



MEMORANDUM CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager

DATE: July 10, 2017

SUBJECT: Work Session for July 10, 2017

5:30 p.m. (20 min) – Mobile Food Unit Ordinance: Project Update. Staff will provide an update to the Council on activities pertaining to the proposed modifications to food cart regulations.

5:50 p.m. (20 min) – Active and Safe Transportation in Tualatin. At the February 2017 Council Advance, the Council identified a “Funded transportation system that supports mobility, connectivity, and accessibility in all modes” as one of seven goals. Staff will discuss this goal with the Council, highlighting the City’s current progress to date and seek feedback on how the Council may wish to enhance current efforts.

6:10 p.m. (30 min) – Council Rules. The Council sub-committee consisting of Council President Davis and Councilors Bubenik and Kellogg met on several occasions and have prepared the attached document for Council’s discussion.

6:40 p.m. (10 min) – Climate Cities. At the June 26th work session, the Council agreed to discuss this item at tonight’s work session.

6:50 pm (10min) - Council Meeting Agenda Review, Communications & Roundtable. This is an opportunity for the Council to review the agenda for the July 10 Council meeting and take the opportunity to brief the rest of the Council on any issues of mutual interest.



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Charles Benson, Associate Planner
Alice Cannon, Assistant City Manager

DATE: 07/10/2017

SUBJECT: Mobile Food Unit (Food Truck/Cart) Ordinance: Project Update

ISSUE BEFORE THE COUNCIL:

Staff will provide an update to the Council on activities pertaining to the proposed modifications to food cart regulations. Staff has continued work on this project since the last update to the Council on October 24, 2016, including convening a Food Cart Work Group meeting held in January 2017. Staff will also present the proposed regulations and standards contained in the most recent draft ordinance, which include results from the Food Cart Work Group and subsequent discussions with both the Commercial Citizen Involvement Organization (CCIO) and the Chamber.

EXECUTIVE SUMMARY:

At the October 10, 2016 Council work session, staff presented an update on public outreach efforts as part of the proposed modifications to the food truck/cart (also defined as mobile food unit) ordinance conducted during Summer 2016, including survey results and input from the CCIO and the Tualatin Chamber of Commerce (see project timeline summary in Attachment A). Staff also provided an update on recommended code components based on these outreach efforts. Council, citing concerns raised by Tualatin's brick-and-mortar restaurant industry, requested further study and simplification of the proposed ordinance (see October 10, 2016 meeting minutes in Attachment B).

Staff returned to the Council's October 24, 2016 work session with a simplified draft ordinance and with the goal of obtaining confirmation on Council direction provided at the October 10, 2016 work session. Council directed staff to create an advisory task force to be comprised of local business owners, business advocacy group members, and community members, and present recommendations from this group to the Council (see October 24, 2016 meeting minutes in Attachment C). Council directed staff to work closely with both the CCIO and the Chamber.

DISCUSSION:

Project Timeline Summary

The proposal to update Tualatin's food truck/cart ordinance has its origins in Fall 2015, when a small business that serves shaved ice out of a food truck on the corner of SW Nyberg Street and SW Boones Ferry Road, commented at a City Council hearing that they were notified they were in violation of Tualatin Development Code (TDC) 34.013, which, at the time, was the only City policy on mobile food truck operations (see Attachment D). In October 2015, Council directed staff to develop a project framework and to research potential options regarding a code update on this topic. The early stages of this process focused on adding food truck/cart regulations to the TDC and thus requiring a Plan Text Amendment (PTA); however, internal staff deliberations concluded that adding these regulations to the Tualatin Municipal Code (TMC) would be a more efficient and effective process and that the resultant PTA would focus solely on edits to existing regulations found in TDC 34.013.

Council approved this framework in June 2016, and, in July 2016, enacted Ordinance No. 1393-16 which temporarily allowed food trucks and carts to operate in Tualatin's commercial and industrial areas independent of existing TDC 34.013 regulations (see Attachment E).

Staff worked throughout Summer/Fall 2016 with the intent of completing the process by December 2016. Council decided at the October 24, 2016 work session that additional study was needed and authorized the formation of a task force to study the issue further. On December 10, 2016, Council enacted Ordinance No. 1398-16, which extended the temporary provisions of Ordinance No. 1393-16 until December 31, 2017 (the original provisions of Ordinance No. 1393-16 were set to expire December 31, 2016, see Attachment F). While there is evidence of food trucks operating in Tualatin's industrial areas, no new business licenses strictly for food truck vendors have been issued since Ordinance No. 1393-16 was enacted.

Work Group Findings

The task force, named the Tualatin Food Cart Work Group, convened on January 10, 2017 with the purpose of:

- Understanding issues related to food cart policy (definitions, enforcement, options considered to date);
- Identifying and discussing issues and concerns related to food carts from the work group; and
- Using input to develop a draft ordinance for Council consideration.

This meeting was open to the public and was attended by a small representation of restaurant owners and business advocates, who discussed concerns regarding food truck/cart operations in Tualatin, goals of the proposed ordinance, and regulation alternatives. No members from the general public (i.e., those not affiliated with a business advocacy group or restaurant) were in attendance.

The most voiced concerns regarding food trucks/carts were:

- Impacts on and competition with existing brick-and-mortar restaurants;
- No current rules/process in place for regulating and/or enforcing food truck/cart operations;
- Potential impacts to traffic and parking; and
- Food safety.

The most commonly identified goals of a proposed ordinance included the following:

- Allow food trucks, carts and pods in the industrial areas;
- Prohibit food trucks, carts, and pods in the central commercial area;
- Ensure public health and safety; and
- Promote harmony between restaurants and food trucks/carts.

The Food Cart Work Group summary report is included as Attachment G.

Draft Ordinance Components

Staff created a draft ordinance based on all work completed to date, including findings and recommendations derived from the Food Cart Work Group and further conversations with both the CCIO and the Chamber. The proposed ordinance is focused on food trucks/carts that operate on private property and provide service to the general public and expressly does not apply to private events or public events where permits are issued. While the question of pods was discussed throughout this process, it was determined that pods would require development standards that would need to be developed and included in the TDC at a later date. The key components of the draft ordinance are discussed below (the complete draft ordinance is included as Attachment H).

Applicability

As noted above, the proposed ordinance would strictly apply to food truck/cart operations on private property that serve the general public and in direct competition with brick-and-mortar restaurants. The proposed regulations would not apply to vendors operating under an approved City event permit or under a street closure permit granted by the City. Private catering events would also be exempt from these regulations, which is a stipulation of great importance to the CCIO.

Business Licenses and Regulatory Requirements

In response to concerns regarding lack of specific processes and regulations (and thus enforcement) and overall public safety, food truck/cart vendors will need to comply with the following:

- Any person wanting to operate a mobile food unit must obtain a City of Tualatin business license prior to operating a mobile food unit within the City.
- In addition to a business license, a person wanting to operate a mobile food unit must submit documentation to the City that establishes the person has obtained all required health and sanitary licenses from the State of Oregon and Washington or Clackamas Counties, as applicable.
- A person operating a mobile food unit must comply with all applicable policies and regulations set forth by the Tualatin Municipal Code and the Tualatin Development Code, including but not limited to all traffic laws and parking regulations.
- A person operating a mobile food unit must comply with all health, safety, and environmental laws, including but not limited to proper disposal of cooking waste and wastewater.
- Mobile food units must have wheels and the wheels must not be removed.

In addition to providing a structural framework for regulating food trucks/carts, these licenses and regulations would allow the City to gather information regarding vendor activity. The last

requirement promotes the mobile and temporary character of these uses, which should not appear to be stationary or permanent.

Location Standards

The proposed ordinance would allow mobile food units to operate in the following planning districts:

- CR - Recreational Commercial;
- MC - Medical Center;
- ML - Light Manufacturing;
- MG - General Manufacturing;
- MP - Manufacturing Park;
- MBP - Manufacturing Business Park; and
- IN – Institutional.

Mobile food units would also be allowed to operate in the CG - General Commercial planning district for a limited duration subject to a Mobile Food Unit Special Location Permit. This provision was included as a means to not impact current Farmer's Market and similar events at Bridgeport, as the proposed ordinance would also limit the number of food trucks/carts on a site at any given time. In addition, mobile food units would be prohibited from operating within 100 feet of a gas station due to perceived safety concerns.

The proposed ordinance also creates a distinction between food trucks/carts and pushcarts, as pushcarts operations were not considered to embody the same potential for negative impacts as food trucks/carts. Pushcarts are currently allowed to the planning districts listed below. Staff is not proposing to change this location standard.

- CC- Central Commercial;
- CG - General Commercial;
- ML - Light Manufacturing;
- MG - General Manufacturing; and
- MP - Manufacturing Park.

Pushcarts would be subject to the following standards currently in effect:

- Be no larger than six feet in length;
- Not locate within 200 feet of a restaurant or fruit and vegetable market without written consent from the proprietor of the restaurant or market;
- Not conduct business on public sidewalks without obtaining a permit from the City;
- Not operate on a private sidewalk, except by permission of the property owner; and
- Comply with the site standards applicable to all mobile food units (see below).

Site Standards

Food trucks/carts would be subject to the following site standards:

- Food trucks/carts must not obstruct pedestrian, bicycle, or vehicle pathways;
- Food trucks/carts must provide trash/recycling facilities;
- Food trucks/carts must operate on an existing hard-surfaced area;
- Food trucks/carts must have self-contained water, sewer, and electrical systems and cannot connect to public or private utilities; and
- Only one vendor may operate on a site at a time without special permit.

Next Steps

Staff will incorporate any recommended changes to the proposed draft ordinance as directed by Council. While proposed ordinance will reside in the TMC, a Plan Text Amendment (PTA) is required to remove the existing TDC Section 34.013 from the code (TDC). Per TDC protocol, the Planning Commission will be granted the opportunity to provide comment for Council consideration on the proposed PTA; at this time, this item would be included on the Planning Commission meeting agenda for July 20, 2017.

At the Council's direction and agreement, the next step for the proposed ordinance would be a Council Public Hearing on the matter tentatively scheduled for August 14, 2017, with its adoption into the TMC two weeks later on August 28, 2017. Again, at Council direction and agreement, a Council Public Hearing for the PTA would be held on August 28, 2017, with final approval in September 2017.

RECOMMENDATION:

Review and discuss input received from staff and provide direction on the proposed ordinance.

Attachments: [Attachment A - PowerPoint Presentation](#)
[Attachment B - City Council Work Session Minutes \(10/10/2016\)](#)
[Attachment C - City Council Work Session Minutes \(10/24/2016\)](#)
[Attachment D - Current TDC 34.013](#)
[Attachment E - Ordinance 1393-16](#)
[Attachment F - Ordinance 1398-16](#)
[Attachment G - Food Cart Work Group Summary Report](#)
[Attachment H - Draft Mobile Food Unit Ordinance](#)



**MOBILE FOOD UNIT
(FOOD TRUCK/CART)
ORDINANCE:
PROJECT UPDATE**

**MOBILE FOOD UNIT (FOOD TRUCK/CART)
ORDINANCE: PROJECT UPDATE**

**CITY COUNCIL WORK SESSION
JULY 10, 2017**



TONIGHT'S DISCUSSION OVERVIEW

- Provide update on proposed ordinance process and activities
- Present proposed regulations and standards included in current draft ordinance
- Discuss upcoming Council actions



PROJECT TIMELINE SUMMARY

- Fall 2015: Downtown food truck found to be in violation of current TDC 34.013
- Spring 2016: Council approves project framing, enacts temporary ordinance
- Fall 2016: Council authorizes task force, extends temporary ordinance
- Winter 2017: Task force meets, drafts objectives and goals
- Spring 2017: Staff incorporates task force recommendations into draft ordinance



DRAFT ORDINANCE COMPONENTS

APPLICABILITY

- Regulates food trucks/carts on private property that serve the public
- Does **not** apply to vendor operations under an approved City event or street closure permit
- Does **not** apply to private catering events



DRAFT ORDINANCE COMPONENTS

LICENSING/REGULATORY REQUIREMENTS

- City of Tualatin business license
- Compliance with all health, safety, and environmental laws
- All mobile food units must have wheels and wheels must not be removed



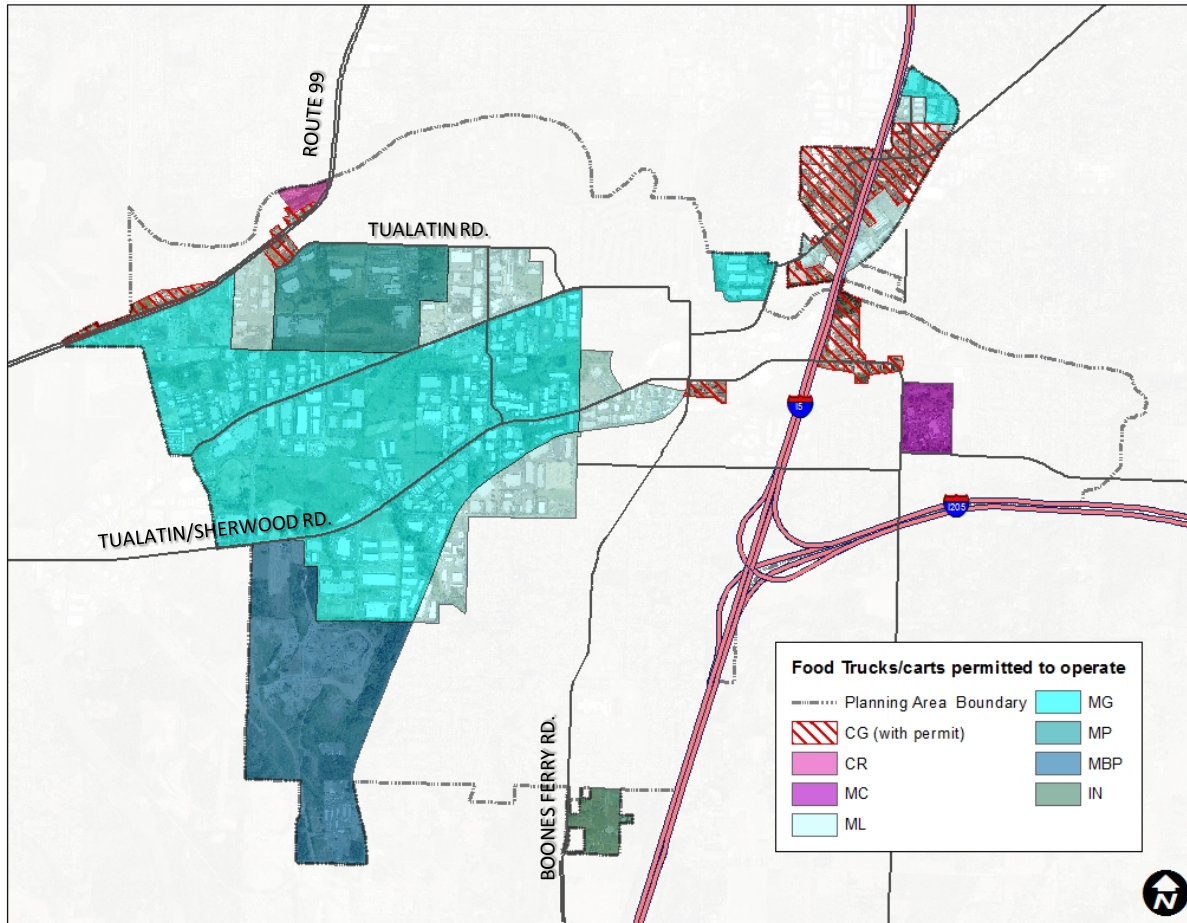
DRAFT ORDINANCE COMPONENTS

LOCATION STANDARDS

- Food trucks/carts allowed in CR, MC, IN and all manufacturing districts
- Food trucks/carts allowed in CG with special permit
- Pushcarts allowed in CC, CG, MG, ML and MP districts
- Not allowed within 100 feet of a gas station



DRAFT ORDINANCE COMPONENTS

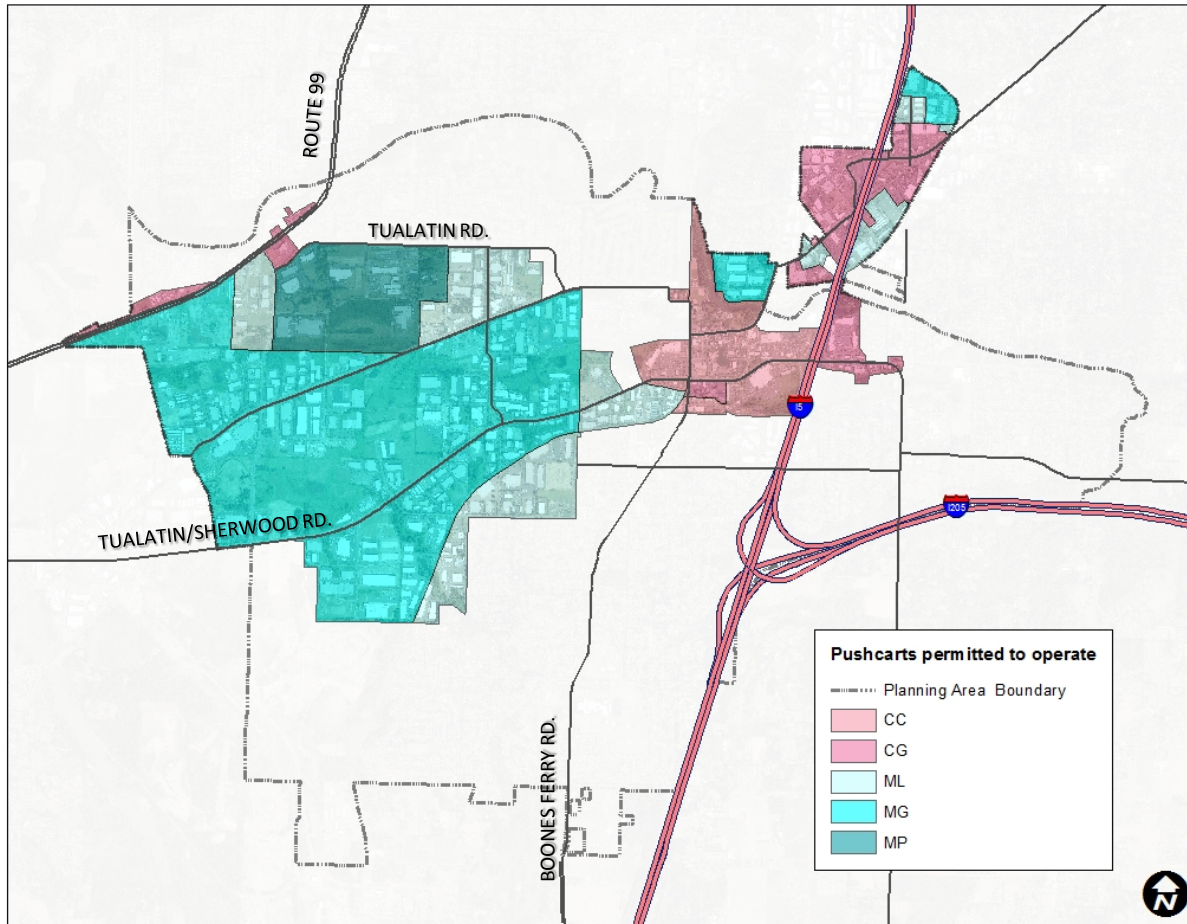


Planning Districts
where Food Trucks/
Carts are permitted
to operate:

- CR
- IN
- MC
- ML
- MG
- MP
- MBP
- CG (with permit)



DRAFT ORDINANCE COMPONENTS



Planning Districts
where Pushcarts are
permitted to
operate:

- CC
- CG
- ML
- MG
- MP

MOBILE FOOD UNIT (FOOD TRUCK/CART)
ORDINANCE: PROJECT UPDATE

CITY COUNCIL WORK SESSION
JULY 10, 2017



DRAFT ORDINANCE COMPONENTS

SITE STANDARDS

- Must not obstruct streets, sidewalks or pathways
- Must provide trash/recycling facilities
- Must operate on an existing hard-surfaced area
- Must have self-contained utilities
- Only one operator per site at a time without permit



NEXT STEPS

- Incorporate Council and TPC recommendations
- Council Public Hearing on proposed ordinance to TMC
- Council Public Hearing on PTA



**QUESTIONS
COMMENTS
RECOMMENDATIONS**

**MOBILE FOOD UNIT (FOOD TRUCK/CART)
ORDINANCE: PROJECT UPDATE**

**CITY COUNCIL WORK SESSION
JULY 10, 2017**



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 10/24/2016

SUBJECT: Consideration of Approval of the Minutes for the Work Session and Regular Meeting of October 10, 2016

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Work Session and Regular Meeting of October 10, 2016.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: City Council Work Session Minute of October 10, 2016
City Council Regular Meeting Minutes of October 10, 2016



Present: Mayor Lou Ogden- via phone; Council President Monique Beikman; Councilor Frank Bubenik; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Councilor Wade Brooksby; Councilor Joelle Davis

Staff City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele;

Present: Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; Parks and Recreation Manager Rich Mueller; City Engineer Jeff Fuchs; Associate Planner Charles Benson; Senior Planner Karen Fox; Economic Development Manager Melinda Anderson; Public Works Director Jerry Postema

CALL TO ORDER

Council President Beikman called the meeting to order at 5:07 p.m.

1. *Food Carts: Update on Public Outreach & Code Components.*

Planning Manager Aquilla Hurd-Ravich and Associate Planner Charles Benson presented the public outreach and proposed code updates on mobile food units. Manager Hurd-Ravich presented background on the process to date, noting staff has continued to conduct public engagement and further refine the code updates. Associate Benson recapped public engagement efforts including survey results. Manager Hurd-Ravich spoke to survey results from the Commercial CIO group. She stated the group's unanimous consensus was food carts would hurt their businesses. Staff also attended a Tualatin Chamber of Commerce meeting where their board discussed the ordinance internally. They will provide feedback.

Associate Benson presented updated policy considerations from staff. Suggestions included incorporating the policy into the Tualatin Municipal Code, application reviews at the staff level, obtaining a business license, require a permit for stays longer than four hours, require a connection to City infrastructure, prohibit operations on unimproved sites, and restrict signage. Items no longer under consideration were reviewed.

Councilor Truax asked if food carts that were fully contained would be permitted. Manager Hurd-Ravich stated there wouldn't be a way around the regulation they would have to hook up. She noted that food carts staying for less than four hours would not need to meet that requirement.

Councilor Truax asked about parking spot regulations. Manager Hurd-Ravich stated this is why improved locations would only be considered because they had been through the architectural review process.

Manager Hurd-Ravich reviewed the timeline for the project stating staff would be back at the November 14 work session with a draft ordinance for consideration.

Councilor Grimes asked if restroom and seating requirements would need to meet the County's standards. Manager Hurd-Ravich stated the County has specific requirements the food cart would have to meet.

Councilor Bubenik asked if in the information presented to the CCIO, if there was a differentiation made between a pod and a cart. Manager Hurd-Ravich stated it was not made clear because the policy direction was different at the time. Councilor Bubenik stated he would like to simplify the policy direction. He also noted he is not interested in having food pods in Tualatin.

Councilor Truax stated he doesn't think a policy needs to be put in place at all as he does not see Tualatin as a food cart destination.

Council President Beikman stated the scope of the project has gone outside of what the Council originally envisioned. She would like to see it simplified by adding language stating food carts cannot park overnight.

Councilor Bubenik stated that would solve a majority of the issues and would like to ensure they have a business license as well.

Mayor Ogden stated he is concerned with the pushback the Council has received from the restaurant industry. He would like to take the time to work with business owners and see what would work for them.

Council President Beikman does not want to push the topic off any longer with more feedback. She just wants the ordinance simplified.

Councilor Bubenik stated he is no rush to complete this and would like more feedback from the restaurant industry.

Mayor Ogden stated he won't vote to approve anything until it has been vetted by the restaurant industry.

Manager Hurd-Ravich stated staff will compile feedback from the Council and be back with an ordinance.

2. *Basalt Creek Land Use Concept Map & Project Update.*

Planning Manager Aquilla Hurd-Ravich and Senior Planner Karen Fox presented an update on the Basalt Creek Concept Plan. Manager Hurd-Ravich spoke to concept map refinements with key feedback being to refine employment land uses, residential land uses, and consider both private ownership and environmental constraints in the Basalt Creek Canyon. The land use concept maps were refined to better highlight actual uses in Tualatin. The manufacturing park is now the largest part followed by residential uses, both uses are balanced. A summary of acres and trips was reviewed. Manager Hurd-Ravich reviewed and updated the Council on the ten considerations for success. Planner Fox noted other recent activities including the Basalt Creek IGA being reinstated, the concept plan draft is underway, and community involvement is ongoing.

Manager Hurd-Ravich spoke to public comments specific to land use. One topic of discussion has been the Victoria Gardens Homeowners Association proposal. The proposal requests single family residential to buffer their neighborhood to the south. The Council can consider two options. Option one to zone the area RML, which would likely be a better transition to employment lands. Option two is to change adjacent property to the south to RL, which is preferred by the HOA. Manager Hurd-Ravich noted Tualatin is currently balance. Any changes will tip the balance and create further discussion on policy considerations.

Manager Hurd-Ravich presented another proposal from Otak regarding the area south of Victoria Gardens. The proposal contained three options. Option A contains a mix of low and high density residential to serve as transition to employment and the Canyon. Option B offers residential to wrap around the new loop road surround employment uses. Option C offers a mix of housing types and densities with small amounts of commercial.

Manager Hurd-Ravich stated staff is seeking direction from Council on the proposals. Next steps for the project include an agency review team meeting, individual council meetings to discuss the draft concept plan, and a joint council meeting.

Councilor Grimes asked how staff would deal with trips over capacity. Manager Hurd-Ravich stated Washington County is comfortable with the margin of error.

Councilor Bubenik asked if Otak's idea would make the trip count higher. Manager Hurd-Ravich stated it wouldn't necessarily increase the trips but they would have to evaluate the proposal further. Assistant City Manager Alice Cannon stated it would be worth the City investigating the option further.

Councilor Truax would like to further evaluate Otak Option C. He likes the combination of uses and the transition and buffering.

Mayor Ogden stated he believes all the land that can be used for jobs should be used for jobs as it is the primary function of the land. All other non-suitable land should then be used for residential.

Council President Beikman asked why the neighborhood commercial was removed from the plan. Manager Hurd-Ravich stated they made it Manufacturing Park to add more flexibility to the area. Council President Beikman stated she likes Otak Option C as she is concerned with buffering around the neighborhoods as well.

Councilor Bubenik would also like to explore Otak Option C. He wants to make sure there is traffic calming work done in the area as noise will be the main issue. He wants to ensure buffering is built into the standards.

Council President Beikman and Mayor Ogden both concurred that the buffering standards need to be in place before development happens.

Manager Hurd-Ravich recapped stating staff will explore Otak Option C and further evaluate the trip capacity for the option while incorporating design stands for appropriate buffering

3. ***Economic Development Update.***

Moved to a meeting date to be determined.

4. ***UPDATE: Hazelbrook Road Parking Concerns.***

City Engineer Jeff Fuchs presented additional information on the Hazelbrook Parking issue. Engineer Fuchs provided a summary of the parking issue along both sides of the roadway occasionally constricting traffic. Since the last presentation staff monitored the area and most of the cars parking in the area belonged to renters in the apartment complex. Options for improvement include: leave as is, prohibit parking on both sides, prohibit parking on westbound lane, install no parking signs, or install a bike lane on the eastbound side.

Councilor Bubenik stated his biggest concern in the area is cars parking on the south side of the road heading east through the curves. He suggested making the area no parking through the curves.

Council consensus was reached to make the area no parking eastbound through the curves.


5. ***Council Meeting Agenda Review, Communications & Roundtable.***

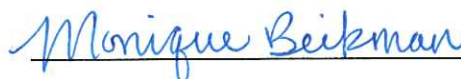
None.

ADJOURNMENT

The work session adjourned at 6:56 p.m.

Sherilyn Lombos, City Manager

 / Nicole Morris, Recording Secretary

 / Monique Beikman, Mayor Pro Tem



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 11/14/2016

SUBJECT: Consideration of Approval of the Minutes for the Work Session and Regular Meeting of October 24, 2016

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Work Session and Regular Meeting of October 24, 2016 .

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: City Council Work Session Minutes of October 24, 2016
City Council Regular Meeting Minutes of October 24, 2016



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR OCTOBER 24, 2016

Present: Mayor Lou Ogden via Phone; Council President Monique Beikman; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Community Services Director Paul Hennon; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; Management Analyst II Zoe Monahan; City Engineer Jeff Fuchs; Associate Planner Charles Benson

CALL TO ORDER

Council President Beikman called the meeting to order at 5:55 p.m.

1. ***Mobile Food Units: Confirmation of Council Direction.***

Planning Manager Aquilla Hurd-Ravich and Associate Planner Charles Benson provided confirmation of Council direction on food carts. Manager Hurd-Ravich stated proposed standards do not apply to vendors under an approved City event permit. Council direction was to simplify, inform the CCIO and the Tualatin Chamber of Commerce, and return a draft to Council for a public hearing.

Planner Benson summarized the proposed regulations. He spoke to business licenses, locations standards, site standards, and definitions.

Councilor Bubenik requested staff differentiate between a parking lot outlet and a private property hookup.

Councilor Grimes expressed concern over the limited hours of operations as it may prohibit trucks from providing food to shift workers.

Councilor Davis would like to see the Chamber and CCIO work more closely with staff to find what would work better for both groups.

Councilor Bubenik spoke to concerns about how changes to food trucks might affect the code in its entirety. He would like to slow down the process and ensure all parties involved find something that can work.

Mayor Ogden recommended the Council establish an advisory task force to discuss specifics and make a recommendation to Council. The task force could consist of chamber members, business owners, and community members.

Council President Beikman stated she believes the process has been blown out of proportion and has gone beyond being simplified.

Councilor Davis stated she believes that not everyone's voices have been heard yet.

City Manager Lombos stated she is frustrated with the process and doesn't know where to go next.

Councilor Bubenik stated he believes the work that has been done is a good starting point for discussion for the public.

Council consensus was reached to form an advisory task force.

Councilor Grimes wants to ensure there is residents on the task force so the feedback is well rounded.

2. 2016 Community Survey Results.

Assistant to the City Manager Tanya Williams presented the 2016 Community Survey results. She stated the last survey was completed in 2013. This year's survey had 321 residents complete the survey. There is a 6% margin of error making the survey statistically valid. The survey looked at the community in three tiers: characteristics, governance, and participation. In addition it focused on eight facets of livability compared to other cities. Survey respondents identified safety and mobility as key areas. The overall quality of life for residents in Tualatin is high. Manager Williams highlighted survey results from all three tiers noting eight areas have decreased, 21 have increased, and 63 items rated similarly. Special topic questions were reviewed. Next steps include finalizing the report, sharing with stakeholders, compiling key facts for marketing, and incorporating highlights in future materials.

City Manager Lombos stated she was excited to see improvement in the areas staff really focused on.

3. Regional Flexible Fund Allocation – Herman Road Active Transportation Project Update.

Assistant City Manager Alice Cannon and Management Analyst Zoe Monahan provided an update of the Regional Flexible Fund Allocation for the Herman Road Project. Analyst Monahan stated staff submitted a grant application in August for the design phase of the Herman Road Project. She announced currently the project is ranked number 9 out of 27 applications. The ranking places the project above the funding line based on the technical scores. Next steps include the public comment period which ends on November 7, followed by public hearings, further prioritization, and final recommendations in December. A list of decision makers for the grant was provided.

City Manager Lombos stated it is important for Council to advocate to the decision makers the importance of the project. Assistant City Manager Cannon added the City's project is small compared to the other agency's competing for money. There is a fear amongst staff that other projects will be moved above the funding line and the City's project will be bumped. She encouraged Councilors and citizens to attend the public hearing to advocate for the project.

4. **Council Meeting Agenda Review, Communications & Roundtable.**


None.

ADJOURNMENT

The work session adjourned at 6:30 p.m.

Sherilyn Lombos, City Manager

 / Nicole Morris, Recording Secretary

 / Lou Ogden, Mayor

Section 34.013 Mobile Food and Flower Vendors.

- (1) The purpose of this section is to permit the open-air vending of food (including a coffee kiosk) and fresh cut flowers in a manner that will enhance the attractiveness of the Central Commercial (CC), General Commercial (CG), Light Manufacturing (ML), General Manufacturing (MG), and Manufacturing Park (MP) Planning Districts for pedestrian traffic.
- (2) Mobile food and flower vending may be permitted in a Central Commercial (CC), General Commercial (CG), Light Manufacturing (ML), General Manufacturing (MG), or Manufacturing Park (MP) Planning District for a period not to exceed 180 days.
- (3) Applications for mobile vending permits shall meet the following criteria and requirements:
 - (a) Persons conducting business with a permit issued under this section may transport and display food or flowers upon any pushcart or mobile device; provided that such device shall occupy no more than 16 square feet of ground area and shall not exceed three feet in width, excluding wheels; six feet in length, including any handles; and no more than five feet in height, excluding any canopies, umbrellas, or transparent enclosure.
 - (b) Mobile vendors may conduct business on public sidewalks having a width of eight feet or more, and on private sidewalks or parking lots, provided that the Community Development Director approves specific locations. No person shall conduct business as defined herein at a location other than that designated on the permit.
 - (c) All mobile vendors shall pick up any litter within 25 feet of their places of business and shall provide an appropriate trash container for customer use.
 - (d) No food vendor may locate within 200 feet of a restaurant or fruit and vegetable market without written consent from the proprietor of the restaurant or market, and no flower vendor may locate within 200 feet of a flower shop without the written consent of the proprietor of the flower shop.
 - (e) Design, colors and graphics for any pushcart or mobile device shall be subject to review and approval by the Community Development Director to assure aesthetic compatibility with surrounding development.
 - (f) Food vendors shall comply with all state and county health regulations and shall furnish written evidence of compliance at the time of application for a mobile vending permit.
 - (g) Prior to the issuance of any permit, the Fire Marshal shall inspect and approve any mobile device or pushcart to determine if any cooking or heating apparatus conforms with the code of the Tualatin Rural Fire Protection District.
 - (h) Applications for a mobile vending permit shall be accompanied by a signed statement that the permittee will hold harmless the City of Tualatin, its officers and employees and shall indemnify the City of Tualatin, its officers and employees, for any claim for damage to property or injury to persons that may be occasioned by any activity carried on under the terms of the permit. The permittee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect the permittee from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than \$100,000 for bodily injury for each person, \$300,000 for each occurrence, and not less than \$300,000 for property damage per occurrence. Such insurance shall be without prejudice to

coverage otherwise existing therein, and shall name as additional insureds the City of Tualatin, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the contract without 30 days written notice to the City Administrator.

(4) An application for a mobile vending permit may be granted by the Community Development Director if the Director finds that Subsection (3) is satisfied by the applicant.

(5) The Community Development Director may attach appropriate conditions to the permit that are necessary to secure the health, safety and welfare of the residents and inhabitants of the City. [Ord. 590-83 §1, 4/11/83; Ord. 681-85 §3, 11/25/85; Ord. 864-92 §6, 4/13/92; Ord. 1370-14 §1, 3/24/14]

ORDINANCE NO. 1393-16

AN ORDINANCE TEMPORARILY ALLOWING MOBILE FOOD UNITS TO OPERATE IN THE CITY OF TUALATIN

WHEREAS, Mobile Food Units, defined in OAR 333-150-0000, can allow individual entrepreneurship at a small scale and provide unique eating establishments for the public; and

WHEREAS, Council is currently reviewing and considering new code provisions to allow Mobile Food Units to operate in Tualatin; and

WHEREAS, Council wants to temporarily allow Mobile Food Units to operate in Tualatin until such time as Council can approve permanent regulations.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this Ordinance is to temporarily allow Mobile Food Units to operate in the City until such time as the Council can consider and establish permanent regulations.

Section 2. Mobile Food Units Allowed.

- A. Mobile Food Units mean any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.
- B. Mobile Food Units are allowed to operate on private property in all Commercial and Industrial planning areas within the City.
- C. Mobile Food Units must obtain a business license under Tualatin Municipal Code 9-01.
- D. Operation of Mobile Food Units on City property and rights-of-way is subject to the permitting requirements of the City, as provided in the relevant sections of the Tualatin Municipal Code and Tualatin Development Code.

Section 3. Ordinance Not Codified. This ordinance will be known as Tualatin's Temporary Mobile Food Unit Regulations and it being temporary, will not be codified in the Tualatin Municipal Code.

Section 4. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction,

the remainder of this ordinance shall remain in full force and effect.

Section 5. Emergency. This ordinance is necessary for the immediate protection of the public peace, health, safety and welfare and takes effect immediately upon adoption.

Section 6. Ordinance Expiration. This ordinance automatically expires and is to be deemed repealed on December 31, 2016, unless sooner repealed or extended by Council ordinance.

Adopted by the City Council this 13 Day of June, 2016.

CITY OF TUALATIN, OREGON

BY 
Mayor

APPROVED AS TO FORM

BY 
City Attorney

ATTEST:

BY 
City Recorder

ORDINANCE NO. 1398-16

AN ORDINANCE AMENDING ORDINANCE NO. 1393-16 TO CONTINUE TO TEMPORARILY ALLOW MOBILE FOOD UNITS TO OPERATE IN THE CITY OF TUALATIN

WHEREAS, on June 13, 2016, Council adopted Ordinance No. 1393-16 to temporarily allow mobile food units to operate in the City;

WHEREAS, Section 6 of Ordinance No. 1393-16 provided for expiration of the ordinance on December 31, 2016, unless the Council repealed or extended the date;

WHEREAS, Council wishes to extend the expiration date of Ordinance No. 1393-16;

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Section 6 of Ordinance No. 1393-16, adopted June 13, 2016, is amended to read as follows:

This ordinance automatically expires and is to be deemed repealed on December 31, ~~2016~~ 2017, unless sooner repealed or extended by Council ordinance.

Section 2. Emergency. This ordinance is necessary for the immediate protection of the public peace, health, safety and welfare and takes effect immediately upon adoption.

Section 3. Ordinance Not Codified. Ordinance No. 1393-16 and this ordinance are known as Tualatin's Temporary Mobile Food Unit Regulations and, being temporary, will not be codified in the Tualatin Municipal Code.

ADOPTED this 12th day of December, 2016.

CITY OF TUALATIN OREGON

BY  _____
Mayor

APPROVED AS TO LEGAL FORM

BY  _____
City Attorney

ATTEST

BY  _____
City Recorder

City of Tualatin | Mobile Food Vendor Work Group Summary Report

February 6, 2017



Prepared by: JRO and Co
WWW.JROANDCO.COM

Washington
809 Legion Way, Suite 307
Olympia, WA 98501

Oregon
PO Box 82318
Portland, OR 97282

Introduction

The Tualatin City Council directed City staff to organize a work group to discuss the issue of mobile food vendors, specifically food carts and food trucks. J Robertson and Co. (JRO & Co.) was hired to work with staff to organize and facilitate the session. The purpose of the work group was to:

- Understand issues related to food cart policy (definitions, enforcement, options considered to date)
- Identify and discuss issues and concerns related to food carts from the work group
- Use input to develop a draft ordinance for Council consideration

In early discussions regarding mobile food vendors, members of the public raised issues such as vendors at special events, vendors at block parties and mobile food trucks in the right of way (this includes ice cream trucks in residential areas); however, these issues are addressed in other policies and were not included as part of this discussion.

Prior to the work group meeting, JRO and Co. completed a review of previous public involvement efforts and background information, attended a Commercial Citizen Involvement Organization (CIO) meeting focused on this topic and conducted phone interviews with representatives from the Chamber of Commerce and the Commercial CIO. The Tualatin Chamber and Commercial CIO had organized earlier meetings around this topic and provided summaries of the input they gathered from their membership. This information combined with the public involvement efforts from the City helped our team to develop an agenda that would help to achieve the following outcomes from this work group session:

- Gather input from restaurants and other interested community members and develop a summary report
- Identify areas of alignment/consensus for developing a draft ordinance
- Prepare a draft ordinance for Council consideration

Working with City staff, the Tualatin Chamber and the Commercial CIO, we gathered a list of restaurant owners and others who have expressed interest in this topic to invite to the work group. This meeting was open to the public and over 100 individuals were invited by email to attend, as well as posting the information on the City's website and Nextdoor. The work group was held on January 10, 2017 with a small representation of restaurant owners and business advocates. Staff provided background information from the previous year of research and public involvement, followed by a facilitated discussion of concerns related to mobile food vendors, goals for an ordinance and various alternatives for regulating these businesses. A detailed summary of the discussion is included below.

Work Group Attendees

Cathy Holland, Commercial CIO
Jonathan Crane, Commercial CIO
Roxanne Martin, Roxy's Island Grill
Mike Martin, Roxy's Island Grill
Shannon Mackaben, Lee's Kitchen
Brandan Ensley, Firehouse Subs
Bo Kwan, Koi Fusion

Staff: Alice Cannon, Aquilla Hurd-Ravich, Charles Benson, Madison Thesing

Consultant: Sara Singer, JRO & Co.

Background Information

Initial questions were raised about mobile food vending and food carts at a September 2015 City Council meeting following the public comment by the owners of the PuPu Shack who had been operating a shave ice shack near the Tualatin Commons in violation of the Tualatin Development Code (TDC). The Council directed staff to research policy options for modifying the food truck/cart ordinance.

In June 2016, the City Council enacted Ordinance No. 1393-16 which would temporarily allow food trucks/carts to operate in commercial and industrial areas until the December 31, 2016, while staff completed the research and outreach efforts. City staff conducted public outreach with the business community and others in Tualatin, including attending meetings of the CCIO and the Tualatin Chamber, conducting an online survey, and completing research of policies in other communities. The results were presented to the Council in October 2016, and staff was directed to form a work group to continue the discussion on the mobile food vendor policy. The Council enacted Ordinance No. 1398-16 in December 2016, which extends the temporary provisions included in Ordinance No. 1393-16 until December 31, 2017.

During the initial outreach and discussions with the public, there were varying uses of the terminology to identify food trucks, carts, stands, etc. To help bring clarity to the work group discussion, staff provided the following definitions:

- Push Carts: non-motorized carts, pushed by hand; these typically operate on sidewalks, plazas, and streets; currently allowed per TDC 34.013 with time, size, and items for sale restrictions
- Stationary Carts: non-motorized carts, pulled by a motorized vehicle; typically operates in parking lots and streets; currently not permitted per TDC 34.013 but allowed under temporary Ordinance 1398-16
- Mobile Food Trucks: fully motorized trucks; typically operates in parking lots and on streets; includes catering trucks; currently not permitted per TDC 34.013, but allowed under temporary Ordinance 1398-16

Work Group Summary

The work group discussion began by outlining the session purpose and expected outcomes. Following introductions and the review of background information (see Appendix A), the participants were asked to reflect on their concerns regarding mobile food vendors and share them with the group. Each participant had a chance to share their concerns, and there were many common concerns among the group.

Concerns Regarding Food Carts/Trucks Include the following:

- Impact on brick and mortar restaurants
- Not regulated or taxed the same as brick and mortar restaurants
- Competition to existing restaurants
- Proposed rules are bad for food trucks
- Some property owners do not prevent food carts from operating in proximity to existing restaurants
- No enforcement or consequences
- Industrial area needs food service 24/7
- Will it discourage new restaurants from coming to Tualatin?
- Safety concerns
- Parking for food truck/cart customers
- No process in place for carts/trucks
- People (non-customers) using the facilities (restrooms, parking, etc.) in brick and mortar locations

After the concerns were identified, the group discussed the ordinance and participants were asked to define the goals for the ordinance (e.g., protect existing businesses, provide more options for the industrial area, etc.). All participants shared ideas for the ordinance goals and developed the list below.

Goals of Ordinance:

- Increase food options in the manufacturing area
- Keep food carts/trucks in the industrial area
- Ensure enforcement and safety (staff noted this will be vetted with TVF&R)
- Restaurants and food carts live in harmony
- Allow food cart pods in the Industrial area (e.g., Happy Valley Station, Portland Pods, etc.)
- Minimize impacts on traffic
- Prevent carts/trucks in the downtown area
- Restrict trucks/carts from brick and mortar restaurants by 1,000 feet
- Allow food carts in Bridgeport Farmers Market
- Ensure public safety, prohibit carts/trucks from parking on gas stations

Work group participants were asked to consider regulatory alternatives that would help to meet the goals of the ordinance previously outlined. While many of the participants agreed on things such as including a process for approving/licensing mobile vendors and having a process for enforcement of any rules, there were varying regulatory options for how to achieve the goals of the ordinance. These alternatives are listed below under the corresponding goals they help to achieve.

Regulation Alternatives:

The group identified the goal of preventing mobile food vendors in the downtown area and keeping them in the industrial area to provide more options for the employees who work in this part of Tualatin. Some of the regulatory alternatives discussed to meet these goals included:

- Do not allow mobile food vendors within a 1,000 foot buffer (or 500 feet) from any brick and mortar restaurant
- Prohibit in central commercial area
- Allow in manufacturing areas and at Legacy Meridian Park Medical Center
- Allow mobile food vendors in central commercial, but provide a buffer from brick and mortar restaurants

One joint restaurant/food truck owner shared the goal of restaurants and food carts existing in harmony in Tualatin, and the other participants agreed this should be a goal for the ordinance. One regulatory alternative that could assist with achieving this goal is to require written permission from property owners where a mobile food vendor is operating.

Overall, a goal shared by the work group participants is to provide more food service options in Tualatin's Industrial area. A few policy options discussed include:

- Allow food cart pods in the Industrial area (like developments such as Happy Valley Station, Portland Pods, etc.)
- Allow food cart pods on undeveloped land in the Industrial area
- Allow 24/7 operations in manufacturing districts (work group suggested removing the operating hours from earlier draft ordinance)

Lastly, participants wanted to allow for existing ice cream trucks to be able to continue operating in neighborhoods as they do today. As this proposed ordinance will not regulate activities in the right-of-way, the proposed ordinance does not need to address this issue.

Participants also shared other concerns related to mobile food vendors, but not directly related to the ordinance being discussed. The following concerns were noted by staff:

- The regulatory process should be fair
- Will restaurant owners get first right of refusal to locate/operate food carts and trucks?
- Special events result in use of restaurant bathrooms

Next Steps

This summary will be shared with the participants of the work group for final review and comment, and it will be available on the City's website. Staff will use the input to develop a final ordinance to present to Council for review and adoption in 2017.

Appendix A: Mobile Food Vending and Food Carts Background Information

TIMELINE SUMMARY

- September 2015: PuPu Shack commented at City Council hearing that they were notified they were in violation of TDC 34.013.
- October 2015: Staff asked for direction regarding mobile food trucks/carts at City Council Work Session. City Council directed staff to research options for modifying food truck/cart ordinance and draft a timeline for proposed changes.
- June 2016: Staff presented a proposal regarding framing, policy considerations, and schedule at City Council Work Session.
- June 2016: City Council enacted Ordinance No. 1393-16 temporarily allowing food trucks/carts to operate in commercial and industrial areas until 12/31/2016.
- August/September 2016: Staff presented research results and examples of neighboring jurisdiction's food truck/cart regulations to City Council and Planning Commission. Staff asked City Council for direction on proposed policy considerations.
- Mid-October 2016: Staff presented public outreach efforts and survey results to City Council and Planning Commission. Staff asked for direction on recommended policy code components. City Council asked for simplified code components.
- October 24, 2016: Staff presented simplified code components at City Council Work Session. City Council authorized the formation of a task force to study food truck/cart regulations.
- December 12, 2016: City Council enacted Ordinance No. 1398-16 temporarily allowing food trucks/carts to operate in commercial and industrial areas until 12/31/2017.



PUBLIC OUTREACH SUMMARY

City of Tualatin

- Mobile Food Unit FAQ page originally posted on City of Tualatin website in June 2016 after Ordinance 1393-16 was enacted; the FAQ page has been updated at proposal milestones.
- Created a short survey on SurveyMonkey to gauge public interest in the potential for food carts/trucks in Tualatin. Survey was open from September 1 – 30, 2016, and was advertised on the City’s website, Facebook page, and emailed to local businesses.
- At the request of City Council, hosting Tualatin Food Cart Work Group on January 10, 2017 to gather additional information on a potential ordinance.

Tualatin Commercial Citizen Involvement Organization (CCIO)

- City staff attended CCIO meetings specifically related to food carts/trucks on September 7, 2016, and November 30, 2016, to gather input from the business community on the proposed ordinance.
- Results from CCIO survey conducted at the September 7, 2016 meeting were included in the City staff presentation to City Council.
- CCIO has forwarded recommendations to City Council for consideration, and City Council has requested CCIO be a key participant in the Food Cart Work Group.

Tualatin Chamber of Commerce

- City staff attended Chamber meeting on September 26, 2016 to present a project status update to the Chamber Board.
- Chamber has forwarded recommendations to City Council for consideration.



MOBILE FOOD UNIT DEFINITIONS

Definition from Ordinance Nos. 1393-16 and 1398-16:

“Mobile Food Units mean any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.”

- Broad definition meant to apply to all mobile food operations.

THREE MAIN CATEGORIES



Push Carts

Push Carts

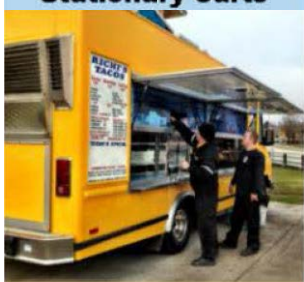
- Non-motorized, pushed by hand
- Usually operates on sidewalks, plazas, and streets during special events
- Currently allowed per TDC 34.013 with time, size, and items for sale restrictions



Stationary Carts

Stationary Carts

- Non-motorized, pulled by motorized vehicle
- Usually operates in parking lots and streets during special events
- Currently not permitted per TDC 34.013 but allowed per Ordinance 1398-16



Mobile Food Trucks

Mobile Food Trucks

- Fully motorized
- Usually operates in parking lots and on streets
- Includes catering trucks (prepackaged food only)
- Currently not permitted per TDC 34.013 but allowed per Ordinance 1398-16



SIMPLIFIED CODE RECOMMENDATIONS

Presented at City Council Work Session on October 24, 2016:

- Proposed standards do not apply to vendors under an approved City event permit, or where a street closure permit is granted
- Business License & Regulatory Requirements
 1. Obtain a City business license
 2. Submit documents to the City that establishes the vendor has obtained all required health and sanitary licenses
 3. Comply with all health, safety, and environmental laws
 4. Units have wheels; no semi-permanent or permanent units
- Location Standards—Commercial and Manufacturing Districts
 1. Must operate on an existing parking lot or other hard-surfaced area
 2. May not park or operate within a public right-of-way
- Location Standards—Residential Districts
 1. May only stop on the right side of a street closest to the street edge or curb, and not block a driveway or otherwise create a safety hazard
- Site Standards—Commercial and Manufacturing Districts
 1. Cannot obstruct pedestrian pathways, driveways, drive aisles, or public rights-of-way
 2. Must vacate the site during the hours of 12 AM and 6 AM daily (nothing allowed to stay overnight)
 3. Must provide garbage and recycling receptacles for their patrons
 4. Units must have self-contained water, sewer, and electrical systems
 5. Connections to public or private water, sewer, and electrical systems are prohibited



REGULATORY PROCESS SUMMARY

Tualatin Municipal Code (TMC)

- Any potential food truck/cart ordinance would be included in the TMC.
- The potential ordinance would include regulations and restrictions pertaining to food truck/cart operations.
- Any proposed revisions to the TMC will require a public meeting in front of the City Council, who then decides whether or not to amend the TMC.

Tualatin Development Code (TDC)

- Any potential food truck/cart regulations pertaining to use and planning district location would be included in the TDC and require a Plan Text Amendment (PTA).
- PTAs require a public meeting in front of the Tualatin Planning Commission, who then makes a recommendation to the City Council.
- PTA adoption will require a public hearing in front of the City Council, who then decides whether or not to grant the PTA proposal.
- PTAs are considered major land use actions and typically takes three to four months before a decision is rendered.

NEXT STEP

- The results from today's work group will be presented at the City Council Work Session on February 13, 2017 for discussion and consideration.



MOBILE FOOD UNITS

9-9-010 Purpose and Applicability.

The purpose of this Chapter is to permit mobile food units to operate within the City on private property and establish regulations to protect the health, safety, and welfare of the public. The standards of this Chapter do not apply to mobile food units that operate as a vendor under an approved City event permit, or under a street closure permit granted by the City. The standards of this Chapter also do not apply to private catering events.

9-9-020 Definitions.

“Mobile Food Unit” means a vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway, or water on which food is prepared, processed, or converted, or which is used in selling and dispensing food to the public. Mobile Food Units include, but are not limited to, food trucks, food carts, and pushcarts.

“Person” means individuals, corporations, associations, firms, partnerships, limited liability companies, and joint stock companies.

“Pushcart” means a non-motorized cart designed to be pushed or pulled by a person.

“Site” means a lot or parcel of property on which a mobile food unit is permitted to operate.

9-9-030 Business Licenses and Regulatory Requirements.

(1) Any person wanting to operate a mobile food unit must obtain a City of Tualatin business license prior to operating a mobile food unit within the City.

(2) In addition to a business license, a person wanting to operate a mobile food unit must submit documentation to the City that establishes the person has obtained all required health and sanitary licenses from the State of Oregon and Washington or Clackamas Counties, as applicable.

(3) A person operating a mobile food unit must comply with all applicable policies and regulations set forth by the Tualatin Municipal Code and the Tualatin Development Code, including but not limited to all traffic laws and parking regulations.

(4) A person operating a mobile food units must comply with all health, safety, and environmental laws, including but not limited to proper disposal of cooking waste and wastewater.

(5) Mobile food units must have wheels and the wheels must not be removed.

9-90-040 Location Standards.

(1) Mobile food units are allowed to operate in the following planning districts:

- (a) CR - Recreational Commercial
- (b) MC - Medical Center
- (c) ML - Light Manufacturing
- (d) MG - General Manufacturing
- (e) MP - Manufacturing Park
- (f) MBP - Manufacturing Business Park
- (g) IN - Institutional

(2) Mobile food units are permitted to operate for a limited duration in the following planning districts, subject to a Mobile Food Unit Special Location Permit, as provided in TMC 9-9-060.

- (a) CG –General Commercial.

(3) Mobile food units are prohibited to operate within 100 feet of a gas station.

9-9-050 Pushcarts.

(1) Pushcarts are allowed to operate in the following planning districts:

- (a) CC - Central Commercial;
- (b) CG - General Commercial;
- (c) ML - Light Manufacturing;
- (d) MG - General Manufacturing; and
- (e) MP - Manufacturing Park (MP)

(2) Pushcarts must comply with the following standards:

- (a) Be no larger than six feet in length;
- (b) Not locate within 200 feet of a restaurant or fruit and vegetable market without written consent from the proprietor of the restaurant or market;
- (c) Not conduct business on public sidewalks without obtaining a permit from the City;
- (d) Not operate on a private sidewalk, except by permission of the property owner; and
- (e) Comply with the Site Standards in TMC 9-9-070.

9-9-060 Mobile Food Unit Special Location Permit.

(1) A person may operate a mobile food unit under a Mobile Food Unit Special Location Permit granted by the City, as provided in this section.

(2) Each Mobile Food Unit Special Location Permit granted authorizes the person specified on the permit to operate a mobile food unit at the location(s) specified on the permit for a period of time not to exceed 90 days from the date stated on the permit. Each Mobile Food Unit operating under a Mobile Food Unit Special Location Permit must comply with the Site Standards in TMC 9-9-070.

(3) An applicant for a Mobile Food Unit Special Location Permit, must provide the following information:

- (a) The name and contact information of the mobile food unit operator;
- (b) The specific location of where the mobile food unit intends to operate and the intended duration of operation;
- (c) The name, contact information, and proof of consent from the owner of the property where the mobile food unit intends to operate;
- (d) Proof of a City of Tualatin business license.
- (e) Proof that establishes the person has obtained all required health and sanitary licenses from the State of Oregon and Washington or Clackamas Counties, as applicable.

(4) If the applicant shows proof satisfactory to the City that the application criteria have been met, the City will grant the Mobile Food Unit Special Location Permit.

(5) If the City denies the Mobile Food Unit Special Location Permit, the City will notify the applicant in writing of the reasons for the denial. An applicant may correct the deficiency or appeal the denial.

(6) An applicant may appeal a denial of a Mobile Food Unit Special Location Permit to the City Manager by filing a request for review. The request for review must contain a copy of the denial notice, a request for a hearing or request for written review without a hearing, and a statement setting forth the reason(s) that the denial of the Mobile Food Unit Special Location Permit was in error. The City Manager, or designee, will set the matter for a hearing and allow the applicant to present evidence and argument to support the applicant's position. The City Manager must make a written decision within 30 days of the conclusion of the hearing. The City Manager's decision is final on the matter.

9-9-070 Site Standards.

- (1) Mobile food units, including all items associated with the operation, must not obstruct pedestrian pathways, driveways, drive aisles, sidewalks, streets, or public rights of way, or otherwise create a traffic or safety hazard.
- (2) Mobile food unit operators must provide garbage and recycling for its patrons.
- (3) Mobile food units must have self-contained water, sewer, and electrical systems, as applicable.
- (4) Mobile food units are prohibited from connecting to public or private water, sewer, and electrical utilities.
- (5) Mobile food units must operate and park only within an existing paved parking lot or other hard-surfaced area.
- (6) Only one mobile food unit is allowed to be present at a site at any one time, unless the site has been granted a Special Event Permit under TMC 5-05 or a Public Assembly Permit under TMC 6-02.

9-9-080 Joint and Several Liability. Any person who owns a mobile food unit will be held jointly and severally liable with any person that operates the mobile food unit for any violation of this Chapter.

9-9-090 Violations.

- (1) Any person who violates any provision of this Chapter commits a civil infraction and is subject to a fine of up to \$1,000. Each violation, and each day that a violation continues, is a separate civil infraction.
- (2) The civil infraction procedures in Tualatin Municipal Code Chapter 7-01 apply to the prosecution of any violation of this Chapter.



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Ginny Kirby, Office Coordinator
Alice Cannon, Assistant City Manager

DATE: 07/10/2017

SUBJECT: Active and Safe Transportation in Tualatin

ISSUE BEFORE THE COUNCIL:

At the February 2017 City Council "Advance", the Council identified a "Funded Transportation System that supports mobility, connectivity, and accessibility in all modes" as one of seven goals. Staff will discuss this goal with the Council, highlighting the City's current progress to date and seek feedback on how the Council may wish to enhance current efforts.

Attachments: [PowerPoint](#)



Active and Safe Transportation in Tualatin: Addressing the Need

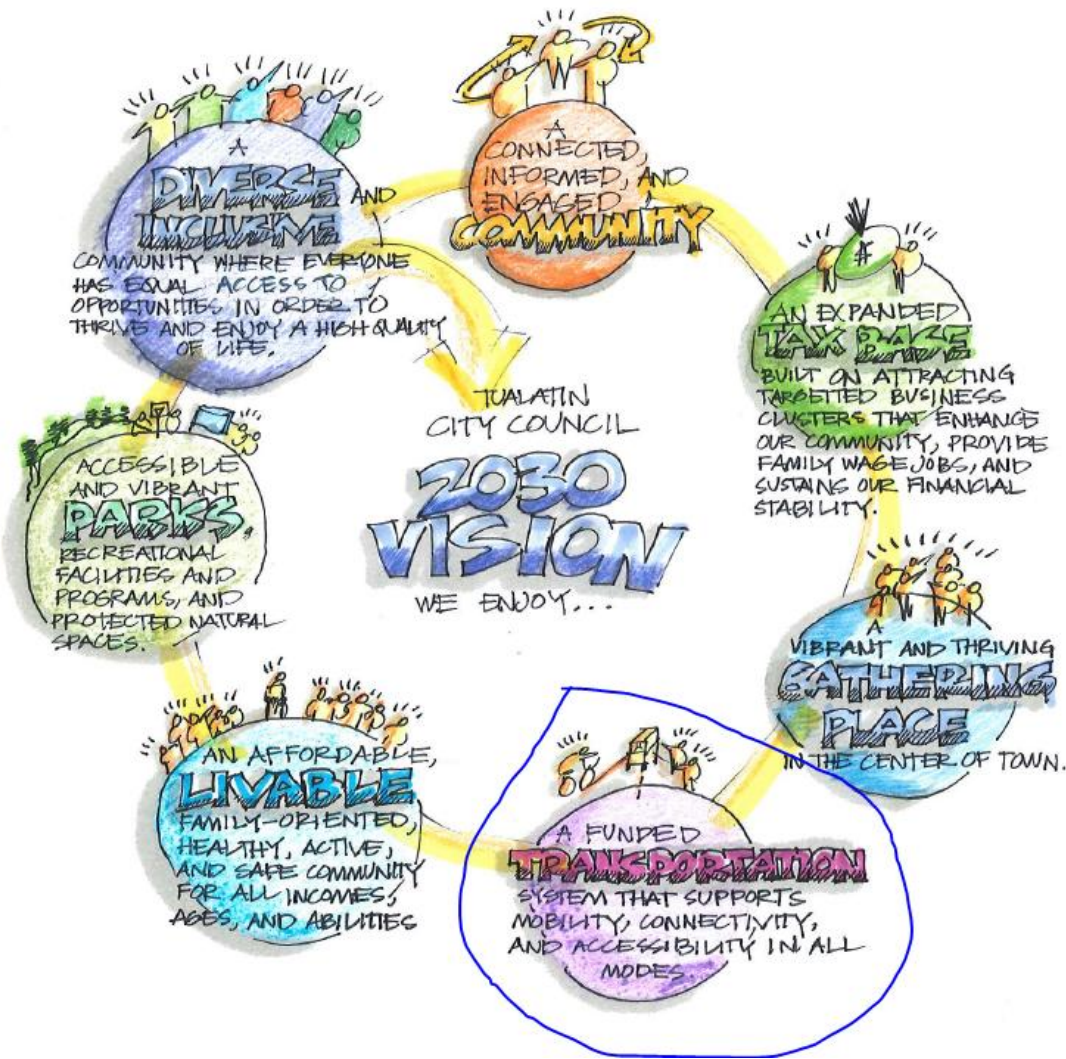
City Council Work Session

July 10, 2017



City of Tualatin

Council Priorities from "Advance" in Feb. 2017



What we heard at the Council Advance:



Some context on our current program....

Transportation Safety Coordination Team:

Includes Police – Public Works – Community Services

- Discuss safety concerns from residents/businesses
- Evaluate, prioritize, and implement
- Communicate with residents/businesses
- Include CIO's when appropriate



Current Program -- continued

Current Budget: \$80,000 per year

PURPOSE – address affordable safety projects

- Larger projects moved to CIP
(Typically funded through Gas Tax revenue, grants and General Fund)
- Even smaller projects can be expensive
- The need is great! Compiled a list of **100+ projects**, identified by the community and staff
- The list keeps growing

**EVERY
PEDESTRIAN**
IS IMPORTANT
TO SOMEONE



Some examples of typical costs....

New Accessible Crosswalk w/ Lighting

Striping, lighting, signing, and curb ramps

Estimated cost = **\$75K**

Rectangular Rapid Flashing Beacons

Estimated cost = **\$50K**



Enhanced Crosswalk to improve safety

Striping and signing

Estimated cost = **\$8K**



Some examples of typical costs... CONTINUED

Driver Feedback Sign

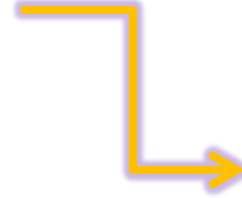
Estimated Cost = \$15K

ADA Curb Ramp Retrofit

Estimated cost = \$6K

Adjust Signal Timing for Ped Safety

Estimated cost = \$600



Project completed in past two years

Stop bars and signing at three midblock crossings on **Boones Ferry Rd.**

Curb ramps and crosswalk on **Mohawk**

Curb ramp/crosswalks/signing at **72nd & Sagert**

Driver Feedback sign at **Ibach & 106th**

Restriped cross walk at **Siletz & Boones Ferry**

Traffic signal timing at **Martinazzi & Seneca** to prioritize pedestrians



Discussion

1. How does Council want to pursue the Transportation goal identified at the “Advance” in February?
2. What does success look like?
3. Other thoughts and ideas to guide staff?





MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Tanya Williams, Assistant to the City Manager

DATE: 07/10/2017

SUBJECT: Consideration of the Final Draft of the Council Rules

ISSUE BEFORE THE COUNCIL:

The Council sub-committee consisting of Council President Davis and Councilors Bubenik and Kellogg met on several occasions and have prepared the attached document for Council's discussion.

Attachments: [Council Rules Final Draft](#)



CITY OF TUALATIN COUNCIL RULES

Adopted _____

Table of Contents

RULE 1 - General Governance.....	1
RULE 2 – Meeting Time, Location, and Frequency	7
RULE 3 – Ordinances and Resolutions	10
RULE 4 – Land Use Hearings	13
RULE 5 – Motions, Debate, Public Comment and Voting	17
RULE 6 - Minutes	20
RULE 7 - Appointments.....	21
RULE 8 – Ethics, Decorum, Outside Statements, and Social Media.....	23
RULE 9 – Interactions with City Staff & City Attorney	25
RULE 10 – Enforcement and Consequences.....	26
RULE 11 – Amendment and Repeal of Council Rules.....	27
RULE 12 – Finances and Travel Policy	28

RULE 1

General Governance

A. Rules of Procedure.

1. Chapter IV of the Charter authorizes the Council to adopt rules for the governance of its members and proceedings. Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings, and any subcommittee of the Council, will be guided by Robert's Rules of Order, 11th Edition.
2. Members of Council are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert's Rules of Order when such points could obscure the issues before Council and confuse the public.
3. Whenever these rules and Robert's Rules of Order conflict, these rules govern.

B. Council. The members of Council are the Mayor and the Councilors. There are six Councilor positions:

1. Council Position 1 – the term ends December 31, 2018 and every four years thereafter.
2. Council Position 2 – the term ends December 31, 2020 and every four years thereafter.
3. Council Position 3 – the term ends December 31, 2018 and every four years thereafter.
4. Council Position 4 – the term ends December 31, 2020 and every four years thereafter.
5. Council Position 5 – the term ends December 31, 2018 and every four years thereafter.
6. Council Position 6 – the term ends December 31, 2020 and every four years thereafter.

C. Quorum.

1. A quorum is required to conduct official City business. A quorum consists of three (3) Councilors plus the Mayor or Mayor pro tem.¹
2. In the event a quorum is not present, the members of Council present may choose to hear comments from the public and receive reports, provided however no votes or official Council actions will be taken.

D. Presiding Officer.

1. The Mayor is the Presiding Officer and presides over all meetings.

¹ Charter Chapter IV, ("Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and compel the attendance of absent members in a manner provided by ordinance."). See, Rule 1(D)(3) of these rules.

2. In the Mayor's absence the President of the Council, as Mayor Pro-Tem, serves as the Presiding Officer and presides over the meeting.
3. If both the Mayor and the President of the Council are absent from the meeting, the following procedure must be utilized to determine the Presiding Officer for the meeting:²
 - a. The City Recorder, or designee, must call the Council to order and call the roll of the members of Council.
 - b. Those members of Council present must elect a temporary Presiding Officer, as Mayor Pro Tem, for the meeting. A Councilor must receive the majority vote of the incumbent members on the Council to become the Presiding Officer for the meeting.³
4. Should either the Mayor or the President of the Council arrive at the meeting after it begins, the temporary Presiding Officer must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

E. Other Officers.

1. **City Recorder, or designee.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meetings laws.
2. **City Manager.** The City Manager, or designee, is required to attend all meetings of the Council and is permitted to participate in any discussion; however, the City Manager has no authority to cast a vote in any decision rendered by the Council.
3. **City Attorney.** The City Attorney serves as the parliamentarian of the Council and will advise the Council on any questions of order. The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

F. Agendas.

1. The City Manager must prepare an agenda for every meeting, including regular, special, and executive session meetings.
2. Agendas and informational material for meetings will generally be distributed to the Council at least seven (7) days preceding the meeting. However, in certain circumstances less time may be provided.
3. The agenda for a meeting does not require Council approval.

² Charter Section 33 authorizes the Council to fill temporary vacancies by majority vote of the "incumbent members."

³ The term "incumbent members" in the Charter means the entire Council minus any permanently vacant seats (e.g., resignation, death, permanent incapacity). For instance, if the Mayor and Council President are absent, but 5 Councilors are present at the meeting, a Councilor must receive at least 4 votes to become the Presiding Officer because there are 7 "incumbent members" of the Council. However, if two seats on Council are permanently vacant seats, then in the same scenario above, the Councilor must receive 3 votes to be the Presiding Officer because there are 5 "incumbent members." The term "incumbent members" does not mean a majority of those Councilors actually attending the meeting.

4. The City Manager may place routine items and items referred by staff on the agenda without Council approval or action.
5. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer must announce such removal under announcements.
6. A member of Council who wishes to have an item placed on the agenda must bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be placed, if at all. Adding a matter to the agenda requires a majority vote of the members of Council present at the meeting.
7. As a principle matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for emergency purposes and only with the unanimous consent of all members of Council present.

G. Order of Business.

1. The order of business for all regular meetings will be as follows, however when it appears to be in the best interest of the public, the order of business may be changed for any single meeting by a majority vote:⁴
 - a. **Call to Order.** The Presiding Officer announces the opening of the meeting and designates the person to lead the pledge of allegiance;
 - b. **Announcements.** Brief announcements relating to the community, including upcoming events and proclamations;
 - c. **Citizen Comments.** Public comments received concerning matters not on the agenda for the meeting;
 - d. **Consent Agenda.** Routine items to be adopted by one motion of the Council;
 - e. **Special Reports.** Reports of City Boards and Commissions, proclamations, special presentations, or reports.
 - f. **Public Hearings (Legislative and Other).** Public hearings on legislative land use matters;
 - g. **Public Hearings (Quasi-Judicial).** Public hearings on quasi-judicial land use matters.

⁴ Section 17 of the Charter provides the Mayor the authority to “determine the order of business under the rules of the Council.”

- h. **General Business.** Consideration of ordinances, resolutions, contracts, policy statements, and other items. General Business items may also include public hearings on those matters.
- i. **Items Removed from Consent Agenda.** Any item removed from the Consent Agenda will be discussed and voted on at this time;
- j. **Communications from Councilors.** Announcements and information provided by members of Council; and
- k. **Adjournment.** The conclusion of the meeting. Adjournment of the meeting is by majority vote of the members of Council present at the meeting.

H. Reports of Boards, Commissions, Committees, Elected Officials and City Employees.

1. When necessary, reports can be given to the Council by boards, commissions committees, elected officials and/or City employees.
2. When appropriate, reports to the Council should include written materials which are provided to the Council at least seven (7) days in advance of the meeting.
3. Oral reports to the Council should generally not exceed five (5) minutes in length.
4. The Council may ask questions of the presenter upon conclusion of the report being given.

I. Public Comment.

1. One (1) period for public comment will be reserved for every regular meeting of the Council.
2. Persons wishing to speak during public comment must sign the "Speaker Request Form" and provide the person's name and place of residence, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker must wait until that public hearing portion of the meeting. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
4. Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.
5. Generally, speakers will be called upon in the order in which they have signed the "Speaker Request Form." Before providing any public comment, speakers must announce the person's name and place of residence to the Council. The Presiding Officer may allow additional persons to speak even if the speaker has not signed the "Speaker Request From."

6. Members of Council may, after obtaining the floor, ask questions of speakers during public comment. In general, members of Council will not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before placing it on a future agenda. Any member of Council may intervene if the Mayor or a Councilor is violating the spirit of this guideline.
7. Speakers may play electronic audio or visual material during the time permitted for comment and may use available City-provided audio or visual equipment located in the Council chambers.

J. Consent Agenda.

1. In order to expedite the Council's business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of Council by stating which item is to be removed and the reason for removal.
4. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of Council must declare a conflict of interest.
5. Appointments to committees must not be placed on the consent agenda.

K. Ordinances and Resolutions – See RULE 3

L. Public Hearings Generally.

1. A public hearing may be held on any matter upon majority vote of the Council. Public hearings may be held to consider legislative, quasi-judicial, or administrative matters.
2. Persons wishing to speak must sign the "Speaker Request Form" with the person's name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person's name and their place of residence. All remarks must be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes.

6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Members of Council must use restraint and be considerate of the meeting time of the Council when exercising this option. Any member of Council may intervene if another member of Council is violating the spirit of this guideline.
7. Members of Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matter. The Presiding Officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the Presiding Officer must announce any such restrictions prior to the commencement of the testimony.
9. At the end of public testimony and questions of staff, the Council must do one of the following:
 - a. Initiate deliberations by introducing a motion on the matter;
 - b. Continue the hearing; or
 - c. Keep the record open for additional written testimony.
10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.
11. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.
12. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1).

M. Conduct of Hearings on Land Use Matters – See RULE 4

RULE 2

Meeting Time, Location, and Frequency

A. Regular meetings. The Council will hold regular meetings at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday in December. If a second or fourth Monday falls on a City-recognized holiday, the meeting will be held on the following business day.

B. Special meetings. Special meetings may be called by the Mayor, three members of Council, or by the City Manager.

1. The City Manager will provide notice of the special meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of special meetings.
2. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Special meetings must be noticed in accordance with Oregon's public meetings law, and, at a minimum, must be noticed at least 48 hours prior to the meeting taking place.

C. Emergency meetings. Emergency meetings may be called by the Mayor, three members of Council, or by the City Manager.

1. The City Manager will provide notice of the emergency meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of emergency meetings.
2. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Emergency meetings are those meetings called with less than 48 hours' notice and the Council must identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.
4. The minutes for any emergency meeting must specifically identify why the meeting constituted an emergency and was necessary.

D. Executive Sessions. Executive sessions may be called by the Presiding Officer, by the request of three members of Council, by the City Manager, or by the City Attorney.

1. Executive Sessions may be called for any purpose authorized by ORS 192.660, including but not limited to the following reasons:
 - a. Consider employment of a public officer, employee, or agent pursuant to regularized procedures for hiring adopted by the public body in meetings open to the public in which there has been opportunity for public comment. (ORS 192.660(2)(a)).
 - b. Consider discipline of a public officer, employee, or agent. (ORS 192.660(2)(b)).

- c. Conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d)). Conduct deliberations with persons designated to negotiate real estate transactions (ORS 192.660(2)(e)).
 - d. Consider information or records exempt by law from public inspection. (ORS 192.660(2)(f)).
 - e. Consult with legal counsel concerning litigation or litigation likely to be filed. (ORS 192.660(2)(h)).
 - f. Review and evaluate the employment-related performance of the chief executive officer pursuant to standards, criteria, and policy directives adopted by the governing body. (ORS 192.660(2)(i)).
2. Only members of Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
 3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.
 4. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.

E. Work Sessions. Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.

1. Work sessions are generally scheduled, as needed, between 5:00 and 7:00 p.m., immediately preceding each regular meeting.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
4. Work sessions are to be scheduled by the City Manager.
5. The City Manager may invite any relevant staff to work sessions so that the sessions are as productive as possible.

F. Location of Meetings.

1. Council meetings are expected to be held at City Hall, but a majority of a quorum may decide to hold a Council meeting at an alternate site, consistent with these rules.
2. In the event City hall is not available for a meeting, the Council must meet at a venue open to the public and which is located within the jurisdictional limits of the City.

3. Training sessions may be held outside of the City's jurisdictional limits, provided no deliberations toward a decision are made.
4. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the City, and such meetings must be located within the jurisdictional boundaries of the other government entity.
5. No Council meeting must be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

G. Notice of Meetings. The City Recorder, or designee, must provide notice of all meetings in accordance with Oregon's public meeting law and City codes.

H. Attendance at Meetings.

1. Under the charter, a Council position becomes vacant if the member of Council is absent from the City for more than 30 days without Council permission or absent from all meetings of the Council within a 60-day period.
2. Members of the Council must advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees.
3. Attendance at meetings must be in person, by telephone, or other electronic means where the person's voice may be heard. The preference of the Council is for all members of Council to attend in person.
4. A member of Council may not attend by telephone, or other electronic means where the person's voice may be heard, more than two consecutive meetings. A member of Council appearing by telephone, or other electronic means where the person's voice may be heard, must remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.
5. The City Manager must track each member of Council's attendance at regular, special, emergency, and work session meetings, and assigned committee meetings. The City Manager must present to the Council a quarterly report of each member of Council's attendance.

RULE 3

Ordinances and Resolutions

A. Ordinances. An ordinance is a law passed by the Council in its legislative capacity. All ordinances considered by and voted upon by the Council must adhere to the rules outlined herein.

1. **Numbering.** The City Recorder, or designee, must number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the ordinance was introduced.
2. **Preparation.**
 - a. The enacting clause of each ordinance must be “The City of Tualatin ordains as follows:”
 - b. All ordinances must, before presentation to the Council, have been approved by the City Attorney, or the City Attorney’s designee.
 - c. No ordinance can relate to more than one subject, which must be clearly expressed in its title, and no ordinance, or section thereof, can be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.
3. **Introduction.**
 - a. An ordinance is introduced for consideration by the Presiding Officer for presentation for first reading.
 - b. After introduction, the Council may direct by majority vote of the members present any of the following:
 1. A public hearing on the ordinance be held;
 2. Refer the ordinance to committee for review and recommendation;
 3. Refer the ordinance to the City Manager for further revision;
 4. Pass the ordinance to a second reading; or
 5. Reject the ordinance in whole or in part.
4. **Readings and Final Action.**⁵
 - a. Every ordinance of the Council must, before final passage, be read fully and distinctly in an open Council meeting on two different days.

⁵ This process is outlined in Charter Section 35.

- b. However, an ordinance may be enacted at a single meeting, if the Council approves the ordinance by the unanimous vote of all Council members present. In such cases, the ordinance must be read first in full and then by title.
- c. Any of the readings may be by title only, instead of a full reading, if:
 1. No Council member present at the meeting requests to have the ordinance read in full; or
 2. A copy of the ordinance is provided for each Council member, and a copy is available for public inspection in the office of the City Recorder, or designee, not later than five days before the first reading of the ordinance and notice of its availability is given forthwith upon the filing, by: (i) written notice posted at the City Center; or (ii) advertisement in a newspaper of general circulation in the City.
- d. An ordinance enacted after being read by title alone has no legal effect if it differs substantially from its original terms, unless, prior to being approved by the Council, each substantial difference is read fully and distinctly at the meeting as finally amended.
- e. The City Recorder, or designee, must take a “roll call” vote of each Councilor upon the final vote on an ordinance and the ayes and nays and abstentions of the members of Council must be recorded in the meeting minutes.
- f. Upon the enactment of an ordinance, the City Recorder, or designee, must sign it with the date of its passage, the City Recorder, or designee’s name and title of office, and within three days thereafter the Mayor must sign with the Mayor’s name, and the title of office.

B. Resolutions. A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.

1. **Numbering.** The City Recorder, or designee, must number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the resolution was introduced.
2. **Preparation.**
 - a. The resolving clause of each resolution must be “Be it resolved by the City Council of the City of Tualatin that:”
 - b. All resolutions must, before presentation to the Council, have been approved by the City Attorney, or the City Attorney’s designee.
3. **Introduction.**
 - a. Resolutions must be introduced by the Presiding Officer.

- b. After introduction of the resolution, the Council may direct that:
 1. A public hearing be held on the resolution;
 2. Pass the resolution; or
 3. Reject the resolution in whole or in part.

4. Readings and Final Action.

- a. Resolutions do not need to be read in full or by title at a Council meeting prior to adoption.
- b. An affirmative vote of a majority of the Council members present is necessary to pass a resolution.
- c. Resolutions may be placed on the Consent Agenda and may be considered as a group under the Consent Agenda.
- d. Resolutions may also be placed on the agenda as a General Business item.
- e. For resolutions placed on General Business, the City Recorder, or designee, must take a “roll call” vote of each Councilor upon the final vote on the resolution and the ayes and nays and abstentions of the members must be recorded in the meeting minutes.

RULE 4 Land Use Hearings

A. General Conduct of Hearings.

1. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized Citizen Involvement Organization (CIO) present the party's case.
2. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, , it must not be included in the record for the proceeding.
3. Except as otherwise provided by these rules, no person may speak more than once without obtaining permission from the Presiding Officer.
4. Upon being recognized by the Presiding Officer, any member of Council, may question any person who testifies.
5. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
6. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must note the numbers of such persons for the record in the minutes.

B. Quasi-Judicial Land Use Matters.

1. **Scope of Review.** All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
2. **Conflicts of Interest.**
 - a. A member of Council must not participate in a discussion or vote in a quasi-judicial land use proceeding if:
 1. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City charter; or
 2. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
3. **Ex Parte Contact.**
 - a. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Attorney before the meeting begins.

- b. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. See, ORS 227.180. If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

4. Burden of Proof.

- a. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
- b. The decision of the Council must be based on the applicable standards and criteria set forth in the Tualatin Development Code, the City's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
- c. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

5. Hearing Procedures. The order of hearings in quasi-judicial land use matters is:

- a. Land Use Hearing Disclosure Statement. The Presiding Officer must read the land use hearing disclose statement, which must include:
 - 1. A list of the applicable criteria;
 - 2. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 - 3. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
 - 4. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
- b. Call for ex parte contacts. The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.
- c. Call for abstentions. The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must

not participate in any discussion or debate on the issue of which the conflict arises.

- d. **Staff summary.** Planning staff will present a summary and recommendation concerning the proposal.
 - e. **Presentation of the Case.** The presentation of the case will be as follows:
 1. **Proponent's case.**
 2. **Persons in favor.**
 3. **Persons opposed.**
 4. **Other interested persons.**
 5. **Rebuttal.** Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
 - f. **Close of hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of additional factual evidence, all parties must be afforded an opportunity for rebuttal.
 - g. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
6. **Findings and Order.** The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.
7. **Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

C. **Legislative Land Use Matters.**

1. **Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:
 - a. **Call for abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.
 - c. **Staff summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.

- d. **Presentation of the Case.** The presentation of the case will be as follows:
1. Proponent's case.
 2. Persons in favor.
 3. Persons opposed.
 4. Other interested persons.
- e. **Close of hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.
- f. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- g. **Reopening hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.

RULE 5

Motions, Debate, Public Comment, and Voting

A. Motions. The following rules apply to motions:

1. All motions must be distinctly worded.
2. The Presiding Officer must repeat the motion prior to a vote.
3. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. If a motion does not receive a second, it dies.
5. A motion that receives a tie vote fails.
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
 - a. To lay the matter on the table;
 - b. To call for the previous question;
 - c. To postpone;
 - d. To refer; or
 - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

B. Motion to Reconsider.

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.

2. A motion to reconsider can be made only once and must be made before the final adjournment of the meeting when the item goes out of possession of the Council.

C. Debate. The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate.

D. Public Comment.

1. The public is entitled to comment on all matters before the Council that require a vote.
2. Public comment will occur after the matter up for vote has been presented by City staff and before the Council takes any formal action on the matter.
3. Each member of the public is entitled to comment on the matter before the Council for three (3) minutes.
4. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be referred to City staff for a response to be provided a later time.
5. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
6. All remarks must be addressed to the Council as a whole. Any person creating an actual disturbance, which includes, but is not limited to making personal, impertinent, or slanderous remarks, becoming boisterous, threatening, or personally abusive while addressing the Council, or any applause, boos, or other public demonstrations by those attending the Council, may be requested to leave the meeting.

E. Voting. The following rules apply to voting on matters before the Council, unless amended in the manner outlined in Rule 4 of these Rules.

F. Reports. A majority of a quorum is required to approve or accept a report. However, no vote is required if the report is only for informational purposes.

G. Consent Agenda. The unanimous vote of all members of Council present is required to approve the matters on a consent agenda.

H. Ordinances. An ordinance requires a majority of a quorum to pass.

I. Emergency Ordinances. An emergency ordinance requires the unanimous vote of all Council members present.

J. Resolutions. A majority of a quorum is required to pass a resolution.

K. Budget. The budget requires a majority of a quorum to pass.

L. Franchise Agreements. A majority of a quorum is required to pass an ordinance granting a franchise.

M. Suspension of Rules. A unanimous vote of all members of Council present is required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the Charter may not be suspended or rescinded.

N. Votes. All votes must be recorded in the minutes.

O. Tie Votes. Tie votes indicate a denial of the motion or proposal.

P. Effective Date.

1. Ordinances take effect 30 days from the date of passage, unless a later date is indicated in the ordinance, in which case it takes effect on that date. However, the following ordinances take effect immediately upon passage:
 - a. Ordinances making appropriations and the annual tax levy;
 - b. Ordinances relative to local improvements and assessments; and
 - c. Emergency ordinances.
2. A resolution becomes effective upon adoption unless otherwise stated in the resolution.
3. The filing of a referendum petition suspends the effective date of an ordinance.

RULE 6

Minutes

A. Generally.

1. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder, or designee, in accordance with the appropriate record retention schedule.
2. The minutes must contain the following information:
 - a. The date, time and place of the meeting;
 - b. The members of the Council present;
 - c. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 - d. The results of all votes and the vote of each member by name;
 - e. The substance of any discussion on any matter; and
 - f. A reference to any document discussed at the meeting.

B. Approval. The Council must approve all minutes of any meeting.

1. All minutes must be approved within ninety days of the meeting having occurred.
2. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
3. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

RULE 7 Appointments

A. Appointments of City Staff. The Council appoints and can remove those positions identified in the City's charter. All appointments require a majority vote of the entire Council.

B. City Manager/Recorder. The City Manager (who also serves the role of Recorder under the Charter) is appointed by the Council.

1. **Reviews.** The City Manager is subject to a review by the Council to be conducted in even numbered years before the last Council meeting in December.
2. **Removals.** The City Manager may be removed by a majority vote of the entire Council.

C. Municipal Judge. The Council appoints and may remove the Municipal Judge, including pro tem judges.

1. **Reviews.** Any judge appointed by the Council is subject to an annual review by the Council.
2. **Removals.** All appointed judges may be removed by a majority vote of the entire Council.
3. **Interference.** If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance may the Council interfere with the judge's exercise of judicial authority or discretion.

D. Council Subcommittees. Council subcommittees may be created, and dissolved, by a majority vote of the members of Council present at a meeting.

1. Under Section 20 of the Charter, the Mayor appoints Councilors to all Council subcommittees.
2. Council subcommittees may be standing committees or other committees created under the rules of the Council.
3. The following are current Council subcommittees that have been previously created or are created by these rules. These may be dissolved by majority vote of the members of Council present at a meeting:
 - a. Council Committee on Advisory Appointments. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees.
 - b. Governance Committee. The purpose of the Governance Subcommittee is review the Council Rules and recommend amendments and changes to the full Council, conduct performance reviews of the City Manager and Municipal Judge, investigate rules violations and disciplinary matters of members of Council, and recommend disciplinary sanctions of members of Council to the full Council. A member of Council can refer a rules violation or other claim of violation by any other member of Council to the Governance Committee.

E. Appointments of Citizen Members to Boards, Commissions and/or Committees.

1. **Council Committee on Advisory Appointments.** The Council Committee on Advisory Appointments (CCAA) is a standing subcommittee of the Council. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees through the following general process:
 - a. The CCAA will conduct interviews of all candidates for appointment, including candidates wishing to renew their appointments.
 - b. After reviewing the candidates, the CCAA will vote on all recommendations and forward those recommendations to the full Council for consideration.
 - c. Upon receiving the recommendation from the CCAA, the Council will place the names for consideration on the regular meeting agenda as a General Business item.
 - d. The Council may consider the candidates submitted as a group or may consider each candidate individually.
 - e. The Council may accept, reject, or appoint any candidate, including those not considered by the CCAA.
 - f. All appointments must be by majority vote of the members of Council present.

RULE 8

Ethics, Decorum, Outside Statements, and Social Media

A. Ethics.

1. All members of Council must review and observe the requirements of state ethics laws.
2. In addition to complying with state ethics law, all members of Council must refrain from:
 - a. Disclosing confidential information.
 - b. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
 - c. Expressing an opinion contrary to the official position of the Council without so saying.
 - d. Conducting themselves in a manner so as to bring discredit upon the government of the City.
 - e. Not profiting from their position on Council in violation of state law.
3. All ethics complaints received about a Councilor will be forwarded to the Oregon Government Ethics Commission (OGEC).

B. Decorum.

1. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
2. Members of the Council will preserve decorum during meetings, and must not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
3. City staff and all other persons attending meetings must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.
4. All audience members must abide by the rules of decorum contained in these Rules. No audience member may cause an actual disturbance, which includes, but is not limited to, disrupting the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who creates an actual disturbance will be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of that Council meeting.

C. Statements to the Media and Other Organizations

1. Representing City. If a member of Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may only state the official position of the City, as approved by a majority of the Council.

2. Personal Opinions. If a member of Council, to include the Mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor, before giving their statement.

D. Use of Social Media.

1. Members of Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
2. Under ORS 192.610, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon Law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.
3. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the city; relates to an activity, transaction or function of the city; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the city. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.
4. The digital decorum of elected and appointed officials will be governed by Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Rule 8 (C)(Statements to the Media and Other Organizations) above in all social medial activities.
5. City Council members will refrain from posting comments that:
 - a. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
 - b. Express an opinion in a manner contrary to Rule 8 (C) (Statements to the Media and Other Organizations) above.

RULE 9

Interactions with City Staff

A. City Staff. All members of Council must respect the separation between the Council's role and the City's Manager's responsibility by:

1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
3. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature must be directed to the City Manager. Questions sent to staff must be copied to the City Manager.
4. Members of the Council must normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of Council acting in their individual capacities rather than as members of Council, nor to questions regarding conflict of interest or similar issues particular to a member of Council.

B. City Attorney. Members of the Council may contact the City Attorney directly without contacting the City Manager in the following circumstances:

1. When the issue involves allegations of misconduct by the City Manager;
2. To discuss parliamentary procedures of these Rules; or
3. To discuss substantive legal issues involving pending City business if the legal issue does not require more than 2 hours of the City Attorney's time.

RULE 10

Enforcement and Consequences

A. Enforcement. The Council may enforce these rules and ensure compliance with City ordinances, charter, and state laws applicable to governing bodies. If a member of Council violates these rules, City ordinances, the City charter, or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand or removal as provided for in the City charter.⁶

B. Investigations and Hearings.

1. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City charter, or state laws applicable to governing bodies has occurred.
2. Before the Council may publicly reprimand or remove a member of Council, the Council must to the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).
3. No final action or decision can be made in executive session, as provided by ORS 192.660(6).

⁶ Other than for the reasons stated in Charter Section 32, an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.

RULE 11

Amendment and Repeal of Council Rules

A. Amendment. These Rules are subject to amendment by the Council.

1. Any proposed amendment to these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
2. All amendments to these rules require approval by a majority of Council.
3. Amended rules do not go into effect until the meeting after the rule was approved.

B. Repeal. These Rules are subject to repeal and replacement by the Council.

1. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
2. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
3. Any repeal and replacement of these rules requires approval by a majority of Council.
4. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.

RULE 12

Finances and Travel Policy

A. Financial Statements. Pursuant to ORS 244.050, members of Council are required to file annual Statements of Economic Interest (SEI) by April 15 of each year. For more information, see the Oregon Government Ethics Commission (OGEC) website on how to file.

B. Health Insurance. Pursuant to Resolution No. 3837-01, members of Council are entitled to receive the following health insurance benefits:

1. The Mayor may receive City health insurance benefits at the family level or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers.
2. Councilors may each receive City health insurance benefits at the single employee level or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers. Councilors may obtain family level coverage by paying the difference in the cost of the family policy and the single employee policy.
3. The health insurance benefits provided are subject to the rules for enrollment and contractual conditions of the health insurance provider.

C. Technology Stipend. Pursuant to Resolution No. 5128-13, each member of Council is entitled to a technology stipend of \$750.00 to be received at the beginning of their terms of office.

D. Water Bill. Pursuant to Resolution No. 3216-96, each member of Council receives a \$20.00 monthly credit on their water bill.

E. Travel Policy.

1. **Adoption of Reimbursement Rates.** The recent rates established by the U.S. General Services Administration (GSA) are the maximum allowed by destination for reimbursement of per diem rates for meals and lodging, and the maximum allowed for privately owned vehicles for mileage reimbursement. The website to obtain the current per diem rates is www.gsa.gov/perdiem.
2. **Registration Fees for Conferences and Trainings.** Members of Council are encouraged to take advantage of early registration to obtain discounted rates.
3. **Transportation.**
 - a. **Airfare.** The City will pay for roundtrip, coach airfare. Members of Council are expected to look for the least expensive fare available within the appropriate arrival/ departure times. If the member of Council makes first-class or business- class travel reservations, the member of Council must pay the difference between those rates and the coach rate.
 - b. **Vehicle Rental.** Vehicle rental is a reimbursable expense at the compact rate.
 - c. **Ground Transportation.** Ground transportation (e.g., taxis, buses, mass transit, and shuttles) is a reimbursable expense.

- d. **Individual Vehicles.** Members of Council will be reimbursed for City-related travel in their individual vehicles for the actual miles traveled at the GSA rate.

4. **Parking.**

- a. Parking fees are reimbursable for business purposes or attending training.
- b. Long-term economy parking at airports is expected to be used for airport travel of more than one day in duration.

5. **Lodging.**

- a. Reimbursement for lodging is authorized when the member of Council's business-related travel requires an overnight accommodation.
- b. Reimbursement will be at the cost of a single standard room at the per diem rate established by the GSA, or at the conference/training rate.
- c. The final itemized lodging bill is required when submitting for reimbursement of the expenditure.
- d. Any additional room charges room service, movies, personal phone calls, laundry service, etc. are the responsibility of the member of Council. If cell phone coverage is unavailable, business calls will be reimbursed. If in-room internet is necessary to conduct City business, the expense is reimbursable.

6. **Meals.**

- a. The City will pay the GSA per diem rate for meals.
- b. Members of Council have the choice of an advance or a reimbursement for the total authorized per diem amount.
- c. When meals are provided as part of the conference or training, no reimbursement will be given for that meal. Conference "continental" is not considered a meal.
- d. For a single day trip:
 - 1. Breakfast – Reimbursed when travel begins before 10:00 a.m. and the one-way trip is at least 75 miles.
 - 2. Lunch – Reimbursed when travel begins before 11:00 a.m., lunch is not provided in the training/ conference cost, and the one-way trip is at least 75 miles.
 - 3. Dinner – Reimbursed when travel ends after 4:00 pm and the one-way trip is at least 75 miles.
- e. For trips involving an overnight stay, meals will be reimbursed based on the time of departure:

1. Breakfast – Reimbursed when travel begins before 10:00 a.m.
 2. Lunch – Reimbursed when travel occurs between 11:00 a.m. and 2:00 p.m.
 3. Dinner – Reimbursed when travel occurs after 4:00 p.m.
- f. A member of Council may meet with and purchase a meal for others, including persons of other government jurisdictions and professional institutions from which an exchange of information is obtained that may aid the City in improving its efficiency, service, or governance.

F. Travel Advances and Reimbursements.

- a. Members of Council may choose to be reimbursed for expenses or receive an advance.
- b. For travel and training cash/check advances, members of Council should submit a check request to the City Manager at least two-weeks in advance of the expected travel or training date, when possible.
- c. If a member of Council chooses to be reimbursed instead of an advance, the member of Council must submit the following:
 - i. A receipt is provided; or
 - ii. The expense report states the amount spent, who was present, and the specific topic or project of discussion.
- d. Personal items and expenses of family members traveling with the member of Council are not authorized expenses.

A. Council Report Required for Expenses over \$250.00.

1. Any member of Council requesting reimbursement for an amount, or series of connected amounts, that exceeds \$250.00, but less than \$1,500.00, is required to give an oral or written documentation for the expenditure to the Council. The written documentation may be placed on the consent agenda for consideration by the Council.
2. Any member of Council requesting reimbursement for an amount, or series of connected amounts, that exceeds \$1,500.00 must provide an oral or written report to the Council. The report cannot be placed on the consent agenda, but must be placed separately on the agenda for consideration by the Council.



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Tanya Williams, Assistant to the City Manager

DATE: 07/10/2017

SUBJECT: Consideration of a Climate Cities Resolution

ISSUE BEFORE THE COUNCIL:

At the June 26th work session, the Council agreed to discuss this item at tonight's work session.

Attachments: