



MEMORANDUM

CITY OF TUALATIN

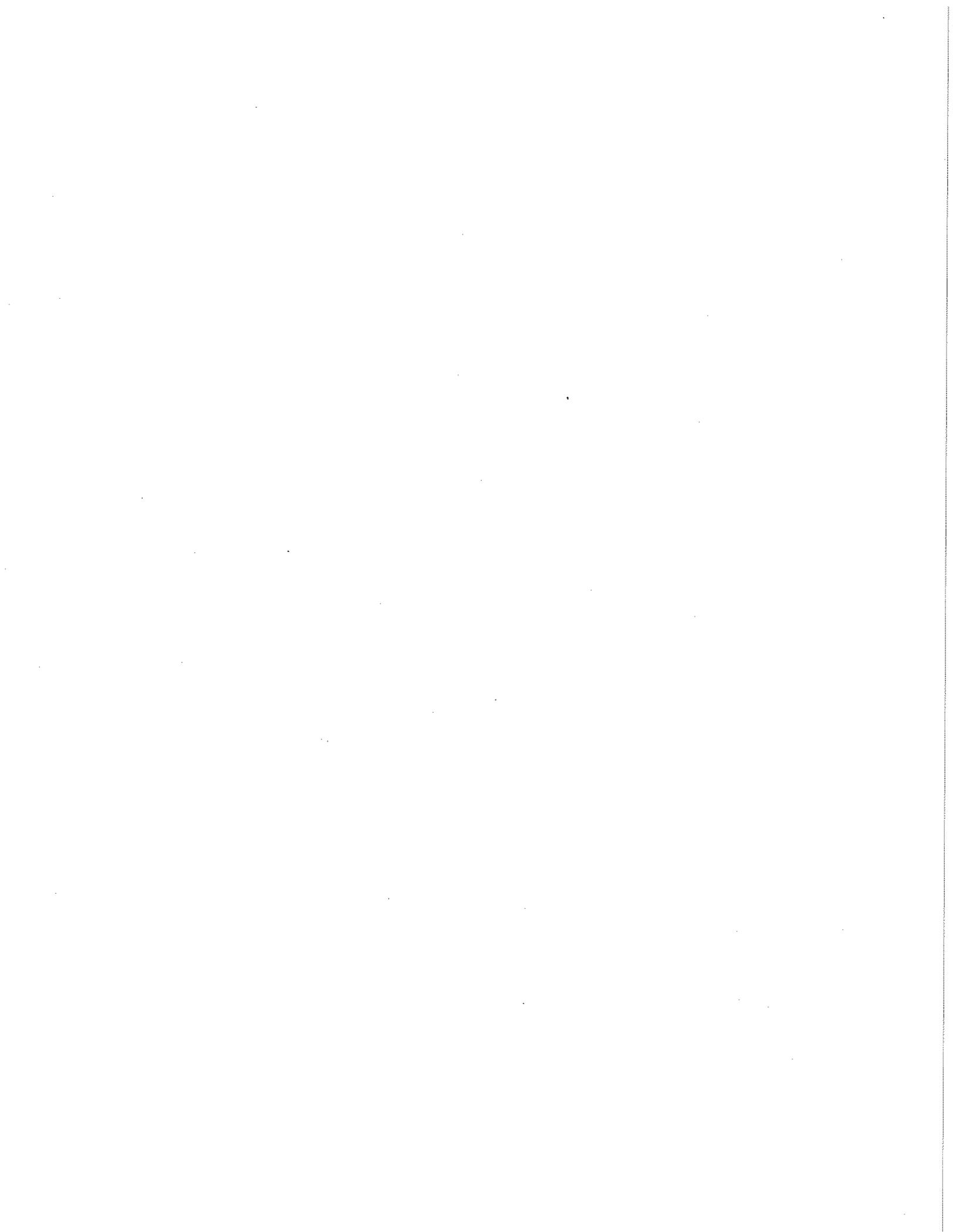
TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager

DATE: May 14, 2012

SUBJECT: Work Session for May 14, 2012

- 1) **5:30 p.m. (30 min) – Executive Session** : An Executive Session pursuant to ORS 192.660(2)(d) to discuss labor relations will be held.
- 2) **6:00 p.m. (20 min) – Predatory Towing Practices** At the April 9th Council work session Council requested that time be added to an upcoming meeting to discuss this issue. Attached is a brief memo from the City Attorney with some information.
- 3) **6:20 p.m. (30 min) – Pohl Center Management & Staffing** Recently, Loaves & Fishes and several Tualatin residents have suggested that the City consider assuming responsibility for managing and staffing the Pohl Center while continuing our long-standing partnership with Loaves & Fishes to provide the nutrition program. In this way, the City could better leverage its resources on developing recreation programs for older adults and people of all ages by managing the Pohl Center, Van Raden Community Center, and Lafky House as a multigenerational complex. Furthermore, Loaves & Fishes could focus its limited resources on the nutrition program which is its primary mission. The relationship between the City and Loaves & Fishes is strong and mutually supportive. The intention would be to continue the partnership with roles that are sustainable and that enable each organization to realize its goals. Attached is a memo from Paul Hennon with additional information for this discussion.
- 4) **6:40 p.m.(15 min) - Council Meeting Agenda Review, Communications & Roundtable.** This is an opportunity for the Council to review the May 14, 2012 agenda for Council meeting and take the opportunity to brief the rest of the Council on any issues of mutual interest.





MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Brenda Braden, City Attorney

DATE: 05/14/2012

SUBJECT: Predatory Towing Practices Occuring from Private Property in Tualatin

ISSUE BEFORE THE COUNCIL:

The Council will consider whether the City should prepare a predatory tow ordinance to address towing practices from private property.

EXECUTIVE SUMMARY:

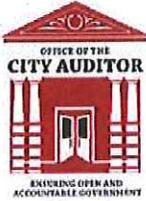
A few weeks ago the City received a complaint about a car being towed from the private parking lot at the CI Bar and Grill. The driver stated that the signs on the space where she parked read "customer parking only." However, because of the configuration of the parking lots in that area, it appeared to her that the parking was for the customers of all the restaurants, i.e., Mashita's, Celia's and the Country Inn. She left her car, went into Mashita's for about 10 minutes, only to find that her car had been towed in that short period of time. The tow company said that the tow was legal because the parking was for CI Bar and Grill customers only. To retrieve her car she had to pay about \$350. (Since the time of her complaint, the signs at the CI now indicate that the parking is for CI customers only.)

Although staff has not heard of many problems on other lots, there are a number of private lots around Tualatin's retail areas and apartment complexes where such an incident could possibly occur. The concern has been raised as to whether the City should adopt an ordinance that would regulate some of the practices of the tow companies.

Gresham and Portland have both done so. They require the tow companies to register with the City, notify the police before they tow a vehicle, establish storage lot hours and staffing requirements so that a vehicle is released in a timely manner upon receiving a request, and to accept credit cards and cash to release the vehicles. Gresham's ordinance has been in place for about a year. It allows persons to file a complaint and have their tows reviewed if they believe they were wrongfully towed. Gresham has 12 companies registered. They have received 5 complaints and have granted 2 refunds for wrongful tows in the first year.

It is unclear how many tow companies might wish to register under a Tualatin ordinance. It may be helpful to note that Washington County currently has 11 tow companies signed up for law enforcement-solicited tows.

Attachments: A - City of Portland Towing Ordinance



Auditor's Office

LaVonne Griffin-Valade, Auditor

Chapter 7.24 Towing and Pay and Park Facilities

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-Note

(New Chapter Added by Ordinance No. 176585, effective July 5, 2002.)

7.24.010 Towing of Vehicles from Private Property.

(Replaced by Ordinance No. 178109, effective December 17, 2003.)

A. Short Title. Sections 7.24.010 through 7.24.019 shall be known as the PPI (Private Property Impound) Code.

B. Purpose. The purpose of the PPI Code is to require that towing from private parking facilities be performed safely and at a reasonable price. Because towing from private parking facilities affects city residents and visitors, regulation is necessary to ensure that the public safety and convenience are protected.

C. Conformity to State Laws. The PPI Code shall be construed in conformity with the laws and regulations of the State of Oregon Motor Vehicle Code regarding towing from private property. The Director shall have authority to adopt administrative rules in accordance with the State of Oregon Motor Vehicle Code.

D. Savings Clause. If any provision of the PPI Code is found by a court of competent jurisdiction to be invalid, illegal or unenforceable, such holding shall not affect the validity, legality and enforceability of any other provision of the PPI Code.

7.24.011 Administrative Authority.

(Added by Ordinance No. 178109; amended by Ordinance No. 180129, effective May 10, 2006.)

A. The Director is authorized and directed to enforce all provisions of the PPI (Private Property Impound) Code. The Director shall have the power to investigate any and all complaints regarding alleged violations of the PPI Code. The Director may delegate any or all authority granted under this Section to the Towing Coordinator or any Revenue Bureau officer, employee or agent.

B. The Director is authorized to adopt and enforce administrative rules interpreting and applying the PPI Code. The Director or designee shall make written findings of fact and conclusions of law to support all decisions.

C. Prior to the adoption of a new administrative rule, the Director shall give notice to all interested parties of the terms of the proposed rule, and shall conduct a public hearing to consider public comment. Public notice shall be given when administrative rules have been adopted.

1. At the public hearing, the Director or designee shall hear oral and written testimony concerning the proposed rule. The Director shall have the power to establish and limit the matters to be considered at the hearing, to prescribe procedures for the conduct of the hearings, to hear evidence, and to preserve order.
2. The Director shall adopt, modify or reject the proposed rule after considering testimony received during the public hearing.
3. Unless otherwise stated, all rules shall be effective upon adoption by the Director. All rules adopted by

Title 7 Business Licenses

- [Chapter 7.02 Business License Law](#)
- [Chapter 7.03 Temporary Businesses](#)
- [Chapter 7.04 Administration](#)
- [Chapter 7.06 License Requirements & Applications](#)
- [Chapter 7.08 License Fees](#)
- [Chapter 7.10 Violations](#)
- [Chapter 7.12 Public Service Permits, Franchises and Regulations](#)
- [Chapter 7.14 Utility License Law](#)
- [Chapter 7.16 Charitable Solicitations](#)
- [Chapter 7.18 Liquor License](#)
- [Chapter 7.22 Street and Sidewalk Use Permits](#)
- Chapter 7.24 Towing and Pay and Park Facilities**
- [Chapter 7.26 Regulation of Payday Lending](#)

the Director shall be filed in the Revenue Bureau and the Office of the City Auditor in compliance with Section 1.07.030. Copies of all current rules shall be available to the public upon request.

4. Notwithstanding 7.24.011 C. 1. and 2., the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly may result in serious prejudice to the public interest or the interest of the affected parties. Such interim rules shall detail the specific reasons for such prejudice. Any interim rule adopted pursuant to this paragraph shall be effective for a period not to exceed 180 days.

D. Rates. The Director is authorized to establish a schedule of maximum rates permissible for all PPI tows from properties located within the city limits of Portland. The jurisdiction of this code section may be expanded by intergovernmental agreement with other agencies.

E. Inspection of Records. The City of Portland reserves the right to review and/or copy the records of any PPI tow for purposes of auditing or complaint resolution. Such records shall be made available for inspection during normal business hours within 24 hours of written notice by the Director.

7.24.012 Definitions.

(Added by Ordinance No. 178109; amended by Ordinance No. 180129, effective May 10, 2006.) For the purposes of the PPI (Private Property Impound) Code, and administrative rules adopted by the Director pursuant to the PPI Code, certain terms, phrases, words, abbreviations and their derivations shall be construed as specified in this Section. Words used in the singular include the plural and the plural the singular. Terms, phrases, words, abbreviations and their derivatives used, but not specifically defined in this Section, either shall have the meanings defined in the State of Oregon Motor Vehicle Code, or if not therein defined, shall have the meanings commonly accepted in the community.

A. "Director" means the Director of the Revenue Bureau.

B. "Dispatching facilities" means the PPI tower's facilities used for communication with Tow Desk and maintaining radio contact with tow vehicles.

C. "Oversized tow vehicle" means a tow truck equipped to perform towing of automobiles or other vehicles, and which has a maximum gross vehicle weight rating (GVWR) of over 10,000 pounds. Vehicles with maximum GVWR of at least 19,000 pounds are designated as "Class B." Vehicles with maximum GVWR of at least 44,000 pounds are designated as "Class C."

D. "Owners agent" means a person bearing documentation from the registered owner officially authorizing them to possess or operate the vehicle.

E. "PPI Police tow" means any PPI tow that, upon notification to the local police agency, is found to have been reported stolen, or for any other reason becomes a police tow as defined in the Contract for Vehicle Towing and Storage of the City of Portland, or requires a police release.

F. "PPI tower" means any towing firm duly registered and permitted to perform Private Property Impound tows within the City of Portland.

G. "Private parking facility" means any property used for motor vehicle parking at which the property owner or manager restricts or reserves parking. Private parking facility does not include:

1. Property used for governmental purposes by any agency or special district; or
2. Property used primarily for residences, including houses and apartment houses where there is designated parking for 10 or fewer vehicles.
3. Pay and park facilities and non-pay private parking facilities duly registered under Section 7.24.020.

H. "Private parking facility owner" means the owner, operator, lessee, manager or person in lawful possession of a private parking facility, or any designated agent of the private parking facility owner.

I. "Private Property Impound" (PPI) means the impoundment of a vehicle from a private parking facility at the request of the property owner, operator, lessee, manager or person in lawful possession of the private property facility, without the prior consent of the vehicle's registered owner.

J. "Release at Scene" (RAS) means the fee allowed to be charged when a vehicle owner/owner's agent returns before the PPI tower has departed in tow. Not applicable until the hookup is complete and tow truck is in motion.

K. "Storage facility" means a secure area, meeting all requirements of Administrative Rule LIC 9.01, used by PPI tower for storing towed vehicles.

L. "Storing" means holding a towed vehicle in an approved secure storage facility until it is redeemed by the registered owner/owner's agent or until a possessory lien is foreclosed.

M. "Tow Desk" means the private tow dispatching company contracted with the City of Portland for municipal tow dispatching and data management or any government agency serving this function.

N. "Towing" means to draw or pull along a vehicle by means of a tow truck or car carrier.

O. "Towing Coordinator" means the person designated by the Director to provide direct enforcement and administration of all provisions of this Section and applicable administrative rules.

P. "Towing firm" or "Tower" means any entity whose business includes the towing of motor vehicles from private parking facilities and the subsequent storage of such towed vehicles.

Q. "Tow vehicle" means a tow truck equipped as specified in Administrative Rule LIC 9.01 to perform towing of automobiles, motorcycles, or other motor vehicles, and which has a minimum Gross Vehicle Weight Rating (GVWR) of 10,000 lbs.

R. "Vehicle owner" means the person registered with the Department of Motor Vehicles as the owner of the vehicle.

7.24.013 Private Property Impound (PPI) Tower Registration.

(Added by Ordinance No. 178109; amended by Ordinance No. 180129, effective May 10, 2006.)

A. Initial registration. No PPI (Private Property Impound) tower shall tow or store vehicles towed from private parking facilities unless the PPI tower has registered with the Director and complied with all provisions of the PPI Code.

B. Applications. The PPI tower shall submit to the Director an application form containing all information specified in Administrative Rule LIC 9.01.

C. Reporting Changes. Changes in information contained in the PPI tower's application, including office and/or storage locations, insurance provider, employees or additional trucks shall be filed with the Director prior to implementation of such changes.

D. Inspection. The PPI tower's towing equipment, dispatching and storage facilities shall be inspected prior to issuance of a new PPI permit.

1. If an applicant is currently in good standing as a Tow Contractor under the City of Portland Contract for Vehicle Towing and Storage, and the storage facility and tow vehicles to be inspected are currently approved for use under the City Tow Contract, the qualifying PPI inspection may be waived by the Director.

E. Registration/expiration dates. PPI permits shall be valid for no more than one (1) year, and all such permits shall expire yearly on December 31st.

F. Renewal. Renewal notices shall be sent to all registered PPI towers not less than one month prior to the annual expiration date. A renewal form requesting any changes in the registered information shall be provided. Re-inspections shall not be required for renewal. Any permit not renewed within 30 days after the expiration date shall be invalid and a new application must be submitted and approved before PPI towing resumes.

G. Non-assignability. A registration issued or renewed pursuant to the provisions of this Section shall not be assignable or otherwise transferable.

H. Indemnification and Insurance. PPI towers subject to the PPI Code agree to hold harmless, defend and indemnify the City of Portland, and its officers, agents and employees for all claims, demands, actions and suits, including all attorney fees and costs, for damage to property or injury to person arising from any activities, work and/or services furnished or carried on under the terms of a PPI permit.

1. PPI tower shall maintain such public liability and property damage insurance as will protect the PPI tower from all claims for damage to property or personal injury, including death, which may arise from operations pursuant to the PPI Code. Such insurance shall include a single limit liability policy with coverage of not less than \$1,000,000.00 (\$1 million). PPI tower shall also maintain fire and theft insurance (garage keepers insurance) to protect stored vehicles in a minimum amount of \$100,000.00 and maintain cargo insurance in the minimum amount of \$50,000.00.

2. PPI tower shall maintain insurance in the limits provided by this section to cover liability for transportation required by Section 7.24.016 G. In no case shall the policy deductible for garage keepers and cargo insurance exceed \$2,500 per event.

3. The limits of the insurance shall be subject to statutory changes to maximum limits of liability imposed on municipalities of the State of Oregon during the term of the permit. The insurance shall be without prejudice to coverage otherwise existing.

4. The insurance shall name as additional insureds the City and its officers, agents and employees. Notwithstanding the naming of additional insureds, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts which the insurer would have been liable if only one person or interest had been named as insured. The coverage shall apply as to claims between insureds on the policy.

5. The insurance shall provide that the insurance shall not terminate or be canceled without thirty days written notice first being given to the Towing Coordinator.

6. The adequacy of the insurance shall be subject to the approval of the City Attorney.

7. Failure to maintain liability insurance shall be cause for immediate revocation of the registration by the Director.

7.24.014 Towing Regulations.

(Added by Ordinance No. 178109; amended by Ordinance No. 180129, effective May 10, 2006.) It shall be unlawful to tow a vehicle from a private parking facility:

A. Except upon express written authorization issued to the PPI (Private Property Impound) tower by the private parking facility owner, or person in lawful possession of the property, in compliance with ORS 98.812 and 98.830;

or

B. Unless the private parking facility complies with Administrative Rule LIC 9.02 regarding signage requirements;
or

C. Unless the vehicle shall be towed directly to the PPI tower's storage facility; or

D. If that vehicle is occupied by a person or persons.

7.24.015 Towing and Storage Rates.

(Added by Ordinance No. 178109, effective December 17, 2003.) The Director shall issue a schedule of approved maximum fees for PPI (Private Property Impound) towing and storage at the beginning of each permit period. Such schedule shall be published annually and supplied to all applicants with the application materials for new permits and renewals. PPI towers may submit a request for an increase in the approved maximum fees not later than two months before the end of any permit period. The Director shall consider such requests and hold a public hearing for the purpose of determining fair and reasonable prices prior to making any changes in the PPI rate schedule.

7.24.016 Conditions.

(Added by Ordinance No. 178109; amended by Ordinance No. 180129, effective May 10, 2006.) PPI (Private Property Impound) towers registered under this Section shall:

A. Perform all PPI tows in a safe manner, taking care not to cause damage to the person or property of others while towing or storing a vehicle; and

B. Practice courtesy and professionalism when dealing with police, Tow Desk, agency personnel, and persons redeeming or seeking to redeem a towed vehicle; and

C. Cooperate fully with any police agency to facilitate processing of any PPI towed vehicle identified as a possible stolen vehicle; and

D. Issue to the owner/owner's agent a clearly legible receipt complete with all required information and with all fees and considerations itemized; and

E. Prominently display at the vehicle release location a placard, provided by the City of Portland, containing the current list of approved PPI rates; and

F. Prominently display at the vehicle release location a placard, provided by the City of Portland, containing a statement of the rights of the vehicle owner; and

G. Be considered in possession of any vehicle towed under this Section, and therefore entitled to charge a Release at the Scene fee, when the hookup is complete and the tow truck has begun towing the motor vehicle by engaging the tow truck's transmission and moving forward; and

H. Offer to call for or provide transportation to the vehicle owner/operator, from within the immediate vicinity of the tow scene to the location of the towed vehicle storage; and

I. Have staff or dispatch service available at all times to provide information about the location of a towed vehicle and/or instructions for release of a towed vehicle; and

J. Staff the storage facility with an attendant between 8:00 a.m. and 6:00 p.m., Monday through Friday, excluding official City holidays, and at all other hours have personnel available at the storage facility to release a vehicle within thirty (30) minutes after receiving a request for vehicle release; and

K. Accept at least the following methods of payment for any fees assessed:

1. Cash. Adequate cash must be available at all times at the storage facility and with the tow drivers for the purpose of making change; or

2. By any valid credit card or debit card bearing the VISA emblem and issued in the name of the registered owner/owner's agent; and

L. Notify the local police agency of the intent to tow by telephone call to the Tow Desk prior to attaching any equipment to a vehicle at a private parking facility; and

M. Notify the local police agency of the location of the vehicle by facsimile transmission to the Tow Desk within one hour after the vehicle is placed in storage; and

N. Notify the local police agency of the release of a vehicle to the registered owner/owner's agent, acceptance of a vehicle title in lieu of payment, or foreclosure of a possessory lien by facsimile transmission to the Tow Desk within eight (8) hours after the release; and

O. Pay a data service fee, in an amount established by the Director, for each vehicle released to the registered owner or owner's agent. Such data fees shall be payable to the Tow Desk by the 20th day of each month; and

P. Pay a service fee, in an amount established by the Director, for each vehicle released to the registered owner or owner's agent. Such service fees shall be payable to the City of Portland by the 20th day of each month; and

Q. Accept as proof of ownership vehicle title or registration in addition to valid photo-identification of the person seeking the release.

R. Exercise reasonable care for the welfare of any animal found to be in a PPI towed vehicle, as detailed in Administrative Rule LIC 9.04 Conditions.

7.24.017 Prohibitions.

(Added by Ordinance No. 178109; amended by Ordinance No. 180129, effective May 10, 2006.) PPI (Private Property Impound) towers registered under this PPI Code shall not:

- A. Charge any fee not listed in, or in excess of, those included in the fee schedule established by the Director.
- B. Require any vehicle owner/owner's agent to make any statement or sign any document promising not to dispute validity of the tow or fees assessed or relieving the PPI tower from responsibility for the condition of the vehicle or its contents;
- C. Solicit PPI towing business by means of payment of a gratuity, commission or any other consideration, except as provided in this PPI Code, to the private property owner, operator, manager or employee;
- D. Remove a vehicle from a private parking facility unless the hookup has been completed and all safety equipment has been attached.
- E. Use predatory practices, as defined in Administrative Rule LIC 9.05, to secure PPI tows.
- F. Release a vehicle designated as a PPI Police tow without a release or other authorization from the appropriate police agency.
- G. Assess or collect a surcharge fee, in lieu of towing, unless the parking lot is registered as a pay and park facility in compliance with Section 7.24.020 "Pay and Park and Non-Pay Private Parking Facilities."
- H. Make any false statements of material fact, misrepresent information in any document or omit disclosure of material fact in performance of activities regulated by this Code.

7.24.018 Remedies.

(Added by Ordinance No. 178109, effective December 17, 2003.) Failure to comply with any part of the PPI (Private Property Impound) Code or the administrative rules may be punishable by any or all of the following:

- A. Suspension. The Director may suspend a PPI tower's permit if investigation reveals any substantial violation of the PPI Code or the administrative rules. A substantial violation is a violation having an impact on the public that informal compliance methods have failed to resolve. Suspension may be for a period of up to fourteen calendar days. The suspension shall be effective from the PPI tower's receipt of written notice of a suspension. If the violation is not corrected within the fourteen day period, the Director may revoke the permit.
- B. Revocation. The Director may revoke a permit for any substantial violation of the PPI Code or the administrative rules. A substantial violation is a violation having an impact on the public that informal compliance methods fail to resolve. The revocation shall be effective immediately upon issuance of written notice by the City of Portland to the PPI tower. No new application shall be accepted from any PPI tower with outstanding penalties or who has been revoked within the current term for the remainder of the current permit period.
- C. Civil penalty. The Director may impose a civil penalty of up to \$500.00 for any substantial violation of the PPI Code or the administrative rules, including:
 - 1. Late payment of data service fees to Tow Desk. The penalty shall be \$50.00 for each incident.
 - 2. Late payment of service fees to the City of Portland. The penalty shall be \$50.00 for each incident.
 - 3. Late report or failure to report a release. The penalty shall be \$50.00 for each incident.
 - 4. Civil penalties shall be payable to the City of Portland.
- D. Refund to vehicle owner/owner's agent. Upon a finding of any violation by a PPI tower, the Director may direct release of a vehicle at no charge or a refund of all or part of fees paid by a vehicle owner/owner's agent for towing and storage, in lieu of, or in addition to, civil penalties.
- E. Public nuisance. Any towing equipment or PPI tower's storage facility maintained in violation of the PPI Code is hereby declared to be a public nuisance. The Director may request that the City Attorney bring action or suit to abate such nuisance in any court with jurisdiction to hear such action or suit.
- F. Civil remedies. Nothing in this Section is intended to prevent any person from pursuing legal remedies.

7.24.019 Appeals.

(Added by Ordinance No. 178109; amended by Ordinance No. 180129, effective May 10, 2006.)

- A. Any towing firm whose application for initial PPI (Private Property Impound) permit registration or renewal of PPI permit registration has been denied, or whose permit registration has been revoked or suspended, or who has been directed by the Director or director's designee to pay a civil penalty or refund, may appeal such action of the Director or director's designee by submitting a written request for a hearing before the Code Hearings Officer of the City of Portland, within 10 business days of receiving the Director's written findings, as set out in Chapter 22.10.
- B. Creation of PPI Board of Appeals. Pursuant to Portland City Charter Section 2-103, City Council hereby creates the PPI Board of Appeals. The PPI Board of Appeals shall hear and resolve protests and appeals arising from

adoption of Administrative Rules by the Director. The findings of the PPI Board of Appeals shall be final.

1. **Composition of the PPI Board of Appeals.** The PPI Board of Appeals shall consist of three members. A quorum shall consist of three members. The Commissioner in Charge of the Revenue Bureau shall appoint a representative member from a public agency and a representative member of the general public, and shall approve a representative member from the towing industry selected by the towing industry.
2. **Compensation.** All members of the PPI Board of Appeals shall serve without pay, except that they may receive their regular salaries during the time spent on Board matters.
3. **Procedures and Rules.** The Director shall establish rules and procedures for the Board and the Board shall follow those procedures in all matters heard by the Board.
4. **Staff.** The Revenue Bureau shall provide staff and assistance to the Board.
5. **Powers of the Board.** The PPI Appeals Board shall hear protests of Administrative Rules adopted by the Director. Written notice of the protest must be received by the Revenue Bureau Towing Coordinator within 30 days after the notice of adoption of the Administrative Rule. The protest shall state the name and address of the PPI tower and an explanation of the grounds for the protest. Requests not received within 30 days of the notice of adoption shall not be heard.

7.24.020 Pay and Park and Non-Pay Private Parking Facilities.

(Replaced by Ordinance No. 182298, effective November 28, 2008.)

A. Purpose. The purposes of this Section are to ensure that the regulation of parking at pay and park and non-pay private parking facilities is applied objectively with proper notice; and to protect fairness and convenience for the parking public.

B. Savings Clause. If any provision of this Section is found by a court of competent jurisdiction to be invalid, illegal or unenforceable, such holding has no effect on the validity, legality and enforceability of any other provision of this Section.

C. Definitions. Except where the context requires otherwise, the following words and phrases have the definitions given in this Section:

1. "Administrative Fee" means a fee assessed by a department of motor vehicles for the purpose of determining the registered owner of a vehicle.
2. "Boot" means a mechanical device attached to a vehicle to prevent its movement.
3. "Director" means the Director of the Revenue Bureau or his or her designee.
4. "Operator" means any person or entity whose business includes assessing and collecting penalties at registered parking facilities.
5. "Park" means to leave a vehicle standing for more than 5 minutes with no driver at the wheel.
6. "Parker" means any person in control of any vehicle that is parking at a registered parking facility.
7. "Payment device" means any device capable of accepting or receiving parking fee payments by cash or credit card and issuing sequentially numbered receipts or tickets.
8. "Penalty" means an amount assessed for failure to pay, or properly display proof of payment, for parking at a pay and park facility or for unauthorized or over-time parking at a non-pay private parking facility.
9. "Penalty payment letter" means the letter that must be sent by the operator to the registered owner if payment of the penalty is not received by the operator within 10 days of the date the penalty notice was affixed to a vehicle.
10. "Penalty notice" means the notice affixed to vehicles parked without payment, parked without properly displaying proof of payment or parked without authorization at a registered facility, and which is the initial demand for payment.
11. "Registered Facility" means a parking lot or structure that is accessible to the public that has been registered with the Revenue Bureau and is either:
 - a. A non-pay private parking facility at which the free parking or storage of vehicles is limited by time or authorization by the property owner/operator; or
 - b. A pay and park facility that is open for parking or storage of vehicles by the general public, at which a fee must be paid for parking, where payment of parking fees is enforced by issuance of penalty notices, and where parkers receive a receipt or ticket at the time of payment that has the parking expiration time printed on it.

"Registered Facility" does not include property used for governmental purposes by any agency or special district.

12. "Second penalty payment letter" means the letter that must be sent by the operator to the registered owner if payment of the penalty is not received by the operator within 30 days of the mailing date of the first penalty demand for payment letter.

D. Authorization.

1. Enforcement. The Director is authorized to enforce all provisions of this Section.
 - a. Investigation. The Director has the power to investigate any and all complaints regarding alleged violations of this Section.
 - b. Inspection. The Director may inspect any operator records required to be maintained pursuant to this Section. Such records must be made available for inspection during normal business hours within 24 hours of notice by the Director.
 - c. Delegation. The Director may delegate the authority provided under this Section to any City employee or agent thereof.
 2. Procedures and forms. The Director may adopt procedures and forms to implement the provisions of this Section.
 3. Adoption of rules. The Director may adopt rules pertaining to matters within the scope of this Section.
 - a. Before the Director adopts a rule, a public hearing must be conducted. The Director must give notice of the public hearing in a reasonable manner not less than 10 nor more than 30 days before the hearing. The notice must include the place and time of the hearing; where copies of the full text of the proposed rules may be obtained; and a brief description of the proposed rules.
 - b. During the hearing the Director will consider oral and/or written testimony. The Director will adopt, modify or reject the proposed rule based on the testimony received. Unless otherwise stated, all rules are effective upon adoption by the Director and will be kept on file at the Bureau. Copies of all rules will be made available to the public upon request.
 - c. Notwithstanding Subsections a. and b. above, the Director may adopt an interim rule without prior public notice upon a finding by the Director that failure to act promptly would result in serious prejudice to the public interest. In so doing, the Director must include the specific reasons for such prejudice. Any rule adopted pursuant to this subsection will be effective for a period of not longer than 180 days.
- E. Registration as the operator of a facility. No person may assess any penalty at any facility unless that person is in compliance with the provisions of this Section.**
1. Applications. An applicant for registration as an operator of a facility must submit to the Bureau:
 - a. The name, address and telephone number of the applicant;
 - b. Proof of valid insurance as described in this Section;
 - c. A sample copy of the proposed penalty notice;
 - d. A sample copy of the proposed penalty payment letters;
 - e. The name, address and telephone number of any collection agency that may be employed by the operator for collection of delinquent payments;
 - f. Such other information relating to the purposes of this Section as the Director may require.
 2. Penalty notices, penalty payment letters and any subsequent demands for payment must include:
 - a. The name, address and telephone number of the operator;
 - b. The vehicle's make, model, color and license plate number;
 - c. The time and date the penalty notice was issued;
 - d. The exact location of the facility;
 - e. Any facility number that may be assigned by the operator;
 - f. The amount of the penalty demanded;
 - g. Instructions describing deadlines and acceptable methods of payment;
 - h. Warning that an Administrative Fee may be assessed if the payment of the penalty is not received within 10 days of issuance of a penalty notice;
 - i. Any additional penalty that may be added if not paid within 30 days; and
 - j. A statement that the vehicle owner may submit a written complaint to the Revenue Bureau if attempts to resolve the complaint with the operator have been unsuccessful anytime within 90 days of the date of the first penalty payment letter. The Bureau's mailing address must be included on penalty payment letters.
 3. The penalty notice must not represent to be a document issued by any government agency or government official, or otherwise simulate legal or judicial process. The penalty notice form is subject to review and approval by the City Attorney's Office.
 4. The Bureau must approve all notices and letters. If a proposed penalty notice or penalty payment letter is

rejected by the Bureau, it will be returned to the applicant for amendment and resubmission without additional fees. If such documents have previously been approved by the City and if no changes to the Section have been made, it is not necessary to resubmit them with each new location application. Changes to penalty notices and letters proposed by the operator must be approved by the Bureau before they are implemented.

5. The Director shall reject any incomplete application.

F. Registration of a facility. No operator shall assess any penalties at any facility unless it is registered with the Revenue Bureau.

1. Application. To register a facility with the Bureau an operator must submit:

- a. A written request from the registered operator that includes the facility's number (designated by the operator) and the facility's address;
- b. A drawing of the facility showing adjacent street names, facility entrances and exits, and location of payment devices;
- c. A nonrefundable registration fee for each facility in an amount as required by Administrative Rule.

2. As a condition of registering a pay and park or non-pay private parking facility under this Section, the operator shall hold the City of Portland and its officers and employees free and harmless, and shall defend and indemnify the City for any claims for damage to property or injury to person that may be occasioned by any work and/or services furnished or carried on under the terms of registration.

3. The Director shall inspect an operator's facility following receipt of the written request for registration, the facility drawing, and the registration fee. If the Director determines that a facility complies with this Section's requirements, the Director will issue a registration certificate to the operator for the facility. If the Director determines that the facility does not comply with this Section's requirements, the application will be denied and notice will be sent to the operator that lists the requirements the facility failed to meet. If an application is denied, the operator may resubmit the application without payment of additional registration fees at any time within 60 days of the notice date if the deficiencies noted in the original denial have been corrected. Only one such reapplication without payment of registration fees may be made with respect to each facility. If upon such reapplication the registration is again denied, the operator must file a new facility application accompanied by the required registration fee.

4. Facility registrations are valid from the date of issuance until the last day of that same month the following year.

5. Reporting Changes. Operators must notify the Director of any changes to the operator's office location, contact information, and insurance provider prior to implementation of the change. Operators must also notify the Director of any changes to a facility that affect a parker's use of the facility including, but not limited to, location of entrances and exits and location of a payment machine. Changed facilities must be reinspected before any penalty notices are issued.

6. Renewal. The Bureau will send invoices for facility registration renewal to all operators at least 1 month prior to the expiration date. Registrations will be renewed upon payment of the nonrefundable fee for each facility as required by the Administrative Rules.

7. Non-assignability. A registration issued or renewed pursuant to the provisions of this Section is not assignable or otherwise transferable.

G. Payment device. Payment devices must be placed and maintained at pay and park facilities in locations convenient and accessible to all parkers.

H. Signage requirements. All signs required pursuant to this Section must be unobstructed, reflectorized and visible during all hours of operation. All signs required to be posted at a facility entrance must be no more than 10 feet from the entrance, must be located within 2 feet of the property line, and the center of such sign must be at least 4 feet from the ground.

1. Pay and Park Signage.

- a. Pay and Park facilities must have a sign posted at each entrance (in letters at least 7 inches high) stating either "PAY TO PARK ALL HOURS," or "PAY TO PARK POSTED HOURS." For facilities with a "POSTED HOURS" sign, the sign must also state (in letters at least 3 inches high) the exact hours that the facility is operated as a pay and park facility.
- b. At each facility containing a payment device, there must be a sign (in letters at least 9 inches high) visible from every vehicle entrance stating "PAY HERE," indicating the location of the payment device.
- c. At each payment location there must be a sign(s) that states (in letters at least 2 inches high):
 - (1) all applicable charges for parking including the posted hours at a "PAY TO PARK POSTED HOURS" facility;
 - (2) that proof of payment must be displayed and clearly visible through the windshield;
 - (3) the phone number for the release of vehicles if they are subject to being towed;
 - (4) a warning that the facility may be monitored; and

(5) that vehicles parked without valid proof of payment or permit are subject to a parking penalty.

d. In spaces reserved for parkers with a disabled person parking permit, the operator must attach a sticker or sign to the disabled parking sign at the front of each space that notifies the disabled parking customer that he/she is responsible for payment, regardless of having a disabled person parking permit.

2. Non-Pay Private Parking Signage.

a. Non-pay facilities must have a sign posted at each entrance stating:

(1) that parking is prohibited, reserved or otherwise restricted;

(2) who is authorized to park;

(3) all limitations on parking;

(4) the hours during which parking is restricted;

(5) that the facility may be monitored; and

(6) that parking in violation of posted restrictions may result in assessment of a penalty or towing and storage of a vehicle at the vehicle owner's expense.

b. If a private parking facility is shared by more than one business, the parking spaces must be marked (or signs posted) clearly indicating which spaces are reserved for each business.

I. Assessment of Penalties.

1. Pay and park facilities. The operator of a pay and park facility may assess and collect a penalty from any parker found to have either parked without paying the required parking fees upon parking the vehicle, or parked without placing the proof of payment in the vehicle so that it is clearly visible through the windshield.

2. Non-pay private parking facilities. The operator of a non-pay private parking facility may assess and collect a penalty from any parker found to have parked without authorization.

3. The penalty amount assessed to vehicles described in Subsections 1. and 2. above must not exceed the following amounts:

a. Not more than the overtime parking penalty set by Multnomah County Circuit Court if paid within 30 days of the mailing date of the penalty payment letter.

b. Not more than double the overtime parking penalty set by Multnomah County Circuit Court if paid after 30 days from the mailing date of the penalty payment letter.

J. Parking Penalty Notice.

1. When a vehicle is parked in violation of a registered facility's requirements, the operator may affix to the vehicle, in a prominent location, a penalty notice.

2. The penalty notice must be processed as follows:

a. A copy must be affixed to the vehicle,

b. A record of the notice must be retained by the operator for not less than 1 year, and

c. All records of penalty notices must be available to the Director upon request.

K. Penalty payment letters.

1. If the operator does not receive payment within 10 days from the day the operator affixed the penalty notice to the vehicle, the operator may mail a penalty payment letter to the registered owner(s) and any other persons who reasonably appear to have any interest in the vehicle. The letter must be mailed no earlier than 10 days nor later than 30 days from the penalty notice issuance date. The letter must include:

a. The amount demanded;

b. Acceptable method(s) of payment;

c. The schedule of increases for continued non-payment as described in Subsection 7.24.020 I. above;

d. Space for the recipient to inform the operator that the person to whom the letter was sent is not the current registered owner of the vehicle;

e. A statement that the vehicle owner may submit a written complaint to the Bureau if attempts to resolve any disputes with the operator have been unsuccessful;

f. The mailing address of the Bureau, and

g. A statement to the effect that the Bureau will only investigate complaints by parkers regarding the issuance of a parking penalty notice filed within 90 days of the date of the first penalty payment letter.

2. Administrative Fees.

a. If an operator incurs costs from the Department of Motor Vehicles (DMV) in its efforts to obtain the name and address of a vehicle's registered owner, the operator may add a one-time administrative fee in addition to the penalty amount, provided that:

- (1) 10 days have elapsed since the penalty notice issuance;
- (2) The operator indicates the amount assessed as a separate itemized amount on the penalty payment letter;
- (3) The amount assessed is no more than the amount charged to the operator by the DMV.

b. Operators may not demand payment for an administrative fee until they have been charged said fee by the DMV.

c. Although operators may only charge the administrative fee once, the fee may be a combination of more than one DMV charge if the first attempt to obtain registered owner information resulted in invalid information. In no event may an operator charge for more than two attempts.

L. Unlawful to tow vehicles. It is unlawful for any person to tow any vehicle parked at any registered facility without the permission of the parker unless:

1. The vehicle has been parked at the registered facility without the payment of the required parking fees or without authorization for a period in excess of 24 hours after the period for which parking fees have been paid or authorization has been given; or

2. The vehicle is parked at the registered facility in such a manner as to clearly impede vehicular ingress or egress to and from designated parking stalls or the facility itself, or is parked in any area that is clearly and conspicuously designated by signs or other traffic control devices as areas in which parking is restricted or forbidden; or

3. The vehicle is parked at any of the operator's registered parking facilities, and;

a. Within the previous 2-year period, the vehicle was parked at any of the operator's registered facilities without payment of parking fees or authorization, three times or more; and

b. During that time the operator affixed and mailed the notices and payment letters as provided for in this Section; and

c. Three or more penalties remain unpaid; and

d. The operator has mailed a notice by certificate of mailing, and a reasonable amount of time has elapsed for service of the notice, advising the registered owner(s) and any other persons who reasonably appear to have any interest in the vehicle stating that the vehicle will be towed if the vehicle is again parked at a registered parking facility. The notice must also state the total amount due for outstanding penalties, the issue date and parking facility location for each outstanding penalty, the method(s) of payment accepted, the name, address and phone number of the operator, and that the vehicle owner may submit a written complaint to the Bureau if attempts to resolve the complaint with the operator are unsuccessful. The operator shall retain a copy of each notice for not less than 1 year and make such copies available upon request of the Director. The notice must be in a form approved by the City Attorney's Office; and,

e. Such towing is performed in compliance with Section 7.24.010 Towing of Vehicles from Private Property.

M. Complaint Handling Procedures.

1. Operators responding to the complaints of parkers or registered owners of vehicles must follow these guidelines:

a. The operator must be available by telephone, fax and e-mail to the public during normal business hours to accept and respond to public complaints. The operator must have voicemail and must respond to telephone messages by the end of the next business day.

b. The operator must respond in writing to written complaints within 10 days from the date the operator received the complaint.

c. The operator's written response must include the mailing address of the Revenue Bureau and a statement that the parker or registered owner of the vehicle may submit a written complaint to the Bureau if attempts to resolve the complaint with the operator are unsuccessful.

d. All efforts to collect the penalty and related amounts must be suspended upon the filing of a complaint with the operator or the Director, pending final resolution.

e. Penalties must not increase from the time a complaint is received by the operator or the Director, pending final resolution.

f. The operator must void the penalty if the parker or registered owner provides evidence within 30 days of issuance of the penalty notice that the parking fee payment was made at the time the vehicle was parked at the facility or that the parker was authorized to park.

g. The operator must notify appropriate credit agencies immediately upon voiding any penalty.

2. Upon receipt of a complaint the Director shall conduct an investigation.

- a. Upon a finding by the Director or Bureau staff that a penalty is invalid, the operator must immediately cancel the penalty, cease all efforts to collect the penalty, and refund any payments that have been made.
- b. If the investigation determines that a violation of this Section has occurred, the Director will initiate remedies provided in this Section.
- c. The Director shall not investigate complaints by parkers regarding the issuance of a notice of demand for payment of penalties filed any time after 90 days from the date of the first mailed penalty payment letter.

N. Maintenance of records. The operator shall keep and maintain records of all penalties, any transactions relating to collection of past due accounts, written warnings, requests for vehicle towing, and any other transactions or written complaints relating to penalties or the impoundment of vehicles for a period of at least 1 year from the date the penalty notice was issued.

O. Insurance required. Operators must provide and maintain commercial general liability insurance covering any and all claims for damage to property or personal injury, including death and automobile damage that may arise from operations under the registration.

1. Such insurance must provide coverage of not less than \$1 million combined single limit per occurrence, with aggregate of \$1 million for bodily injury or property damage.
2. The limits of the insurance are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the term of the registration.
3. The insurance must be without prejudice to coverage otherwise existing.
4. The insurance must name as additional insured the City and its officers, agents and employees. Notwithstanding the naming of additional insureds, the insurance must protect each insured in the same manner as though a separate policy had been issued to each, but nothing herein will operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts which the insurer would have been liable if only one person or interest had been named as insured.
5. The coverage must apply as to claims between insureds on the policy.
6. The insurance policy must provide that it will not terminate or be canceled without 30 days written notice first being given to the Director.
7. The adequacy of the insurance is subject to the approval of the City Attorney.
8. Failure to maintain liability insurance is cause for immediate revocation of the registration of the operator by the City.

P. Prohibitions. No operator shall:

1. Require any person to make any statement or sign any document promising not to dispute the validity of a penalty or relieving the operator from responsibility for the condition of the vehicle.
2. Solicit business by means of payment of a gratuity, commission or other consideration to the property owner, manager or employee of a facility.
3. Attach a mechanical boot or any other immobilization device to any vehicle parked on private property or public right-of-way for the purpose of collecting a fee for the release of the vehicle.

Q. Remedies. Upon a violation by the operator of any requirements of this Section, the Director may exercise the following authority and may apply one or more of the following remedies:

1. Suspension or revocation. The Director may suspend a registration of any facility if investigation reveals that the violation has an impact on the public that informal compliance methods have failed to resolve. Suspension of registration may be for a period of up to 14 calendar days. The suspension will be effective from the operator's receipt of written notice of suspension. If the violation is not corrected within the 14 calendar day period, then the Director may revoke the registration. The revocation will be effective upon the mailing of written notice by the Director.
2. Civil Penalty. The Director may impose a civil penalty of up to \$500 for each violation.

R. Appeals. Any operator aggrieved by a determination of the Director may appeal such determination to the Code Hearings Officer of the City of Portland, as set out in Chapter 22.10.

7.24.030 Locking Parked Cars.

It is unlawful for the operator or an employee of a public parking lot to close and leave the lot without first removing the keys from any vehicle remaining upon the lot. It is unlawful for the operator or employee to close and leave the lot prior to the posted time of closing without locking any vehicle remaining on the lot. If no closing time is posted it shall be unlawful for the operator or an employee to close and leave the lot without locking any vehicle remaining on the lot. The operator of any lot where the operator or employee removes keys to any location other than the lot itself shall post and maintain a sign on the premises stating where and during what hours keys may be obtained when the lot is not attended. The sign shall be placed in a location meeting the

requirements of signs giving notice of impoundment fees required by Section 7.24.010 F. of this Code.

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MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Paul Hennon, Community Services Director
Carl Switzer, Parks and Recreation Manager

DATE: 05/14/2012

SUBJECT: Pohl Center Management and Staffing Discussion

ISSUE BEFORE THE COUNCIL:

The Council will discuss the City's role in management and staffing of the Juanita Pohl Center.

POLICY CONSIDERATIONS:

Should the City assume responsibility for management and staffing the Juanita Pohl Center to begin managing the facility, Van Raden Community Center, and Lafky House as a multigenerational complex to expand recreation opportunities for people of all ages while continuing a partnership with Loaves & Fishes Centers, The Meals-On-Wheels People, to provide a nutrition program including the same daily lunch meal and Meals-On-Wheels services that are currently offered?

EXECUTIVE SUMMARY:

In the fall of 2010 Council established a goal of expanding the recreation program for older adults in light of the growing population and demand for fitness, wellness and recreational activities. The Council intended that the goal be achieved in a manner that also increased recreation programming for people of all ages using the Juanita Pohl Center, Van Raden Community Center, and Lafky House as a multigenerational complex.

The City partners with Loaves & Fishes Centers to provide management of the Juanita Pohl Center. The mission of Loaves & Fishes Centers is to enrich the lives of seniors and assist them in maintaining independence by making nutritious food, social contacts, a variety of fitness and recreational activities, and other resources easily available. The nutrition program includes daily on-site lunch meals and Meals-On-Wheels services to homebound elderly in the area.

To achieve the Council Goal of expanding recreation programs for older adults and people of all ages, the Council increased its annual funding to Loaves & Fishes by \$25,000 to fund a part time Recreation Programmer position (that had been eliminated due to discontinuance of grant funding), bringing the total annual funding to Loaves & Fishes to \$35,600.

Recently, Loaves & Fishes and several Tualatin residents have suggested that the City consider assuming responsibility for managing and staffing the Pohl Center while continuing a partnership with Loaves & Fishes to provide the nutrition program. In this way, the City can better leverage its Community Services Department resources on developing recreation programs for older adults and people of all ages by managing the Pohl Center, Van Raden Community Center, and Lafky House as a multigenerational complex. Furthermore, Loaves & Fishes can focus its limited resources on the nutrition program which is its primary mission. The relationship between the City and Loaves & Fishes is strong and mutually supportive. The intention would be to continue the partnership with roles that are sustainable and that enable each organization to realize its goals.

The increase in cost for the City to assume management of the Pohl Center would be approximately \$30,000 in FY12/13 with an effective date for the transfer of management of about August 1.

The City Council reviewed Tualatin's fiscal health and provided staff direction on items to be considered for the proposed FY 12/13 budget at a Work Session on April 10. The suggestion that Tualatin assume management of the Pohl Center emerged after the April 10 Work Session. Had it surfaced earlier, this option would have been included in the Decision Packages presented that night. An alternative for funding the new costs of managing the Pohl Center without increasing overall costs to the City beyond the direction given on April 10 would be to substitute it for the Enhanced Children's Area Services in the Library (\$31,300) and to consider that service level enhancement when additional funding becomes available.

DISCUSSION:

PROPOSED APPROACH

The Juanita Pohl Center provides recreational, lifelong learning, nutritional, socialization and cultural services essential to the promotion and enhancement of personal well-being and a sense of belonging. The center is a place for people to gather, socialize, learn, relax, and to have fun in a welcoming and friendly environment. The proposed approach to managing and staffing the Pohl Center would be for the City to build on the foundation of the current recreation, social and other activities that Loaves & Fishes has developed over the 30 years it has managed the facility since it opened as the Tualatin/Durham Senior Center in 1982. The City would continue its partnership with Loaves & Fishes as the nutrition program provider while leveraging the City's Community Services Department resources to achieve Council's goals.

A new agreement with Loaves & Fishes to clarify the roles and responsibilities of each organization would need to be approved. The key points of the new agreement would be that the City would provide Loaves & Fishes use and maintenance of the kitchen and dining area for the nutrition program without charge. Loaves & Fishes would staff and fund the nutrition program including the acceptance of participant donations for meals. The current annual City contribution of \$35,600 to Loaves & Fishes would be redirected to partially fund a new Center Supervisor position that would report to the Parks and Recreation Manager in the Community Services Department.

The Community Services Department would relocate the department's Office Coordinator position to the Pohl Center and registration and information for all city-wide recreation programs (including those of the Pohl Center) and reservations for picnic shelters, sports fields, and building rentals would then take place at the Pohl Center rather than the Community Services Department Administrative Offices in order to realize cost efficiencies and improve public

service.

The strength of the center comes from the people who volunteer there on a daily basis. Last year, there were over 11,000 hours of dedicated and enthusiastic volunteerism in support of the center, equaling more hours than 5 full time employees. Volunteers would continue to play an important role in the daily operations of the Pohl Center doing everything from serving meals, to greeting people at the front door, to assisting with the development of programs, activities, and fundraising.

Partnering and collaborating with non-profit organizations, foundations, and the business community to leverage City resources and provide sponsorship opportunities would continue to be a method of offering services with low or minimal cost.

One aspect of managing the Pohl Center that would need further consideration is defining the role of the Juanita Pohl Center Steering Committee. This is currently an advisory committee to Loaves & Fishes, usually with about fifteen members, that receive input from the public in regard to the Pohl Center and provide recommendations on issues relating primarily to the nutrition program, but also covering other aspects of the center.

If this is the direction the Council decides to move in, the effective date for the transfer of management would need to be sometime this summer, probably about August 1, if the authorization followed the Budget Committee meeting on May 30 since the hiring process would need to be completed for the Center Supervisor position. Currently, the Loaves & Fishes Center Supervisor position is being filled on an acting basis due to a vacancy. Loaves & Fishes would work closely with the City to ensure a smooth and orderly transition. Loaves & Fishes is now in the process of developing its budget for FY 12/13 and would like to know the required resources for the Pohl Center as quickly as possible.

Over the past few years the City has implemented changes at the Pohl Center to improve the position of the center to address the changing needs of the growing older adult population. In 2010, at the request of the Steering Committee, the Council changed the name of the building to the Juanita Pohl Center from the Tualatin/Durham Senior Center.

The Steering Committee proposed the name change to increase use and participation of the programs and services available through the center by attracting aging baby boomers who are now 50 years and older and frequently do not view themselves as "seniors." Also, the facility is used more like a community center in that people who are not seniors currently use it after hours and on weekends for programs and building rentals. Changing the name eliminated a barrier to participation by baby boomers and others in the community and reflects the broader role the facility plays in the community.

The Library received a grant to fund a part time position that will work closely with the Pohl Center and other local agencies that serve adults age 50+ to provide programs, activities, events and services to expand opportunities for learning, service and civic engagement. This work will support strategic growth of the functions and uses of the Pohl Center.

The City is now completing a \$560,000 addition and renovation of the Pohl Center to better accommodate the changing program and increase in use. For example, in past years, the noon meal was the peak use of the day, now many people use the center for health and recreational activities during the day and the evenings and do not eat a meal at the center, though many also do take advantage of the nutrition program.

FINANCIAL CONSIDERATIONS

The annual increase in cost above the current funding to Loaves & Fishes for the City to assume management of the Pohl Center would be about \$30,000 in FY12/13. This would cover the difference between revenues, including the current City funding, and expenditures on salaries, benefits, materials and services. If Council chooses to proceed with this option, a line item budget will be incorporated into the City Manager's Proposed FY 12/13 Budget and presented at the Budget Committee Meeting on May 30.

In FY 11/12 Council increased its contribution to Loaves & Fishes by \$25,000 to fund a Recreation Program position. To-date, about \$7,000 of those funds have been expended and the position is currently vacant. There is a balance of about \$18,000 that will not be spent by Loaves & Fishes this fiscal year. If Council chooses to assume management of the Pohl Center, these unspent funds can be used to make some one-time investments to upgrade the data service and connect the phone system with the rest of the city systems, and purchase work stations for staff and a few other minor pieces of equipment. Cost estimating for these items is currently underway.

Attachments: