amounts shall be established upon a finding of the board that they are reasonably necessary to help defray the costs of the services for which the fees and charges are imposed. Such resolution and order may also provide procedures for forfeiture or

refunds of fees and charges. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 15, 1985)

6.04.460 Kennel or pet shop license--Revocation.

The board of county commissioners may, after a hearing and opportunity to be heard, revoke any kennel or pet shop dog license if the person holding such license refuses or fails to comply with this chapter, or any other state or local laws regarding the keeping of dogs. Any person whose license is revoked shall, within ten days, humanely dispose of all dogs owned by him. No part of the license fee shall be refunded in such case. It shall be a condition of the issuance of any dog license to any kennel or pet shop that dog control officers shall be permitted to inspect all dogs and the premises where such dogs are kept at any reasonable time and the board may, if permission for such inspection is refused, revoke the permit of the refusing owner. A copy of this section shall appear on the application for all licenses set forth in Section 6.04.240. Review of the board's actions shall be solely and exclusively by writ of review as provided in ORS 34.010 through 34.100. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 9, 1985)

6.04.470 Biting dogs--Notice.

The owner or keeper of a dog which bites a human being shall notify the department of public health of the county immediately of such bite, giving the name and address of the person bitten, if known to him, and shall abide by the quarantine instructions given by the department of health of the county. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 10(A), 1985)

6.04.480 Biting dogs--Notice by person bitten.

Any person who is bitten by a dog shall forthwith notify the department of health of the county of such bite, giving a description of the dog and the name and address of the owner, if known to him. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 10(B), 1985)

6.04.490 Biting dogs--Notice by doctor, veterinarian or hospital.

When a doctor, veterinarian or hospital has information that a person has been bitten by a dog, such person or hospital shall forthwith notify the county department of public health. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 10(C), 1985)

6.04.500 Quarantine.

All dogs alleged to have bitten a person shall be quarantined as herein provided for a period of ten days commencing from the day of the alleged bite.

A. If the owner of any dog alleged to have bitten a person can produce a valid veterinarian's rabies vaccination certificate providing immunity for the time said alleged bite occurred and such dog does not exhibit aberrant behavior, such dog may, under

the supervision and with the approval of the county dog control division or county health department be quarantined at the owner's residence. Such quarantine shall guarantee that such dog shall be securely confined and kept from contact with any other animal or human, except persons authorized by the county dog control division or county department of public health as they deem necessary for the protection of the public health, safety and welfare.

B. Dogs alleged to have bitten a person that do not have proof of current rabies vaccination or current license by the county, dogs with no known owner or licensee and dogs exhibiting aberrant behavior shall be quarantined for ten days at the county small animal shelter or by a licensed veterinarian at the joint and several expense of the owner or license of such dog.

C. The county health department or county dog control division personnel may make spot checks to insure proper quarantine procedures are administered.

D. Any dog alleged to have bitten a person, that dies within ten days after biting such person, shall be immediately delivered to the county department of public health or such department or its delegate shall be notified and permitted to collect the remains of such animal for laboratory analysis. The owner of such dog shall be liable for the cost of such lab tests.

E. Upon proper showing of probable cause and obtaining of a court order by the county department of public health, any dog suspected of being a carrier of rabies virus shall be taken from the owner and submitted for laboratory analysis. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 10(D), 1985)

6.04.510 Killing or injuring livestock--Impoundment.

When a dog control officer has reason to believe that a dog has recently engaged in killing, wounding, injuring or chasing livestock, and that reasonable testing of the dog will provide substantial evidence as to whether the dog has been so engaged, the dog control officer may impound such dog and provide for administration of tests by a licensed veterinarian or properly qualified dog control officer.

A. If the dog control division determines through tests that the dog has been engaged in killing, wounding, injuring or chasing livestock, the dog owner shall pay the cost of administering the tests, in addition to any impoundment, boarding or other fees and fines, if any.

B. If a dog is impounded and tested upon receipt of evidence from a complainant, the dog control division determines through tests that the dog has not been engaged in killing, wounding, injuring or chasing livestock, the complainant shall pay the cost of administering the tests, the impoundment fee, and the cost of keeping the dog during the impoundment. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 11(A), 1985)

6.04.520 Killing or injuring livestock--Statement of claim.

The owner of any livestock killed by any dog may, within five days after the killing occurs, or becomes known to him, present to the dog control division, a verified statement containing a full account of such killing, stating in detail the amount of damage claimed on account thereof, and the name and address of the owner or keeper

of the dog, if his name is known, as well as any insurance claim the owner may have in this regard, the claim shall be investigated by the dog control division as to all material facts as to damages contained therein. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part) Ord. 306 § 11(B), 1985)

6.04.530 Killing or injuring livestock--Consideration of claim.

All claims presented as provided in Section 6.04.510 shall be considered by the dog control division. The division may allow a claim or any portion thereof that it deems just and reasonable, shall file and enter of record the value of livestock killed, and order a voucher drawn in payment thereof out of the dog fund. If it deems the claim unjust, it shall disallow it and enter such fact upon record. No claim shall be allowed where it appears that the injury or damage complained of is caused by a dog owned by the claimant or his agent, for any amount for which the claimant is insured, where it appears the injury or damage was due to any cause other than a domestic animal of the canine family. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 11(C), 1985)

6.04.540 Killing or injuring livestock--Collection of claim.

In each case where a claim made for livestock killed has been paid by the dog control division, the county by and through the division shall be subrogated to all rights of the owner of the livestock killed against the owner of the dog for the amount of claim actually paid by the county. The county counsel of the county shall proceed promptly, in a lawful way, to collect on said claim. Any money so collected shall be paid immediately to the director of support services of the county. As a condition of payment of any claim, the claimant must cooperate in any proceeding by the county to recover a subrogated claim. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 11(D), 1985)

6.04.550 Killing or injuring livestock--Authority to kill dog observed in act.

A dog control officer designated by the director of assessment and taxation shall be empowered to kill a dog observed by the officer in the act of killing, wounding, chasing or injuring livestock, in the same manner and subject to the same restrictions, as are provided in ORS 609.150 for private citizens. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 11(E), 1985)

6.04.560 Citation.

A county officer, as defined in the uniform citation ordinance, may issue a citation for violation of this chapter other than those provisions designated as civil infractions. Citations shall conform to the requirements of the uniform citation ordinance, Chapter 1.08. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 491 § 2(B) Exh. B (part), 1997)

6.04.570 Other enforcement procedures not excluded.

The provisions of this chapter are in addition to and not in lieu of any other procedures and remedies provided by law, including equitable relief and damages. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 491 § 2(B) Exh. B (part), 1997)

6.04.575 Civil infraction.

A county officer or a private citizen may issue a notice of civil infraction for violation of any provision of this chapter designated as a civil infraction. Any notice of civil infraction issued by a private citizen must be reviewed and approved by the office of county counsel prior to being served. Notices of civil infraction shall comply with the administrative enforcement ordinance. (Ord. 600 § 2 Exh. A (part), 2002)

6.04.590 Citation--Penalty.

A. The penalty for violation of any provision of this chapter which results in a citation shall be a fine of not more than five hundred dollars.

B. Each day any person shall be in violation of this chapter shall be deemed a separate offense.

C. In addition to any fine imposed pursuant to subsection A of this section, a court may order the impoundment and destruction of any dog found to be dangerous, or found to have killed, injured or chased livestock.

D. Any person who has been convicted of a violation of this chapter and who is found by a court to have been formerly convicted of any violation of this chapter or prior dog control ordinances of the county with the two years preceding the date of the alleged violation may be punished by a fine of not more than one thousand dollars.

E. Any person who, in connection with the issuance of a citation or the filing of a complaint for a dog control ordinance violation, willfully certifies falsely to the matters set forth therein is punishable upon conviction by imprisonment in the county jail for a term not exceeding one year or by a fine of not more than three thousand dollars, or both. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 491 § 2(B) Exh. B (part), 1997: Ord. 306 § 13, 1985)

6.04.600 Civil infraction--Penalty.

A. Any violation of this chapter which results in a notice of civil infraction shall be subject to a civil penalty of not more than five hundred dollars, plus fees and costs as specified in the administrative enforcement ordinance.

B. Each day any person is in violation of this chapter shall be deemed a separate infraction, and a new notice of civil infraction may be issued each day the person is in violation.

C. In addition to any civil penalty, the hearings officer may order additional steps to remedy the violation as specified in the administrative enforcement ordinance.

D. Any person who, in connection with the issuance of a notice of civil infraction willfully certifies falsely to the matters set forth therein is punishable by conviction by imprisonment in the county jail for a term not exceeding one year or by a fine of not

more than three thousand dollars, or both. (Ord. 600 § 2 Exh. A (part), 2002)



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 8-22-11
Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Linda Odermott, Paralegal
Brenda Braden, City Attorney *BB*

DATE: 08/22/2011

SUBJECT: An Ordinance Relating to Boards and Committees; Reducing the Size of the Planning Advisory Committee; Removing Term Limits; and Amending TMC 11-1-020, 11-1-040, 11-2-020, 11-3-030, 11-3-040, 11-4-030, 11-5-030, 11-5-040, AND 11-5-070

ISSUE BEFORE THE COUNCIL:

Council will consider an Ordinance to amend the Tualatin Municipal Code, Sections 11-1-020, 11-1-040, 11-2-020, 11-3-030, 11-3-040, 11-4-030, 11-5-030, 11-5-040, AND 11-5-070 which will reduce the number of members on the Planning Advisory Committee (TPAC) from 9 down to 7 and to set a quorum for TPAC as a majority of the members appointed by the Council. It also removes the current two-term term limit from all city committees and allows the Council the flexibility of appointing members for additional terms.

RECOMMENDATION:

Staff recommends that Council approve the Ordinance.

EXECUTIVE SUMMARY:

This Ordinance works in conjunction with PTA-11-06, also on tonight's agenda. This Ordinance would make the appropriate changes to the Municipal Code to match those made in the Development Code with regard to the Planning Advisory Committee (TPAC). The major changes are: the number of members required for a quorum to "a majority of the members of the committee appointed by the City Council", rather than a majority of the committee positions, and reduces the size of TPAC from 9 members to 7.

The other change is to remove the two-term limit on all city committees.

OUTCOMES OF DECISION:

If Council approves the changes, the Planning Advisory Committee will be better able to meet its quorum requirements, which will, in turn, allow it to make recommendations to the Council on important planning matters.

If Council does not approve the changes, TPAC will continue to have 9 members and need 5 members present for a quorum so it can fulfill its duties under the Municipal and Development Codes.

If the Council does not approve of removing the two-term limit, once committee members have served two terms, they would not be eligible for reappointment to that committee.

Attachments: A - TMC Ordinance

ORDINANCE NO. 1330-11

AN ORDINANCE RELATING TO BOARDS AND COMMITTEES; REDUCING THE SIZE OF THE PLANNING ADVISORY COMMITTEE; REMOVING TERM LIMITS; AND AMENDING TMC 11-1-020, 11-1-040, 11-2-020, 11-3-030, 11-3-040, 11-4-030, 11-5-030, 11-5-040, AND 11-5-070

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 11-1-020 is amended to read as follows:

(1) The Committee shall consist of ~~nin~~seven members appointed by the Council and, except as provided in subsection (6) of this section, shall serve three-year staggered terms, ~~or until their respective successors are appointed. Except for a member who is appointed under subsection (6) of this section, no member shall serve more than two three-year terms in succession. A member may be reappointed to the Committee to additional terms at the discretion of the Council.~~ Committee members shall receive no compensation.

(2) In considering new members, the Committee and Council shall strive for geographic balance. No fewer than ~~six~~ five members shall reside inside the corporate boundaries of the City, and no more than ~~three~~ two shall reside outside the City. Any nonresident member shall reside within the Urban Growth Boundary of the City of Tualatin.

(3) Each committee member serves at the pleasure of the City Council and may be removed by the Council at any time before the committee member's term expires.

(4) Any vacancy on the Committee shall be filled by the City Council for the unexpired term of the member creating the vacancy.

(5) No more than two members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of a partnership, or officers or employees of a corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than three members shall be engaged in the same kind of business, trade or profession.

(6) One member may be less than 18 years of age. A member who is appointed under this subsection shall serve a one-year term that may be renewed for one additional year. In addition to other criteria deemed relevant by the Council for appointment, the Council may consider the applicant's academic performance and the effect membership on the Committee may have on such performance.

(7) A committee member may not have unexcused absences from two or more meetings, including regular and special work sessions during a calendar year, or absences from more than five such meetings held during the calendar year. An excused

absence may be obtained by contacting the chairperson or secretary of the committee at least 24 hours prior to a scheduled committee meeting.

Section 2. TMC11-1-040 is amended to read as follows:

A majority of members of the Committee appointed by City Council shall constitute a quorum. A quorum of the Committee may transact any business or conduct any proceedings before the Committee. The Committee may adopt and amend rules and regulations establishing the procedure for the conduct of proceedings before it. Any such rules and regulations shall be consistent with any ordinances, resolutions or laws of the City regulating the Committee. The Committee shall convene when necessary to discharge its duties; however, it shall meet not less than six times within every calendar year.

Section 3. TMC 11-2-020 is amended to read as follows:

(1) The membership of the Committee shall be appointed by the City Council. Committee members shall receive no compensation. The Committee shall consist of seven members appointed by the Council and, except as provided in subsection (5) of this section, shall serve three-year terms or until their respective successors are appointed. ~~Except for a member who is appointed under subsection (5) of this section, no member shall serve more than two three-year terms in succession.~~ A member may be reappointed to the Committee to additional terms at the discretion of the Council.

(2) In considering new members, the Committee and Council shall strive for geographic balance. No less than five members shall reside inside the corporate boundaries of the City and no more than two shall reside outside the City.

(3) Each committee member serves at the pleasure of the City Council and may be removed by the Council at any time before the committee member's term expires.

(4) Any vacancy on the Committee shall be filled by the City Council for the unexpired term of the member creating the vacancy.

(5) No more than one member may be less than 18 years old. A member who is appointed under this subsection shall serve a one-year term that may be renewed for one additional year. In addition to other criteria deemed relevant by the Council for appointment, the Council may consider the applicant's academic performance and the effect membership on the Committee may have on such performance.

(6) A committee member shall not have unexcused absences from two or more meetings, including regular and special work sessions during a calendar year, or absences from more than five such meetings held during the calendar year. An excused

absence may be obtained by contacting the chairperson or secretary of the committee at least 24 hours prior to any scheduled committee meeting.

Section 4. TMC 11-3-030 is amended to read as follows:

(1) The Core Area Parking District Board is created. At least five members of the Board must own, operate or occupy business premises in the District. The additional member of the Board shall be a member of the City Council. Each member shall be appointed by the Council for a term of three years or until a successor is appointed.

(2) Vacancies on the Board arising from the death, disability, resignation or loss of qualifications of any member shall be filled by the Council by appointment of a successor to serve the remaining term of office. ~~No member shall serve more than two three-year terms in succession unless a vacancy on the Board cannot be filled by available applicants after a period of six months of vacancy.~~ A member may be reappointed to the Committee to additional terms at the discretion of the Council.

(3) Each Board member serves at the pleasure of the City Council and may be removed at any time prior to the end of the Board member's term. In addition, upon the failure of a Board member to satisfy the attendance requirements established by the Board, the Council shall declare the position vacant and fill the position in the manner provided above.

(4) The chairman of the Board shall serve as an ex officio member of the City of Tualatin Urban Renewal Advisory Committee.

(5) The City Council shall annually establish a regular monthly meeting date for the Board. The chairman or a majority of the members of the Board may call special meetings.

(6) In addition to the regular members of the Board, the City Council may appoint not more than one ex officio member under the age of 18 years, who shall serve a one-year term which may be renewed for one additional year. Except as otherwise provided, such ex officio member shall be treated as a Board member, i.e., by receiving a copy of the agenda and staff report, and by full participation in the Board's discussion. The ex officio member shall not be counted for purposes of establishing a quorum for the conduct of Board business and shall not be permitted to vote on motions or other action taken by regular Board members. In addition to other criteria deemed relevant by the Council for appointment or removal, the Council may consider the effect of participation on the Board on such person's academic performance.

Section 5. TMC 11-3-040 is amended to read as follows:

(1) At its first meeting after appointment and thereafter at its first meeting of each year, the Board shall elect a chairman from its membership. The Board shall effect whatever internal organization it deems best and shall adopt rules of procedure for the conduct of its business.

(2) The Council delegates to the Board the responsibility for the operation of the district. This responsibility shall include the following:

- (a) Providing for and monitoring maintenance;
- (b) Monitoring parking regulations;
- (c) Recommending payment by the Council of expenses of the district, including reimbursement to the City for administrative and legal expenses; and
- (d) Other matters which pertain to the daily operation of the district.

The delegation in this chapter shall be subject to the condition that any contract required for the operation of the district shall be approved and executed by the Council.

(3) By March 1 of each year, or earlier if requested, by the City ~~Administrator~~Manager, the Board shall prepare and submit to the City Budget Committee a proposed budget for the next fiscal year. The budget shall include the estimated costs of maintaining and administering the district and the annual tax rate; costs of constructing new facilities and purchasing property; and any other matter related to the budgetary needs of the district.

(4) The Board shall serve in an advisory capacity to the City Council on policy matters affecting the district, and the Council shall consult the board prior to taking action on the following:

- (a) Location of new parking lots;
- (b) Design of new lots;
- (c) Improvements to existing lots and development of new lots;
- (d) Regulation of parking lots;
- (e) Capital outlays for the district, including urban renewal funds;
- (f) Purchase of property for district purposes;
- (g) Amount of fees, taxes, appeal of taxes and credits; and
- (h) Other policy matters pertaining to the district.

(5) Notwithstanding any other provision, the City Council shall have the final determination and responsibility on all matters concerning the district.

Section 6. TMC 11-4-030 is amended to read as follows:

(1) The Committee shall consist of seven members appointed by the Council and, except as provided in subsection (5) of this section, shall serve three-year terms or until their respective successors are appointed. ~~Except for a member who is appointed under subsection (5) of this section, no member shall serve more than two three-year terms in succession.~~ Committee members shall receive no compensation. A member may be reappointed to the Committee to additional terms at the discretion of the Council.

(2) In considering new members, the Council shall strive for geographic balance. No fewer than five members shall reside inside the corporate boundaries of the City, and no more than two shall reside outside of the City.

(3) Each committee member serves at the pleasure of the City Council and may be removed by the Council at any time before the committee member's term expires.

(4) Any vacancy on the Committee shall be filled by the City Council for the unexpired term of the member creating the vacancy.

(5) One member may be less than 18 years of age. A member who is appointed under this provision shall serve a one-year term that may be renewed for one additional year. In addition to other criteria deemed relevant by the Council for appointment, the Council may consider the academic performance of the member and the effect membership on the Committee may have on such performance.

(6) A committee member shall not have unexcused absences from two or more meetings, including regular and special work sessions during a calendar year, or absences from more than five such meetings held during the calendar year. An excused absence may be obtained by contacting the chairperson or secretary of the committee at least 24 hours prior to any scheduled committee meeting.

Section 7. TMC 11-5-030 is amended to read as follows:

(1) The Council shall appoint the Committee members who shall receive no compensation for their services. The Committee shall consist of seven members who shall be appointed for three-year terms or until their successors are appointed; however, of the initial seven members who are appointed, two shall be appointed for one-year terms, two shall be appointed for two-year terms, and three shall be appointed for three-year terms. ~~No member shall serve more than two three-year terms in succession.~~ A

member may be reappointed to the Committee to additional terms at the discretion of the Council.

(2) At least two members shall have arts professional backgrounds. No fewer than five members shall reside within the corporate city limits of Tualatin and no more than two may reside outside the City.

(3) A Committee member may obtain an excused absence by contacting the chairperson or secretary of the committee prior to a scheduled meeting.

(4) Each committee member serves at the pleasure of the City Council and may be removed before the end of the Committee member's term.

(5) The City Council shall fill any vacancy on the Committee for the unexpired term of the member creating the vacancy.

Section 8. TMC 11-5-040 is amended to read as follows:

(1) At the first regular meeting of each December, the Committee shall elect a chairperson and vice-chairperson from its membership, who shall be voting members, and those who are then elected shall assume office at the first regular meeting in January.

(2) When the chairperson is absent, the vice-chairperson shall assume the responsibilities of the chairperson and serve as chairperson pro tem. If the office of chairperson becomes vacant, the vice-chairperson shall become the chairperson and shall call an election to fill the remaining term of vice-chairperson.

If the offices of both the chairperson and vice-chairperson become vacant, the Committee shall elect a chairperson pro tem to temporarily fulfill the responsibilities of that office until a special election is held. The special election shall be called not less than twenty days before the election, and shall be conducted in accordance with the rules established by the Committee.

(3) The Community Services Director shall ~~serve as~~ provide a secretary to the Committee. The secretary shall keep an accurate record of all Committee proceedings and shall file a report of the proceedings within thirty days with the City Recorder.

Section 9. TMC 11-5-070 is amended to read as follows:

In addition to those powers specially granted by resolution by the City Council from time to time, the Committee shall:

(1) Make recommendations to the City Council regarding all matters involving public arts and the cultural development of the City. When an arts purchase or project is proposed for placement within a particular Department's area of responsibility, such as within a City park, the Committee shall work with and coordinate with the affected department or advisory committee to reach a recommendation. However, nothing in this section shall be construed to require the ~~Parks and Recreation~~ Community Services Department to seek approval or recommendation from the Committee of proposed recreation programs;

(2) Prepare, recommend, and implement policies, upon approval by the City Council, for the selection, placement, maintenance and preservation of public art work and programs;

(3) Prepare, recommend, and, upon approval by the City Council, implement policies for proposed gifts, exhibitions, and loans of artwork to the City, for deaccessioning materials, and for handling citizen concerns;

(4) Develop, recommend, and implement upon approval by the City Council a long range plan for the development of a public arts program for the city which shall be reviewed annually before the budget cycle of the City;

(5) Establish a review policy to assess the collection of public art at least every ten years from the date of this ordinance;

(6) Explore and recommend funding sources to support the arts program;

(7) Provide assistance to activities and organizations in the community which provide art programs; and

(8) Encourage, sponsor, co-sponsor or conduct public programs to further the development and public awareness of the arts.

INTRODUCED AND ADOPTED this 22nd Day of August, 2011.

CITY OF TUALATIN, OREGON

BY

Mayor

ATTEST:

BY

City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Braden

CITY ATTORNEY



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 8-22-11
Recording Secretary MSM

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Linda Odermott, Paralegal
Brenda Braden, City Attorney *BB*

DATE: 08/22/2011

SUBJECT: An Ordinance Relating to Storage on the Street; and Amending TMC 8-1-260 and TMC 8-1-280; and Repealing TMC 8-1-270 and 8-1-290

ISSUE BEFORE THE COUNCIL:

Council will decide whether or not to approve an Ordinance relating to storage on the street and amend TMC 8-1-260 and 8-1-280 and repeal TMC 8-1-270 and 8-1-290.

RECOMMENDATION:

Staff recommends that Council approve the Ordinance.

EXECUTIVE SUMMARY:

In Tualatin it is unlawful for a person to park a vehicle, object or matter on a public street for more than 72 hours unless the person obtains a permit from the City Manager to do so. The most common items for which a permit is sought are for dumpsters for construction and clean-up, Pods, and for trailers or recreational vehicles of visiting friends and relatives.

As the ordinance is currently written, it is not clear that the City Manager can delegate this responsibility to a designee. This ordinance is brought before the Council to address that problem. With the changes, the permit process can be streamlined so that the public will only have to make one stop to get the permit issued. It also removes the separate permit for construction items so that all permits for storage on the street are the same.

OUTCOMES OF DECISION:

If the Council approves the ordinance, it will clarify the language and allow the permit process for storage on the street to be streamlined.

If the Council does not approve the ordinance, the City Manager will continue to issue the permits out of the City Manager's office and permits for construction will remain a separate permit.

Attachments: A - Ordinance

ORDINANCE NO. 1331-11

AN ORDINANCE RELATING TO STORAGE ON THE STREET; AND
AMENDING TMC 8-1-260 AND 8-1-280; AND REPEALING TMC 8-1-270 AND
8-1-290

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 8-1-260 is amended to read as follows:

(1) Streets. It is unlawful for a person, firm or corporation to park or store a vehicle, object or matter upon a public street within the City for more than a continuous 72-hour period without first obtaining a permit from the City Manager or designee in accordance with ~~Section 34~~ of this ordinance.

(2) Public Off-Street Parking Facilities. Except for personal vehicles of public employees or Council members authorized to conduct City business overnight or on weekends, or except as provided in subsection (3), it shall be unlawful to park a vehicle, object or matter within any public off-street parking facility continuously for more than 24 hours. For purposes of this subsection, movement of the vehicle, object, or matter from a parked position for less than one hour shall not interrupt the continuous 24 hour period.

(3) Operative vehicles which are not abandoned may park in the designated long-term spaces of the Blue and Green Public Parking Lots for more than 24 hours.

Section 2. TMC 8-1-280 is amended to read as follows:

The City Manager or designee may issue a permit to the owner or lessee of a vehicle, object or matter upon a public street for more than a continuous 72-hour period for good cause as determined by the City Manager or designee:

(1) The vehicle owner shall pay a permit application fee of \$2025.

(2) ~~No A~~ permit issued under this section shall be effective for no more than 21 days ~~after the date of issuance~~. The City Manager or designee may reissue the permit for one additional 21 - day period upon (a) a showing by applicant that good cause continues to exist, and (b) payment of a reissuance fee of \$15.

(3) The permit shall bear the ~~facsimile~~ signature of the City Manager or designee, the signature of the issuing clerk, the date of issuance, the termination date of the permit, the location of the vehicle on the public street, and the owner of the vehicle and

the owner's address and telephone number ~~or location at which~~ where he or she can be reached.

(4) The permit shall also bear the following information:

(a) The type of warning devices the permittee must place on or around the object to warn the public of the objects' location;

(b) The type of warning devices must be placed and maintained continuously while the objects are in the street;

Section 3. TMC 8-1-270 is repealed in its entirety.

Section 4. TMC 8-1-290 is repealed in its entirety.

INTRODUCED AND ADOPTED this 22nd Day of August, 2011.

CITY OF TUALATIN, OREGON

BY  _____
Mayor

ATTEST:
BY  _____
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY