



MEMORANDUM CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager

DATE: July 24, 2017

SUBJECT: Work Session for July 24, 2017

5:00 p.m. (60 min) – Basalt Creek. Council will receive a presentation from KPFF who was recently hired by the City of Wilsonville to conduct an analysis of the development potential of the central sub-area of the Basalt Creek Planning Area. In addition, Council will receive a brief presentation from OTAK who has prepared a financial analysis of the cost of development in the central sub-area.

6:00 p.m. (45 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.

6:45 p.m. (10 min) – Climate Cities. At the June 26th work session, the Council agreed to discuss this item at tonight's work session.

6:55 p.m. (5 min) – Council Meeting Agenda Review, Communications & Roundtable. Council will review the agendas for the July 24th City Council meeting and brief the Council on issues of mutual interest.



STAFF REPORT

CITY OF TUALATIN

City Council Work Session

Meeting Date: 07/24/2017

Subject: Basalt Creek

Through: Sherilyn Lombos, Administration

Basalt Creek Feasibility Study

Analysis from CES NW

PowerPoint from OTAK/CES NW

DRAFT



CITY OF WILSONVILLE

Basalt Creek Concept Plan - Feasibility Study

MAY 1, 2017

Intent

The Basalt Creek Concept Plan Existing Conditions report was prepared in 2014 to look at future development of the 847 acres between the City of Wilsonville and City of Tualatin as part of the Urban Growth Boundary (UGB) inclusion process. In this report, potential land uses were identified for the region based on economic factors, land use compatibility, and projected growth (see Figure 1). The intent of this feasibility study is to take a further look at approximately 60 acres within the Basalt Creek Concept area to **evaluate the potential to develop these properties to support increased employment opportunities in the region.**

To meet this goal, three schemes have been developed in this feasibility study. The schemes have varying degrees of development to preserve open space and natural habitats on the site. The schemes are:

- Scheme A** – maintains all of the open area in the northern portion of the site and development is primarily on the southern portion of the site (below the PGE easement)
- Scheme B** – maintains some open space in the northwest corner of the site but develops more of the site than Scheme A
- Scheme C** – fully develops the site to the maximum extent feasible and has the least amount of open space

Various building prototypes are used in the schemes from general office buildings to industrial/warehouse facilities. These prototypes are based on local buildings and provide guidance on building footprint sizes and parking counts. Architectural renderings have been developed for 3 building prototypes to provide a graphical representation on how these buildings may fit the overall look and feel of the study area.

Site Overview

KPFF is studying in detail a portion of the Basalt Creek area that is approximately 60 acres in size and located east of Grahams Ferry Road, south of Helenius Road, west of Basalt Creek, and near the intersection of Grahams Ferry Road and Tonquin Road. The current use of the site is agriculture with single family homes and forested area near the creek. To the south is the Chick-A-Dee nursery and to the north of the site there is an open parcel of land and then residential housing. The site is comprised of 9 tax lots varying in size from 1.46 acres to 11.68 acres.

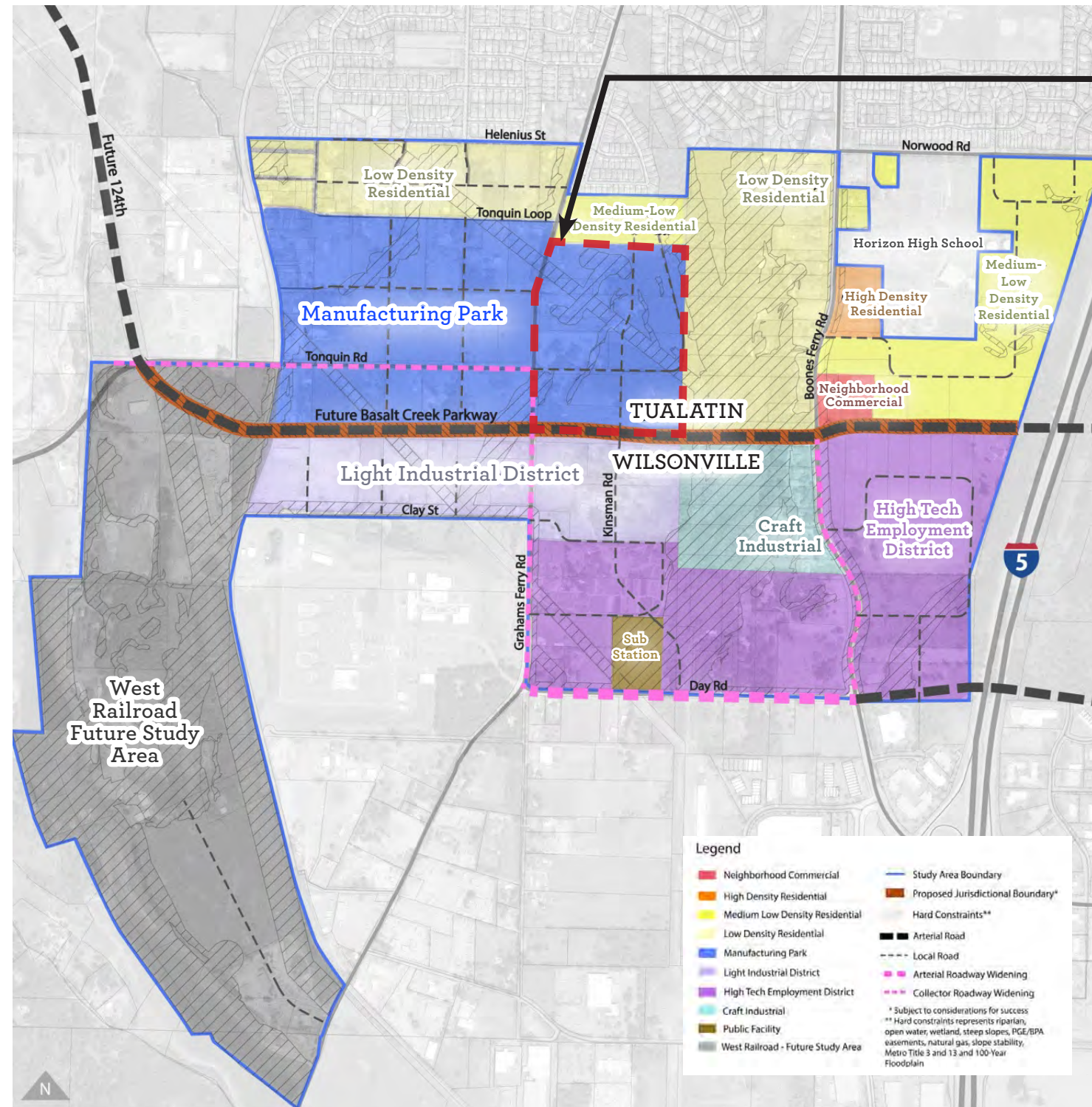


Figure 1 - Preferred Basalt Creek Land Use Concept Map (October 2016)

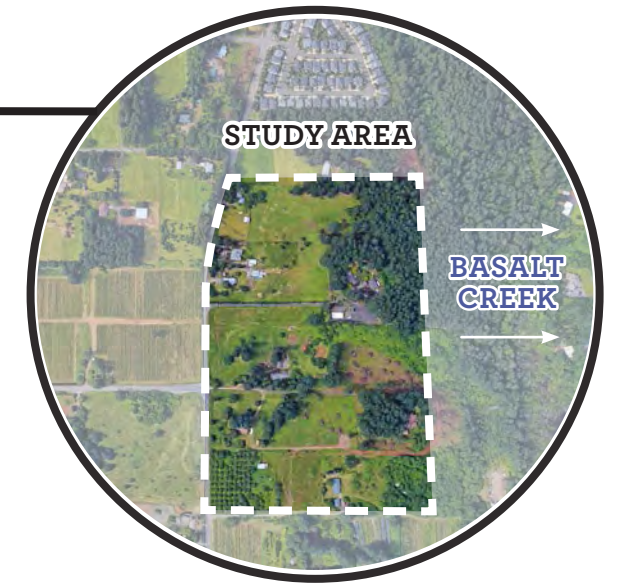
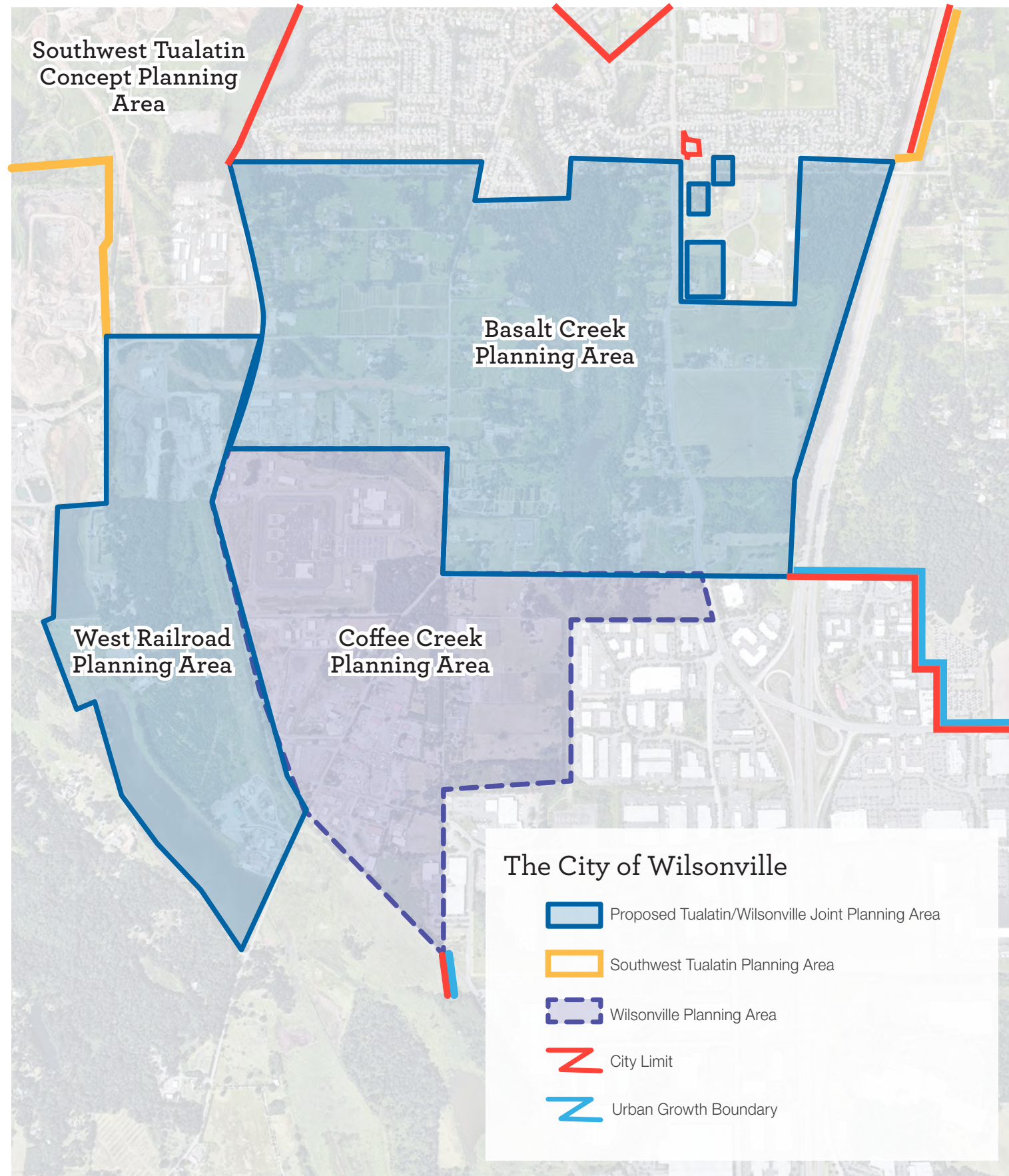


Figure 2 - Study Area



Aerial of the Planning Area



Site Photos

Design Standards

ZONING

The site is currently zoned FD-20 per Washington County. FD-20 covers land added to the Urban Growth Boundary after 1998. This feasibility study is based on the assumption that the building prototypes indicated in the schemes are allowed uses.

BUILDING SETBACK

Building setbacks used to locate the structures on-site are based on a comparison of Washington County, City of Wilsonville and City of Tualatin zoning standards. The building setbacks are 30 feet from lot lines or right-of-way lines. This setback is for the building location only and parking is indicated in the setback.

SITE ACCESS

On-site parking is a key component of an industrial and manufacturing area to promote employee access and commuting. The Basalt Creek area has freeway access to I-5, Hwy 99W, Hwy 217 and I-205. The primary mode of transportation to the site is assumed to be single occupancy vehicles. Construction is currently ongoing to improve SW 124th Ave to provide a freight route and east/west connection through the site from I-5 to Tualatin Sherwood Road. This work includes the expansion of Grahams Ferry Road south of Tonquin Road from a 2-lane rural road to a major collector. The current roadway width is approximately 24 feet with an existing right-of-way that varies from 74 feet south of Tonquin Road to 40 feet north of Tonquin Road. With the SW 124th Ave extension, the ROW is being increased to 74 feet to approximately 225 feet north of the intersection. This is where the 3-lane roadway section finishes its taper to match back into the 2-lane road. Parcels north of the taper will require additional ROW dedication when Grahams Ferry Road improvements continue to the north or when these properties go in for development. The additional ROW dedication that will be required is approximately 17.5 feet along the frontage. Figures 3 and 4 indicate the lots that will be impacted by the additional ROW dedication and the typical street section from Washington County for a collector roadway.

Per Washington County, the future Basalt Creek Parkway along the southern frontage of the study area will be an arterial and will have access restrictions for new driveways. To accommodate this, the schemes have all assumed that access from Basalt Creek Parkway to the site is not feasible and no driveway entrances are shown here.

Public roadways within the site are assumed to have a pavement width of 50 feet and a right-of-way dedication of 64 feet. The City of Wilsonville standard may vary from this but Washington County standards have been used to establish roadway widths in the concept plans as shown in Figure 5. Private access drives for parking lots and buildings are a minimum of 20 feet wide and truck circulation paths around the buildings are 50 feet wide. Loading docks and storage areas are shown to be 50-100 feet wide to allow semi-truck parking and access around the loading bays. At the terminus of the public roadways, either a hammer head or cul-de-sac are provided to allow for fire truck turn-around. These locations are indicated on the concept plans.

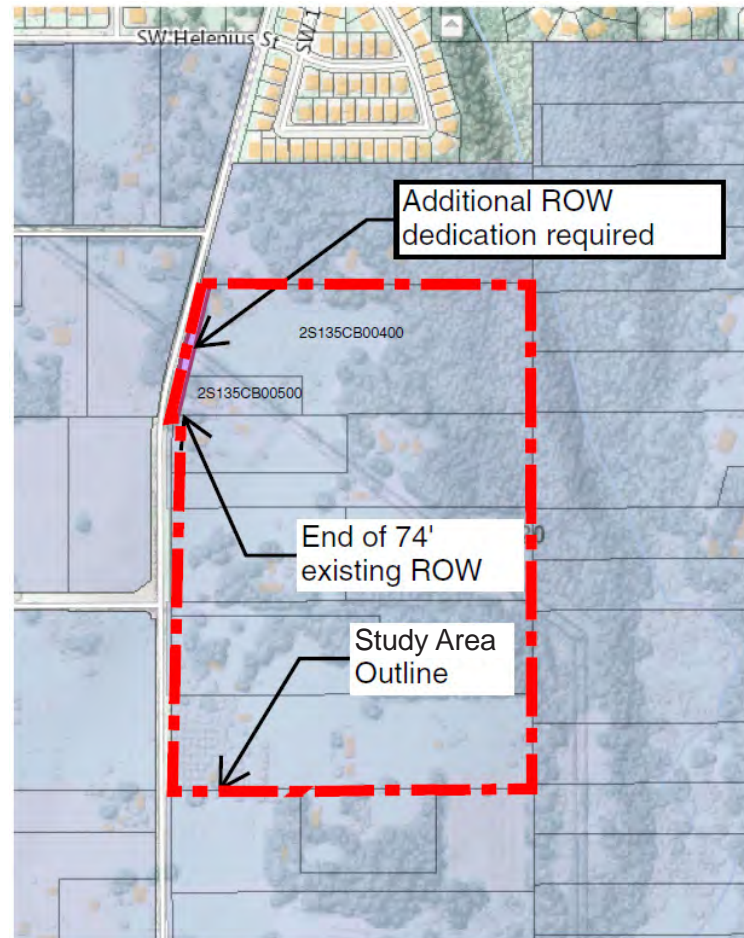


Figure 3 - Additional ROW Dedication Required

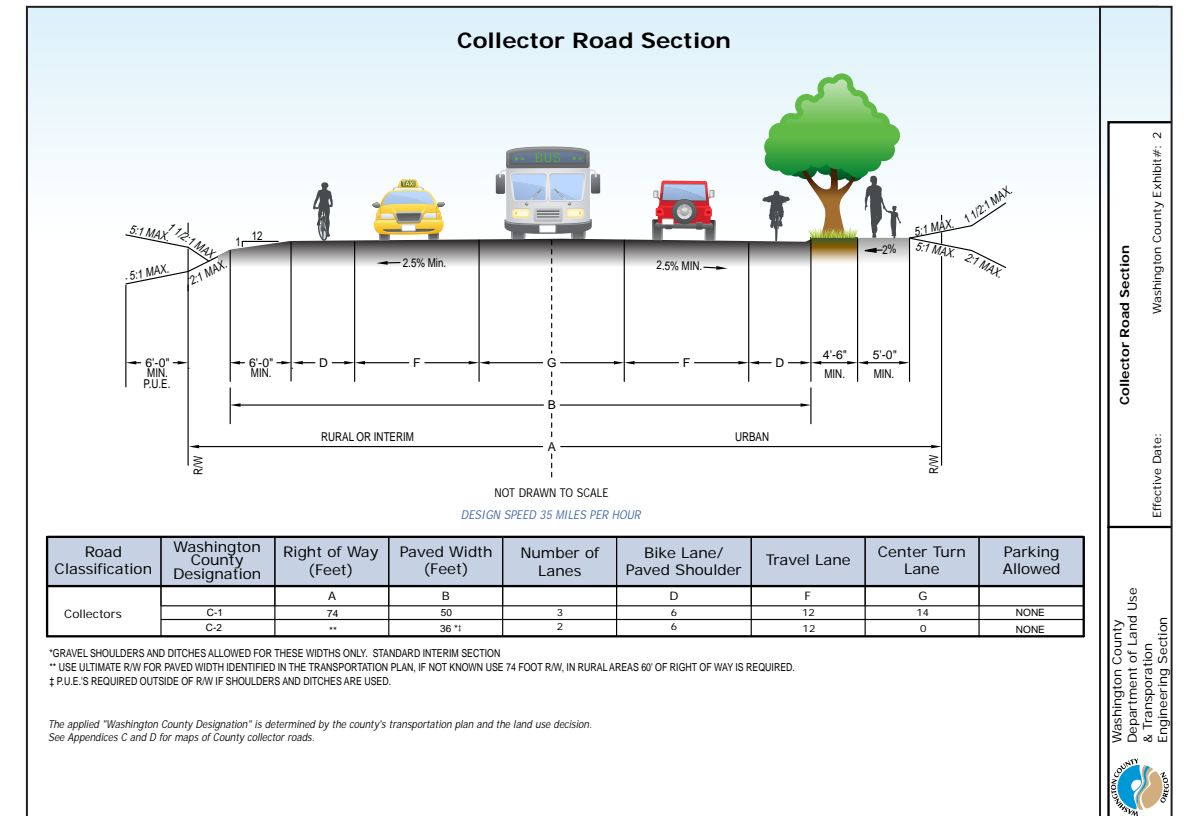


Figure 4 - Washington County Standard Street Section for Collector Roadway

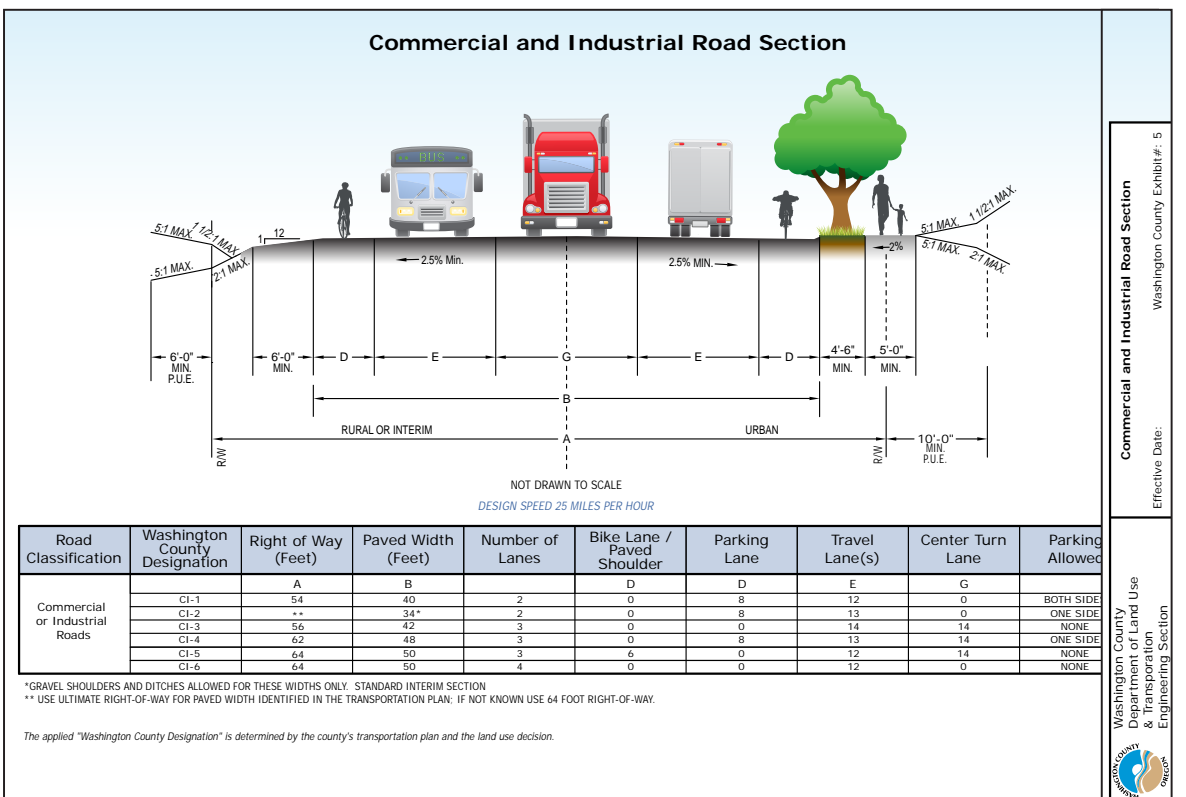


Figure 5 - Commercial and Industrial Road Selection

Parking Requirements

To accommodate the vehicles accessing the site, on-site parking will be required. Based on the City of Wilsonville's zoning code section 4.155 Table 5, the following parking standards are used for the concept plans. The assumption is that larger building footprints shown in the concept plans are manufacturing type facilities and will require less parking and more loading dock/storage space. The office building prototypes will be more general office and medical/dental type of facilities. For these 3 stalls per 1,000 gsf and 4 stalls per 1,000 gsf are used respectively. For the manufacturing type of facilities 1.6 stalls per 1,000 gsf has been used. The City of Tualatin has the same parking requirements for the assumed uses based on their Development Code.

	Parking Requirement	Notes
City of Wilsonville*	1.6 per 1000 sf	Per City of Wilsonville Zoning Code section 4.155, Table 5 for manufacturing establishment
	2.7 stalls per 1000 sf (min) and 4.1 stalls per 1000 sf (max)	First requirement is based on other commercial use (not medical/dental) per City of Wilsonville section 4.155, Table 5 and the second parking requirements are based on medical and dental use.
	3.9 stalls per 1000 sf (min) and 5.9 stalls per 1000 sf (max)	

Table 1 - Parking Requirements

* - City of Tualatin parking standards are the same as the City of Wilsonville for the zoning noted in this table

Utilities

STORMWATER

The Basalt Creek Concept Plan and follow-up studies by CH2M indicate that a regional stormwater management facility is not being evaluated for the site and drainage will need to be handled on an individual development basis. The concept plans represent these two options. One scheme indicates some regional stormwater management ponds that can be used to serve portions of the site while the other schemes assume that stormwater will be treated and detained on an individual development basis. The individual lot systems are not shown on the concept schemes but the systems could be combined with the open space indicated to enhance the natural area while meeting the standards. For smaller lots, subsurface systems may need to be considered due to the limited open area on these properties. Low impact development concepts should be considered in the design since they provide an aesthetic and functional benefit.

Based on the existing studies, drainage from a portion of the site can be conveyed north to the City of Tualatin public system and the remainder will flow to Wilsonville. The City of Tualatin has 12-inch storm drain lines that discharge to Basalt Creek. The City of Wilsonville has storm drain lines to the south that discharge to the Willamette River via the Coffee Creek Basin. New storm drain lines are being installed in Grahams Ferry Road as part of the 124th Ave Extension work per the Washington County construction drawings. These lines are 12-inch and 15-inch pipe which collect the roadway section between Basalt Creek Parkway and north of Tonquin Road. The drainage is collected using catch basins and conveyed to a water quality swale at the intersection of Tonquin Road and Grahams Ferry Road to treat the run-off as shown in Figure 6. A 24-inch and 15-inch culvert are being installed along the feasibility study area in tax lots 2S135CC00600 and 2S135CC00800 to collect roadway run-off in this area as the road is sloping towards the site. These culverts cross under Grahams Ferry Road and discharge to the new water quality facility. With the proposed development in this area, these culverts may need to be revised if the grades are modified at the culvert inlets.



Wilsonville Creekside Woods Swales

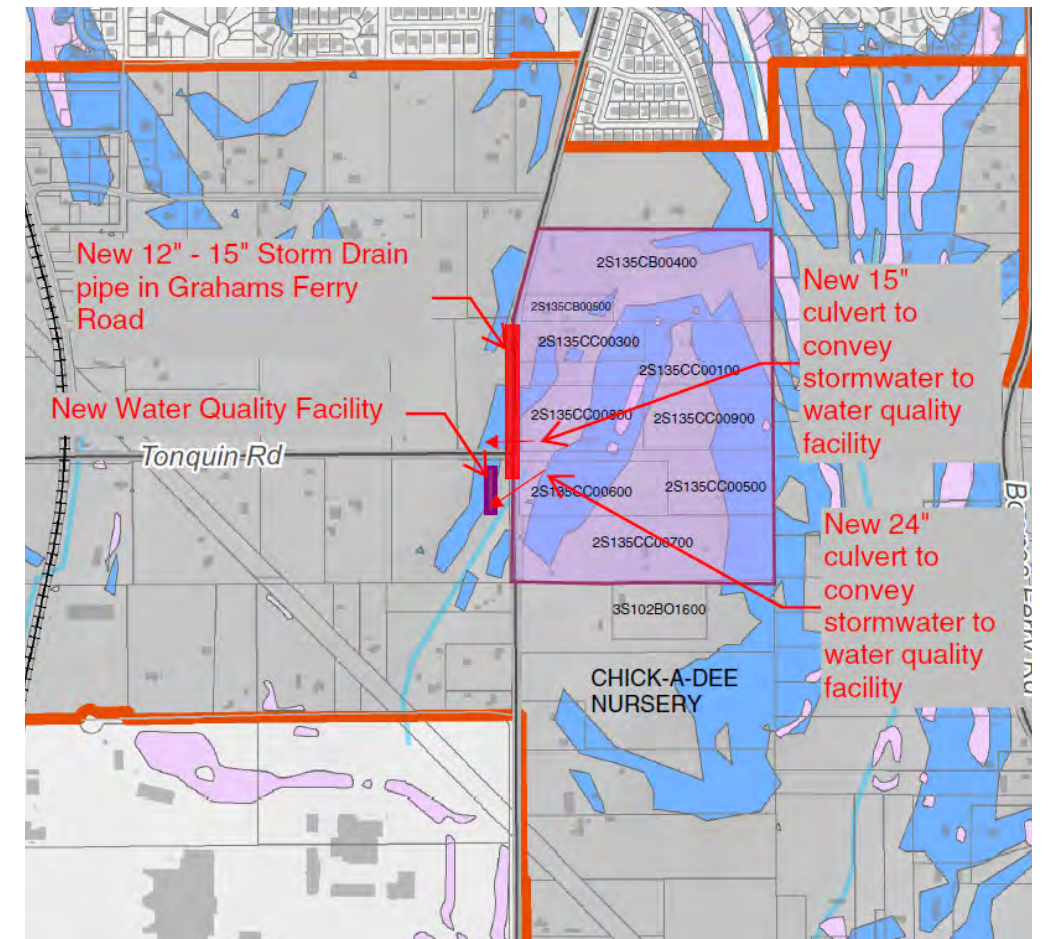


Figure 6 - Storm Drainage

The soil types in the area are silty loam and well drained at the surface. This would indicate that infiltration is a feasible option for disposing of storm drainage and would reduce the amount of run-off leaving the project site. The site is not located in a FEMA floodplain.

Utilities

WATER

Currently there is no water service to the site, but the CH2M utility study in 2016 indicated that water can be provided to the site either from the City of Tualatin or the City of Wilsonville. The City of Wilsonville gets their water from City of Wilsonville (Willamette River Water Treatment Plant). The current capacity in the plant is 15 MGD but it can be increased to 70 MGD. The City of Wilsonville water study for the region accounted for 0.75 MGD of water being required for industrial use. The increased water demand for the proposed schemes can be served by the planned improvements in the area. The utility layout for each scheme assumes that water lines are installed in Grahams Ferry Road and these lines are sized for the capacity of the proposed development. The water line installed in the future Basalt Creek Parkway will provide a looped system in the area but the study area will not connect to this line. Water lines will be installed within the public roadway shown on the schemes.

SEWER

There is currently no sewer service to the site but sanitary sewer service connections are available to the north via the City of Tualatin or to the south via the City of Wilsonville. The City of Tualatin sewer lines are conveyed to the CWS Durham Treatment Plant for treatment and the lines are managed by CWS. The City of Wilsonville has a treatment plant south of the site and most flows from the study area can gravity flow to the Wilsonville treatment plant. To connect to the CWS and Tualatin system in the north, a lift station will be required near the intersection of Grahams Ferry Road and Day Road. This will pump the sewage to the existing main at Grahams Ferry Road and Helenius Street.

Assuming the Grahams Ferry Road are sized to accommodate the proposed development, sewer service is available to the site. Public sewer lines will be installed within the public roadway sections shown on the schemes. Due to the uncertainty regarding utility lines being installed in the future Basalt Creek Parkway and ability to connect; the sewer connections for the study area are shown to Grahams Ferry Road only and no connections are shown to the future Basalt Creek Parkway.

Water reuse strategies should be considered for manufacturing and industrial facilities. These facilities often use a large quantity of water for functions such as cooling towers, air handling units, or process water. This water could be recirculated on-site for non-potable use or a closed loop system could be designed to both help reduce the amount of water required and the sewage flow from the property.



Scheme B Stormwater Pond

Site Factors

ENVIRONMENTAL

The Basalt Creek planning area primarily contains agriculture and undeveloped forest land. Basalt Creek runs along the eastern edge of the site and there are multiple wetlands and riparian corridors within the site based on the RLIS data provided by the City of Wilsonville and the Basalt Creek Concept Plan Existing Conditions Report. The Land Suitability Study completed in 2015 indicates that the tax lots within the project site are modestly constrained for development since these are medium sized lots that are mostly vacant or undeveloped (see Figure 7). The Environmental Constraints Exhibit (Figure 8) in this report indicates the site constraints that will impact the developable area. Per documentation from PGE, restrictions within their easement include the construction of any permanent feature such as a building, planting trees or heavy vegetation that may impact the clear height to the poles, constructing permanent obstructions that may impact their maintenance access, and extensive grading. Parking lots, roads and low height vegetation are allowable uses within the easement.

The Site Constraints table summarizes the setbacks associated with the environmental constraints and lists the implications to the developable area using Clean Water Services standards. The City of Wilsonville standards may vary from these, and some of the environmental constraints noted can be mitigated through the use of mitigation banks or mitigation at other locations. Washington County indicated for the 124th Ave extension work, mitigation for wetland impacts was done by purchasing credits for the Mud Slough Mitigation Bank.

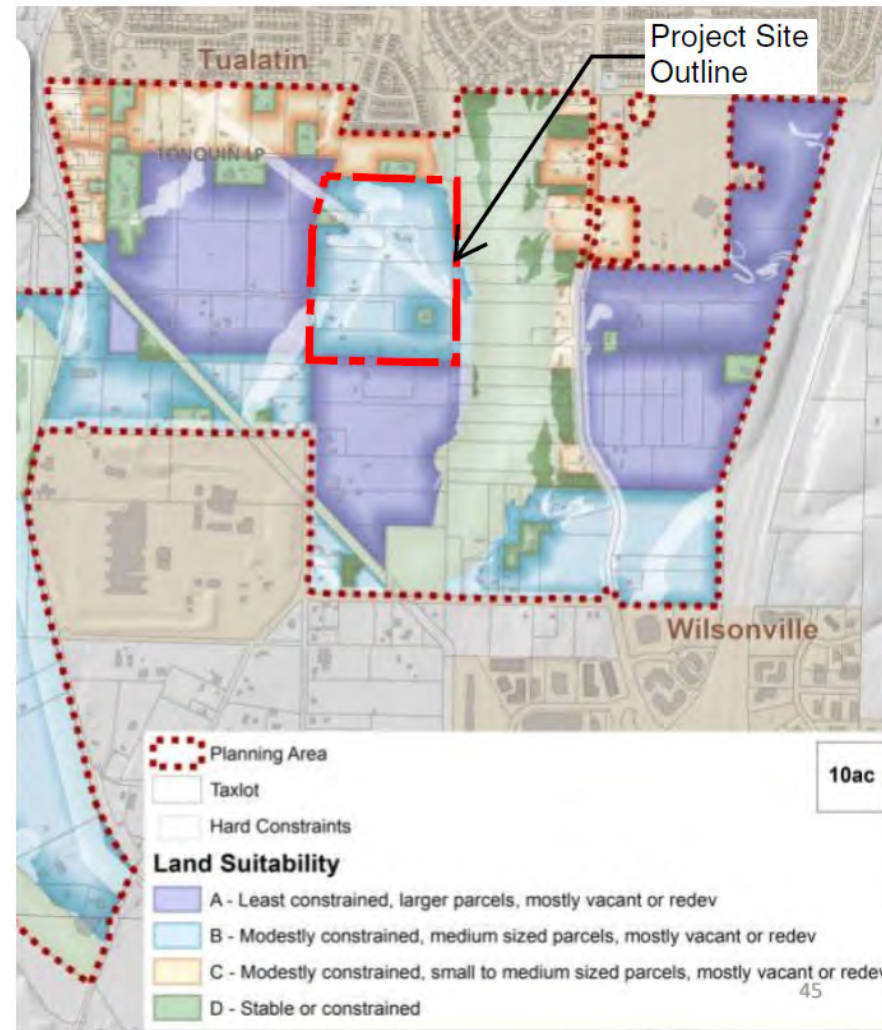


Figure 7

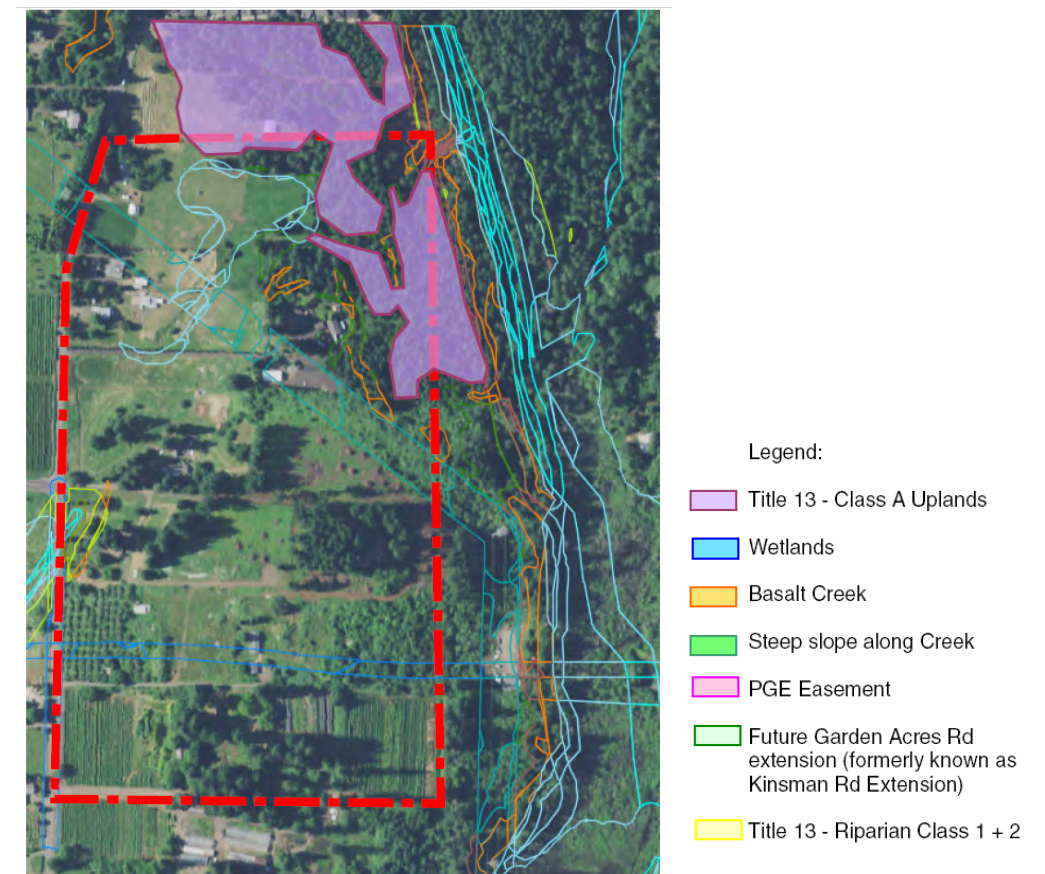


Figure 8

Constraint	Description	Setbacks*	Development Limitations
Title 13 – Class A Upland	Area defined as high value for wildlife habitat		Can do routine maintenance and repair of structures within this zone as long as the upland area is maintained. Design to incorporate minimum impact.
Title 13 – Riparian Class 1 and 2	Supports 1-3 riparian functions	100'	
Basalt Creek	Perennial Creek	50' (per CWS Table 3.1)	
Wetlands	Wetland	50' (per CWS table 3.1)	
Steep slope	Slopes greater than 25%	The vegetated corridor will extend 35' beyond the break in slope along the creek	Steep slopes are considered unstable and not desirable for development.
PGE Easement	Overhead transmission lines	125' easement	PGE has limitations for use within the ROW including tree locations and permanent structures to allow maintenance of the lines.
Future Roadway Extension	Future Basalt Creek Parkway	90' ROW	Per Washington County TSP Figure 3.10 this is a 4-5 lane arterial.

Table 2 - Site Constraints

* - Vegetated corridors within CWS are measured from edge of the sensitive area and are for each side of the corridor.

Site Constraints

ELEVATIONS AND ROCK EXCAVATION

The project site is currently relatively flat in the southern and northwestern region but has slopes towards the middle and east that are in the 15-25% range. Adjacent to Basalt Creek, the slopes are above 25%. The site slope map (Figure 10) indicates the approximate slopes on the site based on GIS data provided by the City. The steeper slopes can cause challenges for development due to additional cut and fill earthwork that is required to create a level building pad and site. Industrial facilities typically require large, flat areas for the building pad and adjacent storage and loading/unloading zone. As a result, in the schemes the industrial facilities have been set in the flatter portions of the site and alternative building types have been shown in the steeper sections such as office space. Office buildings are more conducive to split elevations and access at varying levels to accommodate grade. Parking lots can also be used in the sloped portions of the site with retaining walls to create level parking areas. Concept grading schemes have been developed for each of the three schemes to show potential finished floor elevations.

The geotechnical report by GRI dated March 19, 2015 and the CH2M study of this area indicate that rock excavation can be expected in the eastern portion of the site. Moving further west from Basalt Creek and towards Graham Ferry Road, the amount of rock expected to be encountered with construction decreases. The rock in the area is basalt per GRI's findings and it is decomposed rock that is soft to very soft. However, the boring equipment did experience drill chatter while excavating the 2 deep boring holes within the feasibility limits, suggesting the rock does provide resistance to excavation and may require heavier construction equipment to remove or blasting. Rock excavation can be a costly undertaking for some developers and options for raising the grades in this area would need to be considered.

Per the SW 124th Ave Extension plans, the intersection of SW Grahams Ferry Road and Tonquin Road will be raised approximately 9 feet from existing grade. To match existing grade on the east side of the roadway (along the project site frontage) a cut/fill slope will extend approximately 20 feet into the site. Per Washington County, the slope easement is a permanent easement. However, if the project development raises grade to match the roadway grade in this area, then the easement can be removed and this land is available for development. The slope easement is shown on the concept site plans for reference.

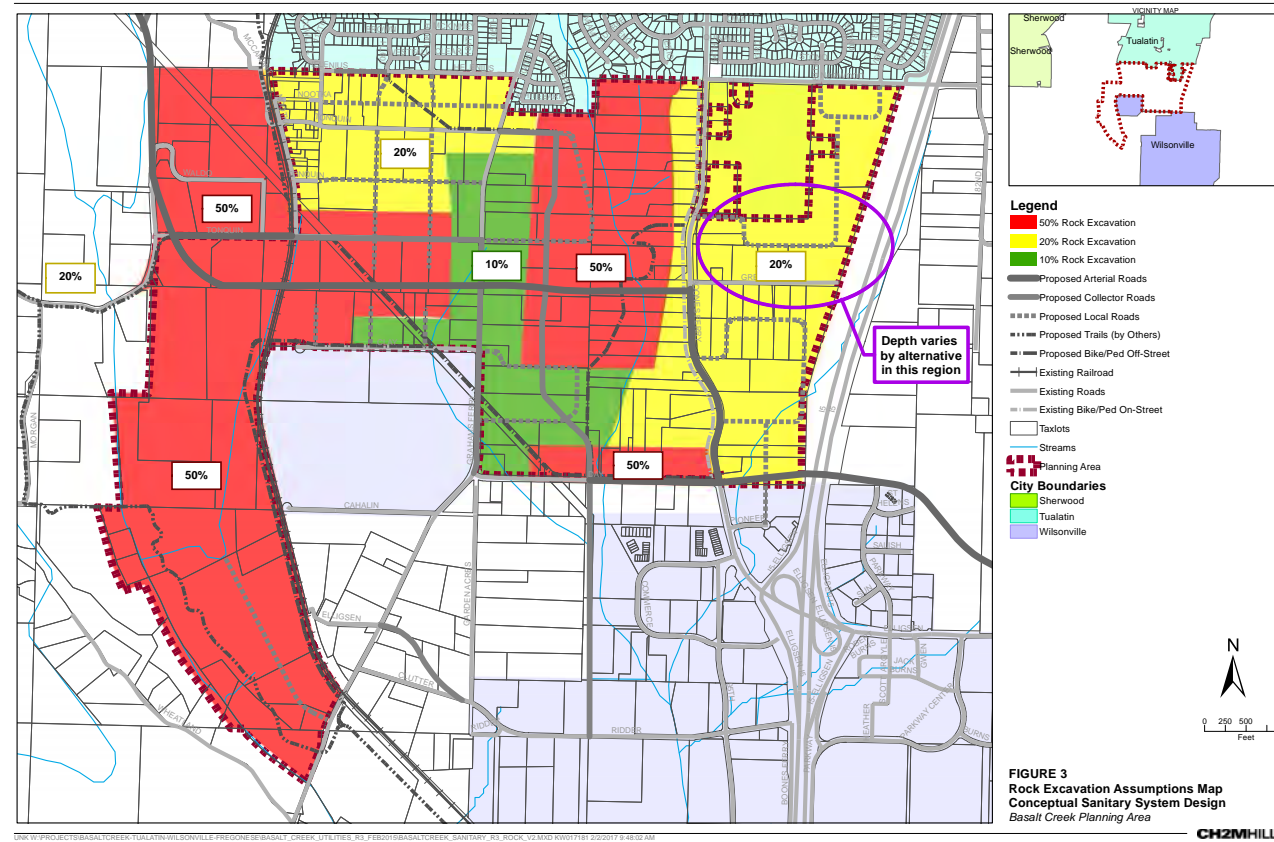


Figure 9 - Rock Map by CH2M

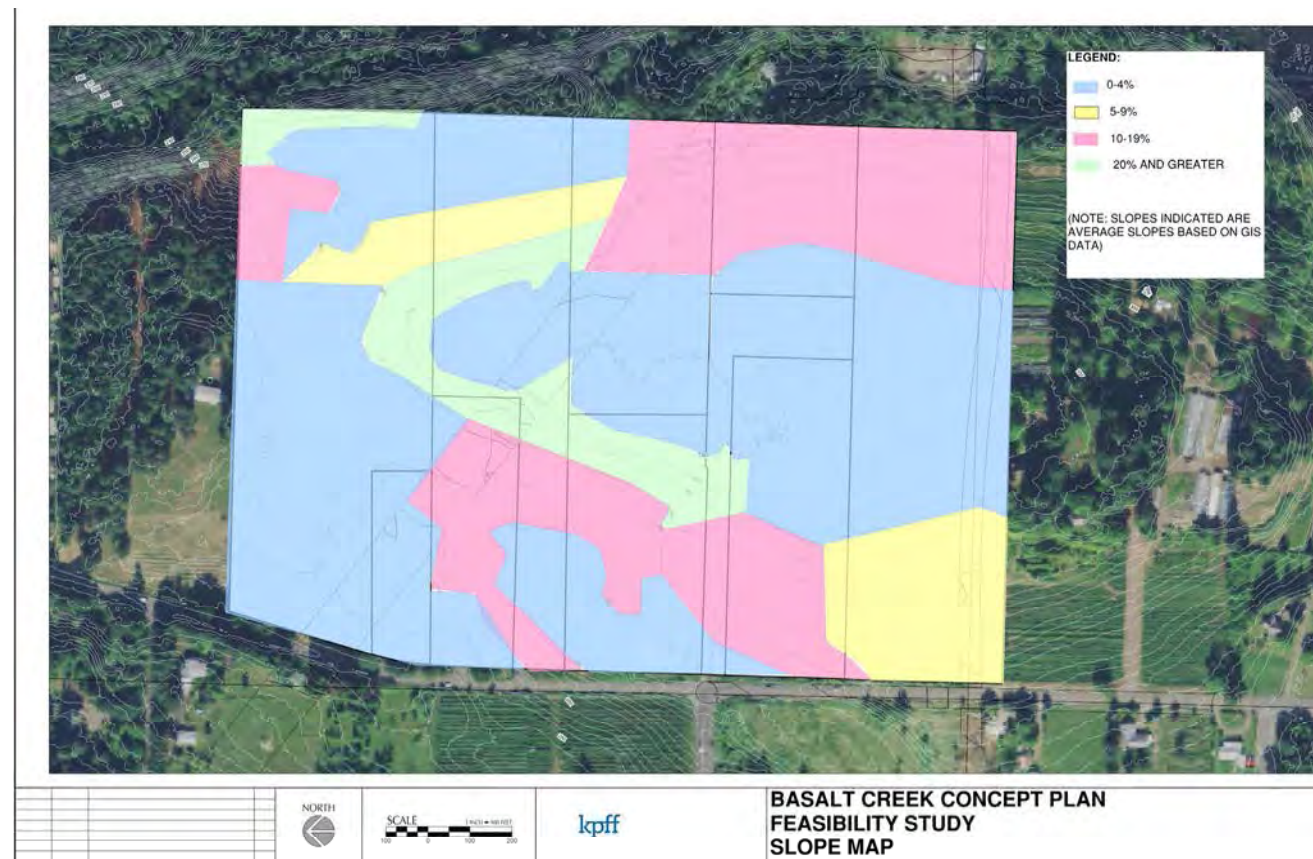


Figure 10 - Slope Map

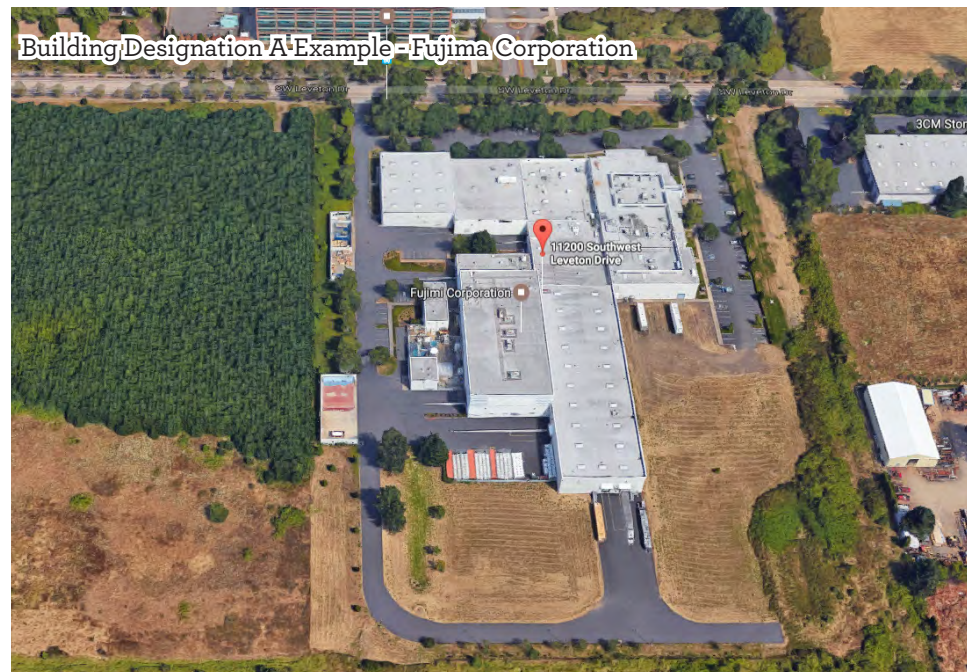


Schemes

Building Prototypes

The building sizes and footprints shown in the concept plans are based on the following building prototypes. These prototypes were chosen based on their location in the local area (so they are representative of local facilities), variation in footprint size, and to provide a variety of building uses. The table to the right corresponds to the letters on the concept plans and in the renderings:

Building Designation	Building Type	General Description	Approx GSF	Similar facility type
A	Office and industrial mixed use	This is the largest of the building footprints and is a combination of office space in the front and manufacturing/industrial in the back.	215,800	Fujimi Corporation
B	Office	Office building (assumed to be 3 stories for the parking count)	120,000	Leveton Drive office building component shown in image for E1-E4 below
C	Office	Office building with a split bar so can accommodate grade changes (assumed to be 3 stories)	120,000	Providence Bridgeport
C1	Office	Office building with a split bar to accommodate grade changes. This is a slightly smaller footprint than C (200' x 100' vs 200' x 200') to fit the smaller lots (assumed to be 3 stories)	80,000	
D	Manufacturing/Industrial	This building is more of a manufacturing/industrial facility with limited office space and more loading bays and exterior storage.	90,000	Hesler Industries
E1-E4	Craft Industrial	Buildings E1-E4 are craft industrial type of facilities with limited office space and more workshop type of facilities over large manufacturing. These have vehicle access around the site and some storage area but do not require as much yard space as building D.	Varies 10,800 – 82,500	Industrial Park on Leveton Drive



Scheme A

Scheme A – maintains all of the open area in the northern portion of the site and development is primarily on the southern portion of the site (below the PGE easement)



REVISION	DATE	DESCRIPTION	BY



BASALT CREEK CONCEPT PLAN FEASIBILITY STUDY SCHEME A - SITE PLAN

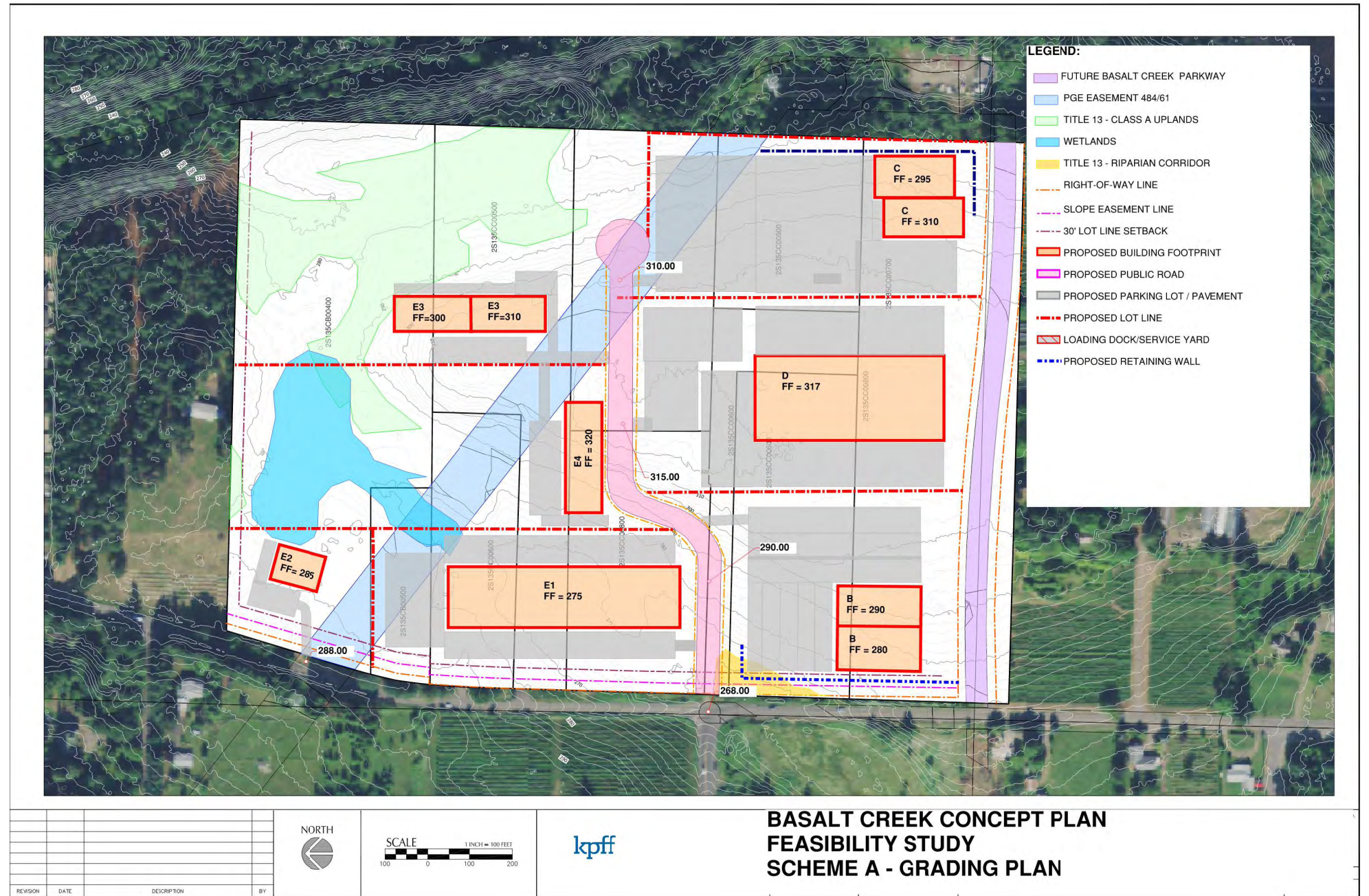
LAYOUT

Scheme A is developed to preserve as much of the open space as feasible on the north side of the site including the upland habitat and wetlands. The development is primarily focused south of the PGE easement and includes building prototypes C, D, B, and E. Building C is located on the northwest corner of the site so it is the face of the development when someone is traveling west on future Basalt Creek Parkway. From here, the site begins to accommodate more of the industrial use by locating building D on the flatter portion of the site near the future Basalt Creek Parkway and buildings E1-E4 to the west near the environmental regions and PGE power lines. The lots for buildings E3 and E4 are large to include the open space areas. At the corner of Grahams Ferry Road and future Basalt Creek Parkway, Building B is located to anchor this corner and provide office space and a visual marker. Access to the facilities is via a single public road connection at Tonquin Road. This public road is assumed to be similar to the Washington County industrial/commercial roadway section described previously. The parking lot sizes indicated are based on the assumed parking counts previously indicated for the gross square footage of development. Parking lots and loading areas can be screened in this layout with trees planted along Basalt Creek Parkway, Grahams Ferry Road and along the public roadway within the site. A secondary access point will be required off of Grahams Ferry Road for the E2 building in the northwest corner of the site. Parking for Scheme A is located close to the buildings and there is some parking in the PGE easement, but of all the schemes this has the least amount of parking in the easement.

For Scheme A the total built area is 480,000 sf, the total parking count is 1,230 stalls, and the potential open space is 14 acres.

GRADING

The finished floors indicated represent potential finished floors for the buildings taking into account existing grade and the roadway grading being completed for Grahams Ferry Road at Tonquin Road. Building B in the southwest corner will be a split building to accommodate the slopes in this region. Retaining walls will be required on the west side of this building to meet the roadway grades and the building will be sitting higher than the adjacent roadway. Buildings E1-E4 are set close to existing grade to minimize the earthwork for these structures and to maintain the existing grade at the open space areas. E3 has a split elevation in the east/west direction to accommodate the grade change north of the PGE easement where the site currently slopes down to the upland habitat area. Building D is located near the plateau area on the south side of the site where the grades are relatively flat. This allows for level areas around the building for storage yard and loading bays. Building C in the southeast corner of the site is designed to accommodate the grade change here as the site begins to slope into Basalt Creek. The existing grade change in this area is 40 feet. The design concept shows a 15-foot grade change between the two building bays which would allow access at two different floors. Changes to grade in the parking lot will need to be accommodated by retaining walls in this option. A retaining wall will be required along the eastern property line near building C. Of the three options, Option A works the best with existing grade since improvements north of the PGE easement and east near the creek are limited.



Scheme A Grading

Scheme A

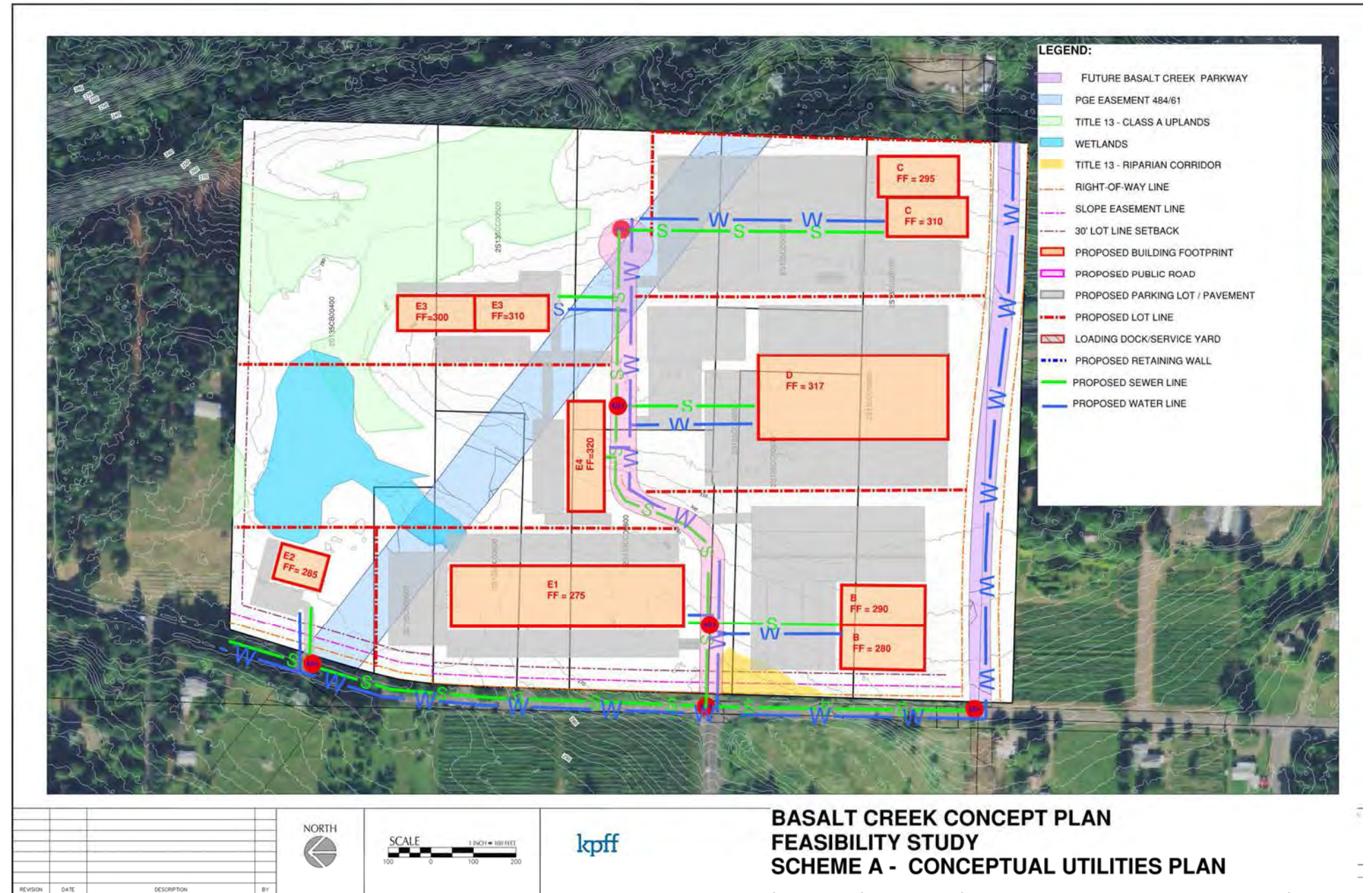


UTILITIES

Utilities for Option A will include sewer and water service to the buildings from Grahams Ferry Road and via the public roadway within the site. There is no regional storm drainage concept in this scheme and the intent is for storm drainage to be accommodated on each lot through the use of subsurface or low impact development options. Buildings E1-E4 are either adjacent to or include the open space in their lots which provides the opportunity to incorporate the drainage systems with these areas and to gravity drain down to the open space. The building grades within the site are raised from the roadway grades in Grahams Ferry Road in Scheme A, with the intent to gravity drain the sewer from the site to the public lines. Drainage for the other buildings (B, D, and C) will also be able to gravity drain to Grahams Ferry Road.

ENVIRONMENTAL IMPACTS

Scheme A of the three schemes preserves the most amount of open space and has the least impact on the existing natural resources. This option preserves both the wetland and upland habitat area on the north side. The Title 13 riparian corridor along Grahams Ferry Road is impacted under all 3 schemes and this can be mitigated similar to what the County did for work on 124th as described above. Based on the condition of the wetland onsite, there is a potential to enhance this area to act as a transition from the development to the residential uses to the north.



Scheme A

Utilities

Scheme B

Scheme B – maintains some open space in the northwest corner of the site but develops more of the site than Scheme A



- LEGEND:**
- FUTURE BASALT CREEK PARKWAY
 - PGE EASEMENT 484/61
 - TITLE 13 - CLASS A UPLANDS
 - WETLANDS
 - TITLE 13 - RIPARIAN CORRIDOR
 - RIGHT-OF-WAY LINE
 - SLOPE EASEMENT LINE
 - 30' LOT LINE SETBACK
 - PROPOSED BUILDING FOOTPRINT
 - PROPOSED PUBLIC ROAD
 - PROPOSED PARKING LOT/PAVEMENT
 - PROPOSED LOT LINE
 - PROPOSED STORMWATER POND
 - LOADING DOCK/SERVICE YARD

AREAS:

Building area = 594,800 sf

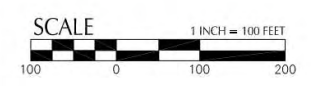
Parking Stalls Provided = 1,753 stalls

Parking Stalls Required by Code = 1,888 stalls

Potential open space = Approx. 6.3 ac

Stormwater Ponds = 1.6 ac

DATE	DESCRIPTION	BY



BASALT CREEK CONCEPT PLAN FEASIBILITY STUDY SCHEME B - SITE PLAN

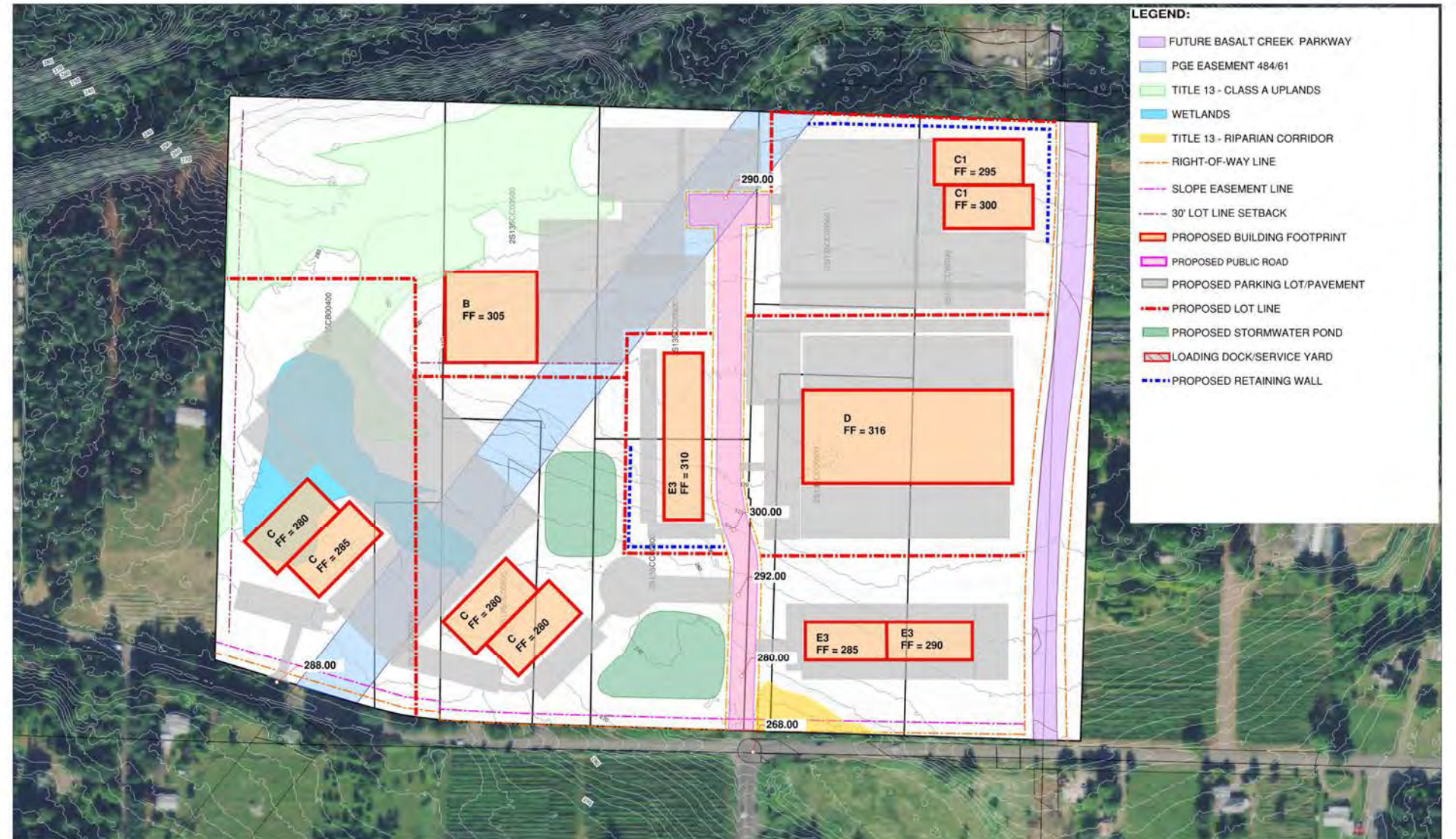
LAYOUT

Scheme B is the moderate scheme between Schemes A and C. It utilizes more of the open space for development than Scheme A but it also maintains some open space unlike Scheme C. Scheme B has a combination of office and manufacturing/warehouse space and has the largest number of office-only buildings (prototypes B and C) of all three schemes. In Scheme B, buildings E and D are located along the future Basalt Creek Parkway in the southern portion of the site. Building D is located on the flatter portion of the site, similar to Scheme A. Building E3 is located in the southwest corner of the site and both parking and vehicle access are provided around all sides of this building. Building C1 is located in the southeast corner as in Scheme A to anchor this location and to provide a visual presence for the site as drivers travel west on the future Basalt Creek Parkway. The C1 footprint was used here to reduce the parking area and to allow Building D to be located on the flatter portion of the site. The public roadway heading east from Tonquin Road intersects the site internally both north and south. To the north of this road is a smaller craft industrial building (E3) and then closer to the open space are office Buildings B and C. Building B is adjacent to the upland habitat area and the open space can be incorporated into the building layout and design. The two type-C buildings located on the northwest portion of the site will have a shared parking lot. Access to these buildings is from Grahams Ferry Road and the internal public roadway. Scheme B utilizes the PGE easement for parking more than Scheme A. Scheme B is also the only scheme that looks to incorporate regional stormwater systems into the layout. These ponds are shown near the main entrance to the site.

For Scheme B the total built area is 594,800 sf, the total parking count is 1,753 stalls, and the potential open space is 6.3 acres.

GRADING

The finished floors indicated represent potential finished floors for the buildings, taking into account existing grade and the roadway grading being completed for Grahams Ferry Road at Tonquin Road. Building E3 in the SW corner of the site will be split in elevation to accommodate the existing grade here. Retaining walls will be required along the eastern and southern side of these lots to match the roadway grades. Since building E3 will be filling in the slope easement, this easement can be removed providing more developable area between the building and Grahams Ferry Road. Buildings D and C1 are located in similar locations in Scheme A and B. Building D is located near the plateau area on the south side of the site where the grades are relatively flat. This allows for level areas around the building for storage yard and loading bays. Building C1 in the southeast corner of the site is designed to accommodate the grade change here as the site begins to slope into Basalt Creek. The grade change in building C1 is shown as 5 feet and a retaining wall will be required along the eastern property line. Retaining walls will be required in the parking lot for C1 and the adjacent building B to accommodate the slope in this area. Building B is located at the top of the slope near the upland habitat and will require some cut in this area to create a level building pad. Buildings C near the western portion of the site steps down with grade which has 5- to 10-foot grade variations between the levels. This is to accommodate the existing slope in this area. Access is also provided from Grahams Ferry Road to these building which impacts the finished floor elevations.



Scheme B Grading

Scheme B

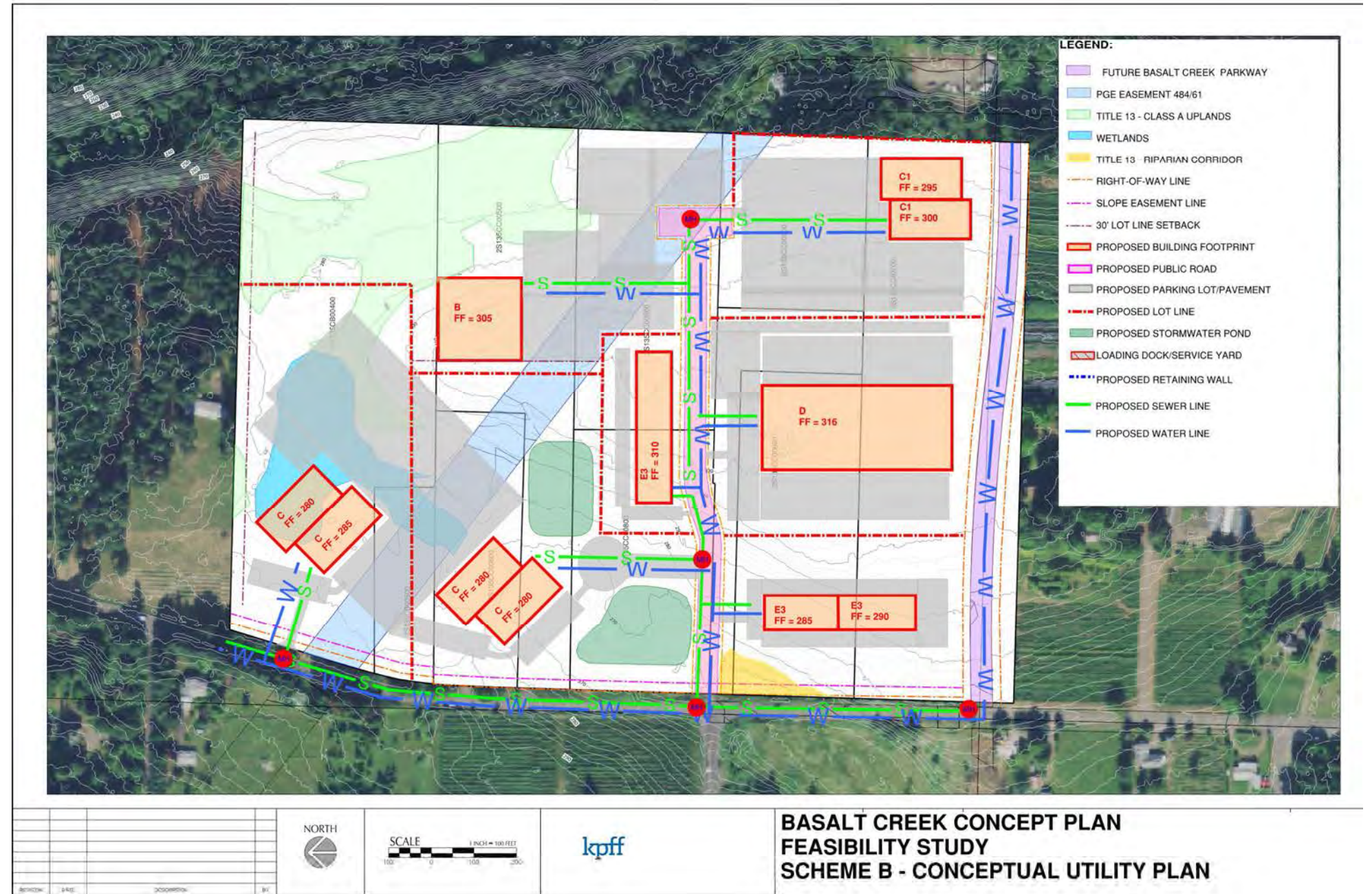


UTILITIES

Utilities for Scheme B will include sewer and water service to the buildings via the public roadway within the site and Grahams Ferry Road. There are two regional storm drainage ponds shown in this concept that provide approximately 1.6 acres for water quality treatment and detention. To accommodate the full build out of development, this will not provide enough volume and storm drainage will also need to be accommodated on each lot through the use of subsurface or low impact development options. Buildings B and C are either adjacent to or include the open space in their lots which provides the opportunity to incorporate the drainage systems with these areas. The building grades within the site are raised from the roadway grades in Grahams Ferry Road, with the intent to gravity drain the sewer and drainage from the site to the public lines.

ENVIRONMENTAL IMPACTS

Scheme B is the middle ground option for natural resource protection. The upland habitat area in the northeast corner of the site is maintained in this option but the wetland north of the PGE easement is utilized for development. The condition of this wetland will need to be evaluated as the region is developed but visual observations during the site walk of the area indicated this wetland may not be in "good" condition and could be mitigated elsewhere. By utilizing the wetland area it allows the northwest portion of the site to be developed more than in Scheme A providing more building square footage and employment opportunities.



Scheme B

Utilities

Scheme C

Scheme C – fully develops the site to the maximum extent feasible and has the least amount of open space



VISION	DATE	DESCRIPTION	BY



BASALT CREEK CONCEPT PLAN FEASIBILITY STUDY SCHEME C - SITE PLAN

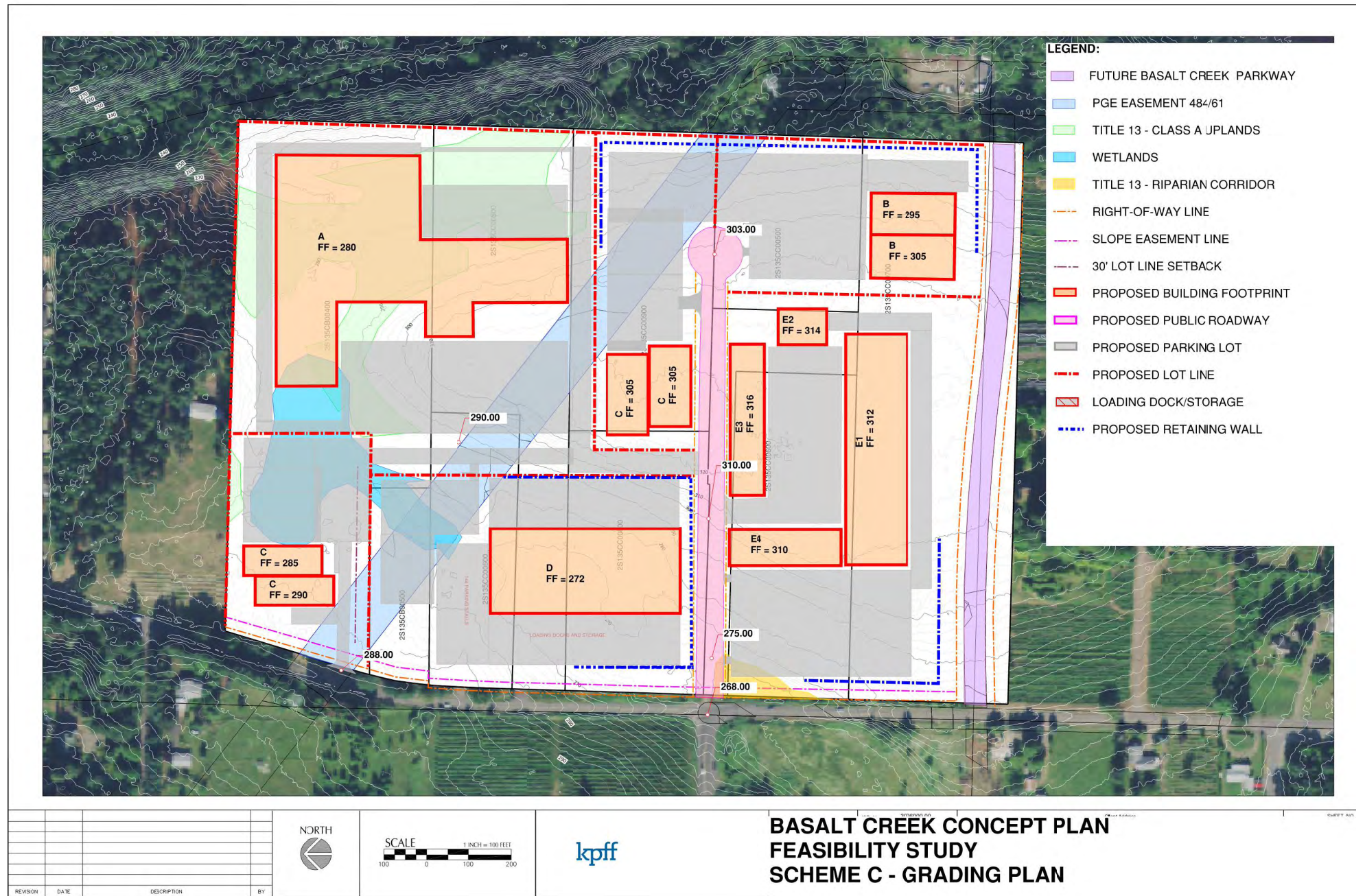
LAYOUT

Scheme C utilizes the most amount of area on the site for development and preserves the least amount of open space of the three schemes. In Scheme C, buildings E1 – E4 are located along the southern portion of the site and have a combined courtyard area to allow for storage, utility yards and other uses that can be screened from the public. Parking for these buildings is combined and located in a lot at the southwest corner of the site. In the southeast corner of the site is Building B. Building B is located further away from the Basalt Creek steep slope in this scheme so it can be closer to the flatter portion of the site. This building still requires a step in the finished floor elevations but there is more room to grade out from the building to the east, which helps to reduce the retaining wall height here. A public roadway is located east of Tonquin Road and provides the north/south split within the site that is common between all three schemes. On the north side is Building C which is accessible from the site public roadway. Building C shares a combined parking lot with Building B. North of the new public roadway is Building D. A second building C is located in the northwest corner of the site, similar to Scheme B. Scheme C is the only one to utilize the Building A footprint since this is the largest of all the building prototypes and requires infilling the natural resource area to accommodate the building. Parking and roadways are located within the PGE easement in Scheme C and this scheme utilizes the PGE easement the most. In Scheme C there is no anchor building at the southeast corner of the site to provide the visual connection from Grahams Ferry Road since this area is utilized for parking.

For Scheme C the total built area is 781,350 sf, the total parking count is 1,542 stalls, and the potential open space is negligible. The parking stalls provided is less than the required count by code since the parking lots are shared in Scheme C for Buildings B and C. There is not enough room on the site to meet the parking count for each building individually.

GRADING

The finished floors indicated represent potential finished floors for the buildings taking into account existing grade and the roadway grading being completed for Grahams Ferry Road at Tonquin Road. For Scheme C, buildings E1-E4 are located on the flatter portion of the site near the future Basalt Creek Parkway and the parking lot in the southwest portion of the site will need to be tiered to accommodate the 35 feet in grade difference between the roadway and buildings. Building B is stepped in the southeast corner similar to buildings C in Schemes A and B to accommodate the grade change here. The combined parking lot for buildings B and C will be located on the slope heading down to the upland habitat area and will require retaining walls to accommodate the grade change. Building C has a constant finished floor in Scheme C and the grades slopes north from Building C to Building A. Building A is located in the lower portion of the site and is at the elevation of the upland habitat area. This allows the building to create level areas on the east and north side for storage and vehicle access. From Building A, the site slopes back up to the west to set the finished floors for buildings D and C. Building D is located on the flatter area near Tonquin Road and Building C is stepped to accommodate the grades to the north. Scheme C will require internal retaining walls to accommodate the grade changes within the site since this scheme has the most amount of impervious area and the least amount of open space to accommodate grade changes in undeveloped areas.



Scheme C Grading

Scheme C

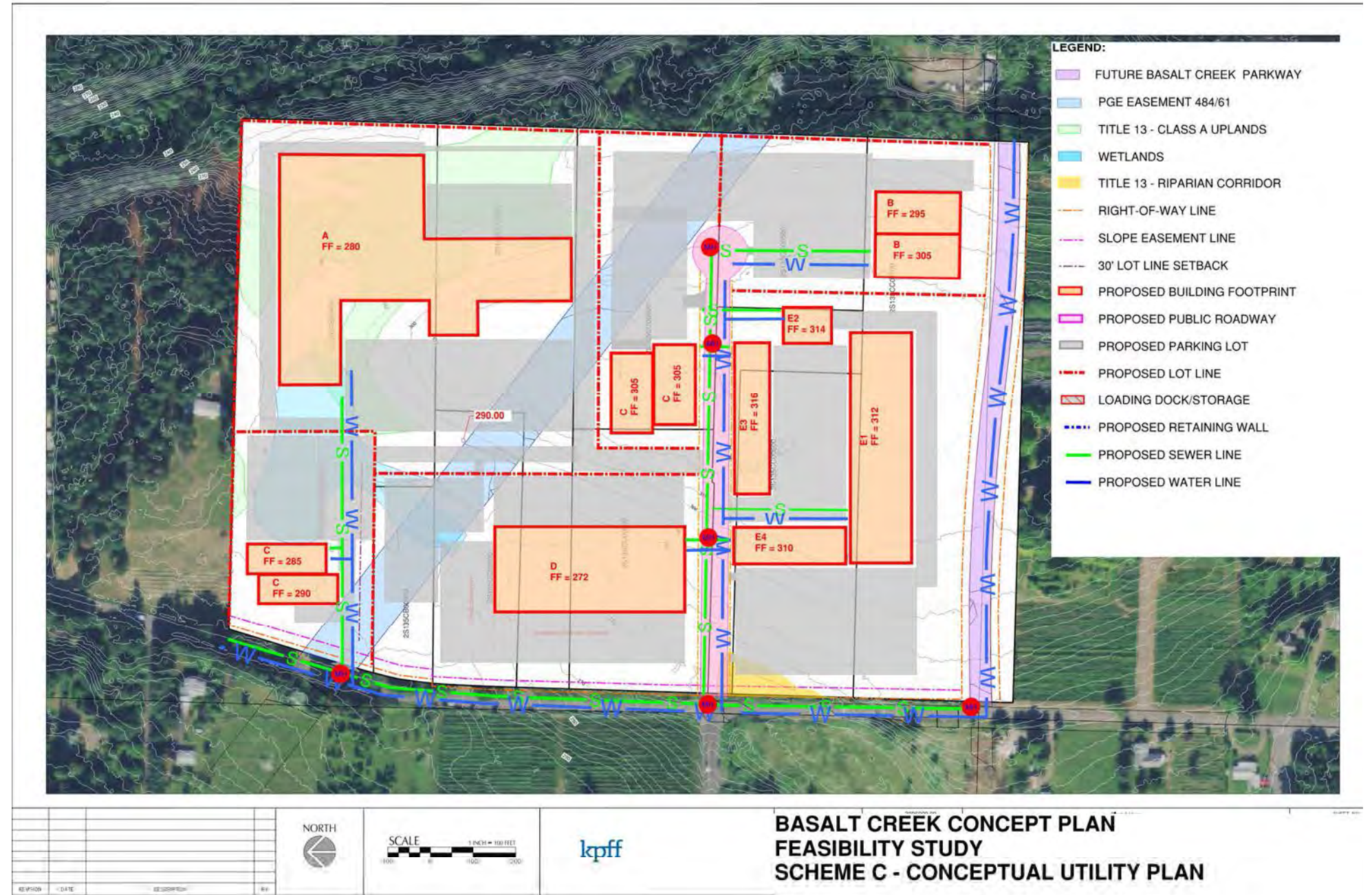


UTILITIES

Utilities for Scheme C will include sewer and water service to the buildings from the public roadway within the site and Grahams Ferry Road. This scheme does not show any regional stormwater systems and storm drainage will need to be accommodated on each lot through the use of subsurface or low impact development options. The building grades within the site are raised from the roadway grades in Grahams Ferry Road, with the intent to gravity drain the sewer and drainage from the site to the public lines.

ENVIRONMENTAL IMPACTS

Scheme C has the most impact to the environmental resources on site and preserves none of the upland habitat or wetlands. These areas will need to be mitigated either through mitigation banks or improvements off site.



Scheme C

Utilities



Building Renderings

Building renderings provided are representative conceptual images of what Buildings B, C, and D could look like

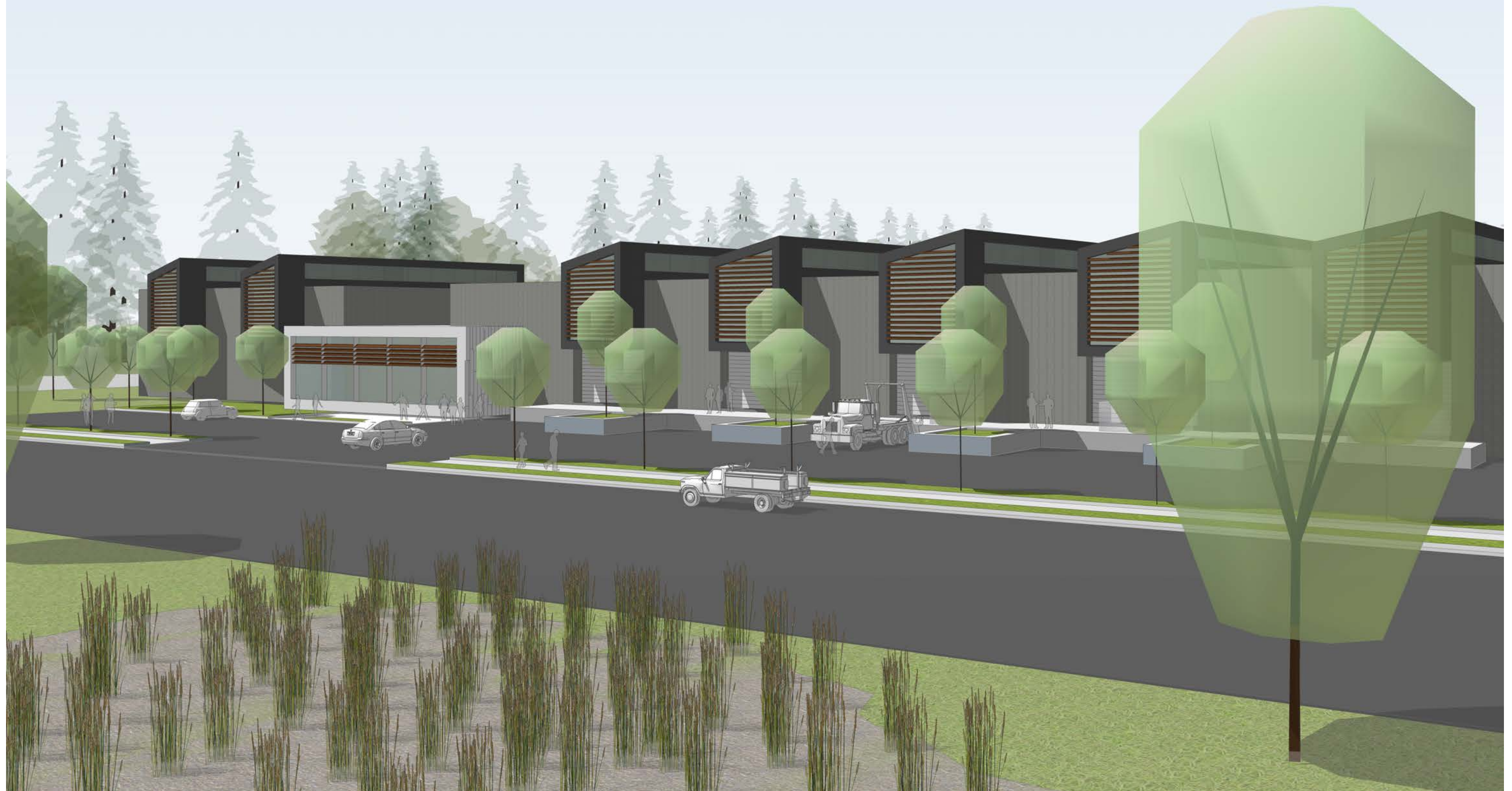
Building B



Building C



Building D



Summary

SCHEMES

Each scheme presented provides unique design opportunities for the region that capitalize on the goal of increasing employment opportunities. The three schemes take different approaches on how to develop the site and provide test fits for design concepts. The existing grades on the site pose a challenge for development but the concept grading schemes show the grade changes can be accommodated through the use of stepped finished floors and retaining walls. Grades within the parking lots for some of the schemes may be challenging and require the use of walls and terraced parking to accommodate the slope. The material for the retaining walls can be chosen to be aesthetically pleasing and the walls may be terraced to break up the grade and allow for planting in this area. Consideration should also be given in some of these locations to structured parking which can accommodate grade changes better than surface parking can. The table below is a side by side comparison of the three options to show their similarities and differences. “1” indicates that the scheme is closest to meeting the objective and “3” is that is least of all schemes to meet the objective.

Objective	Scheme A	Scheme B	Scheme C
Provides the most building square footage	3	2	1
Provides the most number of parking stalls	2	1	3
Meets or exceeds the code parking count based on the assumptions outlined in this study	2	1	3
Provides the most potential for open space	1	2	3
Transition to residential area to the north	1	2	3





July 20, 2017

Mr. Herb Koss
Sherwood Grahams Ferry LLC
22400 Salamo Road, Suite 106
West Linn, Oregon 97068

RE: BASALT CREEK CENTRAL AREA – EMPLOYMENT VERSES RESIDENTIAL DEVELOPMENT

Dear Mr. Koss:

In response to your request we have prepared a summary on the differences between development of employment type uses versus residential uses on the central area of Basalt Creek Concept Plans. When we evaluate property for development we look at zoning, transportation/access, utility service availability, topography, environmental constraints, soil conditions and adjacent uses.

The Basalt Creek Central Area faces development constraints that impact any development regardless of use (employment versus residential). These development constraints are:

- Limited access (only from Grahams Ferry Road).
- Wetlands
- Powerline easement that bisects the area
- Significant slope and topography to access the southerly portion.
- Shallow hard rock soil conditions.

The most significant differences between employment development and residential is how they can respond to these constraints. Residential development typically has smaller building footprints and can accept steeper grades for access. In addition attached residential buildings can have split floor elevations and parking underneath, both of which allow this type of building to be more responsive to the topographic and access issues.

Conversely, employment development has larger building footprints, must have flatter access grades for trucks, wider maneuvering areas for turning movements and parking. It is also undesirable to split building floor elevations as that can limit the use or size of tenant. **This flatter and wider footprint requires more grading and retaining walls on property like this than any competitive property without these constraints. Add rock excavation at six to ten times the normal cost of grading to the excessive amount of grading required, and this property may not be economically feasible to develop.**

Mr. Herb Koss

BASALT CREEK CENTRAL AREA

Page 2 of 2

Two residential projects we have been involved in are examples of how residential development can be more responsive to site constraints. Forest Rim apartments on Nyberg Road in Tualatin had wetlands and large rock outcrop in the middle of the site. The access roads and buildings were able to be wrapped around these features that turned them into amenities rather than limitations. A condominium project in Happy Valley, Greystone at Altamont was able to be wrapped around the top of the knoll with parking underneath both the upper and lower side of the units.

Most of the competitive employment land along the I-5 corridor in Tigard and Wilsonville or western Tualatin is relatively flat and/or does not require the rock excavation for development. We prepared rough cost estimates for the grading and retaining walls this property based on the KPFF Option B plan for basic site prep. These costs are in addition to the paving and utility costs that will also be needed for this site. The rough grading and retaining wall costs are:

Grading	350,000 Cubic Yards	\$10,500,000.00 (assumes significant rock excavation)
Retaining Walls	2,400 Lineal Feet	\$ 1,200,000.00

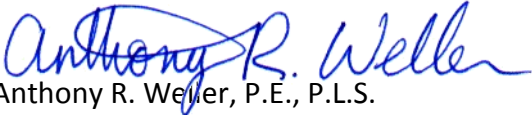
It is important not to overlook the other constraint that impacts this area, Access. The lack of access to the southerly and upper portion of the area increases the amount of grading and rock excavation required to develop the property. If Basalt Creek Parkway had been a local street that would provide at grade access to the upper portion of the area, employment uses could be feasible. Similar to variance criteria, this is not a self-imposed hardship but one that is unique to this portion of the planning area.

Another consideration is how this area relates to the adjacent uses (both existing and future). There is existing single family detached housing to the north. There is also underdeveloped property east of the planning area as well as the creek itself along the northeasterly portion of the area.

The City of Tualatin is proposing additional single family detached adjacent the existing single family housing to the north. Higher density residential provides an excellent transition between lower density residential, commercial and/or industrial uses. Basalt Creek Parkway with its deep cut and wide right of way provides additional transition area to the south.

Per your request, I will be present at the 7/24 work session and will be happy to answer any questions at that time.

Sincerely,


Anthony R. Weller, P.E., P.L.S.
President



May 18, 2017

Mr. Herb Koss
Sherwood Grahams Ferry LLC
22400 Salamo Road, Suite 106
West Linn, Oregon 97068

RE: BASALT CREEK CENTRAL AREA – KPFF CONCEPT PLAN

Dear Mr. Koss:

In response to your request we have reviewed the Basalt Creek Concept Plans prepared by KPFF with regards to the approximately 50 acres north and east of the intersection of Grahams Ferry road and Basalt Creek Parkway.

The KPFF study outlines three potential development schemes that share similarities between each scheme. Each scheme includes a single access point on Grahams Ferry Road at Tonquin Loop and no secondary or emergency access provided. The study also provides concept finish floor elevations and access road grades for each scheme. The summary shows either Scheme A or B as the higher rated concepts. We chose Scheme B to evaluate as the most highly ranked scheme.

Using the proposed grading plan for Scheme B, we calculated rough grading quantities and costs. Our estimate shows estimated grading totaling about 350,000 cubic yards. We also looked at the existing grades around the proposed parking and building areas for the potential need of retaining walls. The grading plan for this scheme showed some retaining walls but we believe additional walls would be required along the parking areas adjacent to the easterly property line and the downhill sides of Building B and Building D. We estimated the need for approximately 2400 lineal feet of retaining walls for these walls and the ones shown on the plan. We also believe additional smaller walls will likely be required for this plan as it is further developed. We did not provide any allowance for the smaller walls.

Our experience in this area on the site to the north, leads us to expect a significant amount of rock that is very near the surface. The proposed grading plan also includes significant depths of cut and fill. The fill in the south east corner of the site would be about 20-feet and cuts on the site that could be over 10-feet. Rock excavation is not very efficient and therefore more costly. Also to use the excavated rock materials as fill, will require additional processing or it may need to be supplemented with imported materials to accomplish the grading as proposed.

Mr. Herb Koss

BASALT CREEK CENTRAL AREA – KPFF CONCEPT PLAN

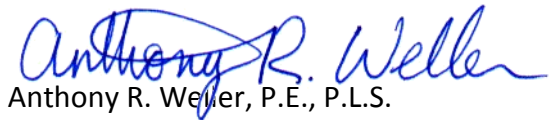
Page 2 of 2

For budgetary purposes, we would estimate \$30 per cubic yard for grading to reflect the rock excavation and potential imported fill needs for this site. This results in an estimated grading cost of \$10,500,000. At the anticipated wall heights, we have estimated \$1,200,000 for the retaining walls.

In summary, we feel the proposed grading plan is possible but it puts parking lot and access way slopes at the near maximums for industrial development. If you were to the reduce slopes to improve the usability, it would require even more excavation and the costs would be even higher.

If you have any questions in regards to our analysis, please don't hesitate to contact us.

Sincerely,

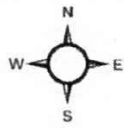


Anthony R. Weller, P.E., P.L.S.

President

\3273_CESNW_KPFF

Topographic Map: Central Subarea on Tualatin side of Basalt



RF 1:3,000

Tonquin Loop

Graham's Ferry Rd

Tonquin Rd

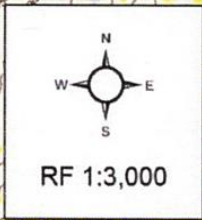


This map is derived from various digital database sources. While an attempt has been made to provide an accurate map of the City of Tualatin, OR, as to any errors or omissions in the information, this map is provided "as is". TUALGIS

USGS, NGA, NASA, USIA, N
Robinson, NCEAS, NLS, OS, NMA © data by Jensen and the GIS User Community

Source: ESRI 2016

Topographic Map: Central Subarea on Tualatin side of Basalt

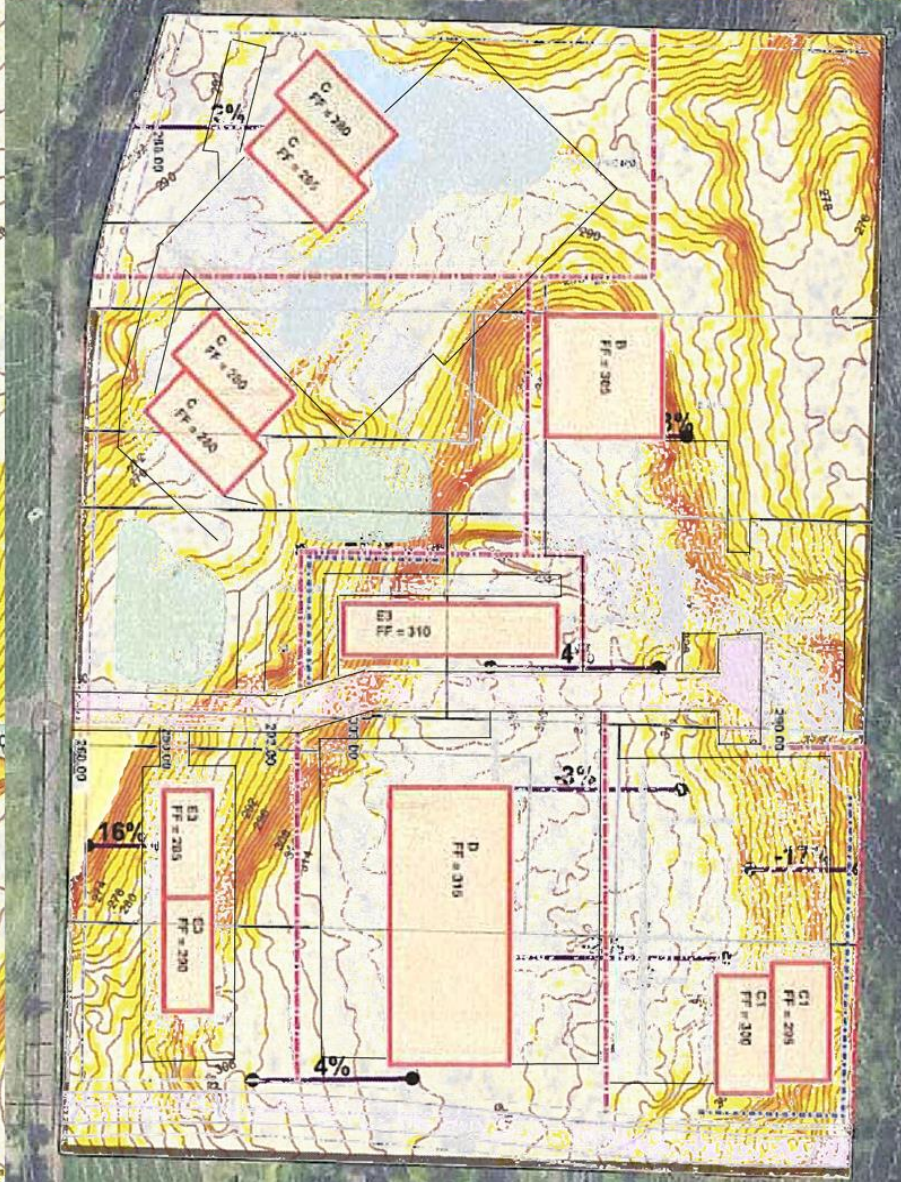


Tonquin Loop

2%

50%

4%



This map is derived from data provided by the Oregon Department of Transportation. The GIS User Community. No warranty is made by the Oregon Department of Transportation for any errors or omissions in the information. This map is provided "as is". TUALGIS

Robinson, NCEAS, NCS, US, NOAA geodatasystem and the GIS User Community.



ALIGNMENT OF STATE
 HIGHWAY 2110
 IN FIELD FROM TO
 CONSTRUCTION

TOP OF BANK

Edge @ 15

CROSSING REGULATORY LINE

LINE 2' FROM



SW

0+00

24 02	PROJECT NO. 01-456	DATE 11-92	REVISIONS	ADDED DRAINAGE OF TRUCK POND AND
	DESIGNED BY LBC	DRAWN BY LBC	SHOW GREENWAY REGULATION LINE	
			SHOW TREES TO BE SAVED AND DISCIPLINE PROTECTION	
			12-21-93	
GRADING & EROSION CONTROL PLAN				
CONSULTING ENGINEERING SERVICES, INC. 14780 S.W. OSPREY DRIVE, SUITE 300 BEAVERTON, OR 97007 (503) 848-6009				
			APARTMENTS AT FOREST RIM TUALATIN, OREGON TAX LOT 2100 OF MAP 251 24 B	



LAND USE DIAGRAM

1" = 300'

STAK
JULY '17





STAFF REPORT

CITY OF TUALATIN

City Council Work Session

Meeting Date: 07/24/2017

Subject: Council Rules

Through: Sherilyn Lombos, Administration

Draft Council Rules



CITY OF TUALATIN COUNCIL RULES

Adopted _____

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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 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 must 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.