



**OFFICIAL SPECIAL WORK SESSION MINUTES OF THE TUALATIN CITY
COUNCIL FOR MAY 23, 2011**

Present: Mayor Lou Ogden, Council President Chris Barhyte, Councilor Monique Beikman, Councilor Joelle Davis, Councilor Wade Brooksby, Councilor Frank Bubenik

Absent: Councilor Ed Truax

Staff Present: Sherilyn Lombos, Brenda Braden, Mike McKillip, Kent Barker, Dan Boss, Paul Hennon, Nancy McDonald, Don Hudson, Aquilla Hurd-Ravich, Eric Underwood, William Harper, Cindy Hahn, Carl Switzer, Ben Bryant, Maureen Smith, Sara Singer, Alice Rouyer

Attendees: Jan Giunta; Mike Riley; Ed Reed

A. CALL TO ORDER

Mayor Ogden called the special work session to order at 6:09 p.m.

B. AGENDA

1. Citizen Engagement Special Work Session Discussion

Mayor Ogden began the special work session by noting the Council has met a number of times for discussion on citizen engagement and the proposed Citizen Involvement Organization (CIO) program. At the special work session held in April, the Council's policy statements that were arrived at a work session in March, were reviewed. Also remaining is 14 questions Council arrived at from the March work session, and the need to be able to address the bylaws in some fashion. Other discussions have also been held since the special work session, and it was mentioned that members that were part of the citizen involvement process early on were invited to attend this work session. Review of the legal implications brought forward from City Attorney Brenda Braden's memorandum is also open for discussion. Mayor Ogden asked for any comments/input from the ad hoc committee members and of Council.

Council President Barhyte said he recently met with Ad Hoc Committee member Jan Giunta and discussed several issues, including the proposal he brought forward, and that his proposal is more related to "Code" language, not bylaws. He also said he is somewhat concerned how the process will end up and while he would like to see more citizen involvement, doesn't want a system created that is too convoluted.

A recap of the City Attorney's memorandum was suggested, including the three different scenarios presented. City Attorney Brenda Braden gave a detailed explanation of her legal analysis with respect to the proposed structure, bylaws, and amendments to the Tualatin Municipal Code. She explained the legal issues differ depending on the level of the City's involvement in the CIO Program. The analysis has been divided into three scenarios, each representing a different level of City involvement. Under Scenario 1, the intent would have the CIOs be independent entities, and free to organize, establish boundaries, bylaws, etc.,

operating as formally or informally as determined. Under this scenario the City would not add any provisions to the Municipal Code to create or recognize the CIO program or adopt bylaws. Under Scenario 2 the City could adopt code provisions setting a minimum criteria for CIOs, and for the groups to be recognized by the City as representing a particular neighborhood. She went on to explain what minimum criteria could be included in the bylaws. Under Scenario 3, Council would be adopting the CIO program into the Municipal Code and incorporating the bylaws "by reference." As currently drafted, there are legal issues with the proposed Development Code language, the proposed bylaws for the CIOs and the Citizen Involvement Coordinating Committee (CICC) and their interactions. City Attorney Braden explained the term "unlawful delegation of legislative authority" and the Council's delegation of authority.

It was asked by the ad hoc committee about having an ordinance instead of code language and was explained by City Attorney Braden that an ordinance is the "code." She also added after speaking with other cities, most have basically gone with Scenario 2. Also asked is about including funding, and City Attorney Braden explained Council can designate funds as grants, etc. Also asked and answered that a type of application process can be set up, to address any delegation of authority issues.

Ad hoc committee member Giunta took a moment to thank all the past committee members that have participated with their time and valuable input.

Council discussed the various scenarios and it was asked by Councilor Brooksby whether they were ready to decide on a particular one. Mayor Ogden said he was not ready to choose. Councilor Beikman said she supports Scenario 1, and has concerns with the proposed bylaws and had forwarded those concerns to the ad hoc committee. She believes there is way that fits Tualatin better, and remains uncertain whether the proposal as presented would work in Tualatin. Councilor Barhyte was in favor of Scenario 2, with the understanding of the powers and duties of the CIOs, and Councilor Davis agreed with Councilor Barhyte to a certain extent, and was not in favor of Scenario 1, as groups could form and not include all who want to be part of the association.

It was decided by Council to review the proposed bylaws section by section, including Council President Barhyte's "code" proposal, and invited ad hoc members at the table to further discuss. Review began of the proposed CIO bylaws. Consistency with the CIOs is important for Council, knowing how a particular CIO is representative of the entire CIO. It was mentioned that the Tualatin Planning Advisory Committee (TPAC) language could be changed to include Goal 1, and the discharge of the City's responsibility to Goal 1 rests with the City, not CIOs. Discussion followed.

The first section, PURPOSE, was reviewed and explained by the ad hoc committee that commercial and industrial boundaries are slightly different and noted the insertion of the overlay in both, other than that the language is the same. Commercial and industrial looks to represent the entire city, as commented by an audience member. Mayor Ogden suggested the logistics of the overlay can be discussed outside of this meeting.

MEMBERSHIP section was next discussed, and it was decided to expand the membership language and suggested to remove membership of voting age of 18, or to change to age 16. Asked and defined about the property owner section of the MEMBERSHIP. Next reviewed was MEMBER MEETINGS, and it was determined to include the annual meeting requirement of one a year. It was asked and explained by City Attorney Braden about public meetings/public records law and that to indicate that all meetings are open. It was mentioned by Council to not have the City get into inclusivity of the operations of how the

meetings are run. There would need to be a reference in the Code to have open meetings for all, but votes are of the membership. Discussion followed. Concern was expressed about "single-issue" groups and City Attorney Braden suggested "meetings shall not be closed" language to substitute. The Council and ad hoc committee members finished with review of the remainder of the bylaws.

Review of the Citizen Involvement Coordinating Committee (CICC) bylaws were next discussed and whether to include them as part of Code. The ad hoc committee said there is a need for discussion as Councilor Barhyte's definition and the ad hoc committee's definition of the CICC purpose are somewhat different. Discussion continued on the "funding" issue with regard to the CICC, and was explained by City Attorney Braden how the procedure would need to work, and that there would need to be some type of controls on the actual funds. Discussion followed, and it was mentioned by the ad hoc committee that the CICC should be part of the Code. Mayor Ogden said it is not clear to him of why the need to include the CICC in the Code. The Ad hoc committee said it needs to be in the Code to serve a fiduciary responsibility. City Manager Lombos explained the system the City has in place for outside agencies funding and how that process works.

Discussion continued on the reasoning of including the CICC in Code. Mention was made about combining the CIOs with the CICC. Council continued their discussion and it was suggested to include in the "draft" Code language and address it further at another meeting.

The ad hoc committee said the CIOs need to have some commitment from the City, and mentioned other cities all had something in their code addressing the City's responsibility and CIO's responsibility, and the ad hoc committee belief that there should be staffing and funding to be able to succeed. Discussion followed.

The special work session concluded of the review of the bylaws and proposed Code language.

C. EXECUTIVE SESSION

None.

D. COMMUNICATIONS FROM COUNCILORS

None.

E. ADJOURNMENT

The special work session concluded at 9:12 p.m.

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary