



MEETING NOTICE

TUALATIN PARK ADVISORY COMMITTEE
November 10, 2015 - 6:00 PM

COMMUNITY SERVICES ADMINISTRATION OFFICE
Tualatin Community Park
8515 SW Tualatin Road

A. CALL TO ORDER

1. Roll Call
2. Introduction of New Member Krista Nanton

B. APPROVAL OF MINUTES

1. September 8, 2015
2. October 13, 2015

C. ANNOUNCEMENTS

1. Chair
2. Staff
3. Public

D. OLD BUSINESS

1. Tualatin River Greenway Trail Gap Completion Project Update
2. Tobacco and Smoke Free Outdoor City Spaces
3. Civil Exclusions Ordinance

E. NEW BUSINESS

1. Ice Age Tonquin Trail Update
2. Advisory Committee Term Expiration and Appointments

F. FUTURE AGENDA ITEMS

1. Dog Rules Enforcement

G. COMMUNICATIONS FROM COMMITTEE MEMBERS

H. ADJOURNMENT



DRAFT MINUTES

TUALATIN PARK ADVISORY COMMITTEE September 8, 2015

COMMUNITY SERVICES ADMINISTRATION OFFICE Tualatin Community Park 8515 SW Tualatin Road

MEMBERS PRESENT:	Kay Dix, Bruce Andrus-Hughes, Dana Paulino, Valerie Pratt, Dennis Wells
MEMBERS ABSENT:	Stephen Ricker
STAFF PRESENT:	Rich Mueller, Parks and Recreation Manager Jerianne Thompson, Library Manager
PUBLIC PRESENT:	
OTHER:	Mark Miller, Reporter (The Times)

A. CALL TO ORDER

The Chairperson Dennis Wells called the meeting to order at 6:01 pm.

B. APPROVAL OF MINUTES

The minutes of July 14 and August 11, 2015 were approved, by a motion from Dana Paulino, which was seconded by Kay Dix, and carried unanimously.

C. ANNOUNCEMENTS

1. Chair
There were none.
2. Staff
Rich Mueller provided updates on the following: Summer Guide, Basalt Creek Concept Plan update, Library events, Tualatin Arts Advisory Committee annual report, volunteer projects, TEAM Tualatin updates, pickleball news article, Art Splash news article and the Budget in Brief document.
3. Public
There were none.

D. OLD BUSINESS

1. Tualatin River Greenway Gap Completion Project Update
Rich Mueller updated the committee on the trail progress, construction schedule and budget. He distributed the public information flyer which was provided to each apartment complex and retail businesses at Nyberg Rivers and Nyberg Woods. Two new articles about the trail project were shared and an updated trail alignment was distributed.

2. 2015-16 Meeting Calendar

The committee discussed the meeting notification time for members and the public. Committee members request a ten day notice if the meeting is moved or rescheduled. The members agreed their preference is to rescheduled meetings, for the following Tuesday, which would be the third Tuesday of the month.

E. NEW BUSINESS

1. Washington County Library Levy Replacement

Tualatin Library Manager, Jerianne Thompson shared a presentation about the Levy for Countywide Library Services. She discussed the Washington County Cooperative Library Services funding and operations. Ms. Thompson reviewed Tualatin Public Library services and funding. Information about measure 34-235 was provided, along with where to get additional information about the library levy. During discussion the advisory committee members expressed support for the library system and funding sources.

2. Annual Regional Trail Counts

Rich Mueller provided a sign-up sheet for members who would like to participate in the annual regional trail count project. There are three locations in Tualatin to volunteer, for a two hour shift, over four days. The trail count record sheet was reviewed along with the purpose of performing annual trail counts.

3. Tualatin Ice Age Discovery Trail Interpretive Plan

The recently completed Tualatin Ice Age Discovery Trail Interpretive Plan was shared by Rich Mueller. This is a collaborative project with Washington County Visitors Association, Tualatin Chamber of Commerce and Tualatin Historical Society. It provides information about Tualatin's connection to the National Park Service Ice Age Floods Geologic Trail plan. The plan includes criteria, interpretation, themes, principles, partnerships, design, recommendations and implementation for the Ice Age Discovery Trail in Tualatin.

4. Community Development Block Grant, Pohl Center Kitchen Design and Renovation

Committee members discussed a grant application for designing and renovating the kitchen for the purpose of increasing food storage, safety and preparation. There was a consensus to write a letter of support for this federal grant which is administered by Washington County. Rich Mueller will send the letter by email to committee members for review and input.

F. FUTURE AGENDA ITEMS

G. COMMUNICATIONS FROM COMMITTEE MEMBERS

H. ADJOURNMENT

On a motion from Dennis Wells, with second by Valerie Pratt, Dennis adjourned the meeting at 7:27 pm.



DRAFT MINUTES

TUALATIN PARK ADVISORY COMMITTEE October 13, 2015

COMMUNITY SERVICES ADMINISTRATION OFFICE Tualatin Community Park 8515 SW Tualatin Road

MEMBERS PRESENT: Kay Dix, Bruce Andrus-Hughes, Connie Ledbetter, Dana Paulino, Valerie Pratt, Stephen Ricker, Dennis Wells

MEMBERS ABSENT:

STAFF PRESENT: Rich Mueller, Parks and Recreation Manager

PUBLIC PRESENT:

OTHER:

A. CALL TO ORDER

Chairperson Dennis Wells called the meeting to order at 6:07 pm.
Applicant to be a new committee member Krista Nanton was introduced.

B. APPROVAL OF MINUTES

The minutes of September 8, 2015 were not completed.

C. ANNOUNCEMENTS

1. Chair
There were none.
2. Staff
Rich Mueller provided updates on the following: Riverkeepers Paddler's Access Guide, volunteer projects at Brown's Ferry Park, Hedges Creek and the Dog Park, Youth Advisory Council update, news paper articles on Pumpkin Regatta and Summer Concerts, Summer Programs recap, Active Aging Week announcement and Pumpkin Regatta announcement.
3. Public
Faune Wacker was present to express her concerns about Ibach Park play areas. Ms. Wacker suggested the play structures be updated along with a new water feature. She indicated several other maintenance issues. The committee thanked Faune for her input and discussed the new play features to be part of the master plan update. Rich Mueller will follow up on the maintenance issues Ms. Wacker mentioned.

D. OLD BUSINESS

1. Tualatin River Greenway Gap Completion Project Update
Rich Mueller updated the committee on the project progress and status of the trail project. He shared a news article on the construction project. Rich distributed photos showing the construction progress and interpretive components of the project. Paul

Hennon reviewed the interpretive concepts and specific elements with the committee. These include time bands, ice age floods, erratic rocks, mega fauna, native people, settlers and land use.

2. Annual Regional Trail Counts

Tualatin data was shared for the recent regional trail counts held over four days in September. The locations included Sweek Pond area trail, Brown's Ferry Park and Tualatin Community Park at Ki-a-Kuts Bridge. Committee members that participated in the trail counts shared their experience and information. Metro plans to distribute the final trail count numbers and survey results later this year.

E. NEW BUSINESS

1. Tobacco and Smoke Free Outdoor City Spaces Update

Rich Mueller discussed the City Council presentation at the work session on October 12, 2015. The Council provided direction for a policy on smoke and tobacco free City spaces (property owned or managed by the City). Public information and involvement is scheduled for the month of November with this topic to be on the next agenda.

2. Community Development Block Grant, Pohl Center Kitchen Design and Renovation

Staff submitted a grant application to Washington County for \$204,000 to design and renovate the 33 year old kitchen at the Pohl Center. The advisory committee letter of support was handed around.

3. Civil Exclusions

This topic will be on the next advisory committee agenda for discussion. The committee has been asked to review the proposed changes to City policy that excludes people from being in parks for violating park rules, codes or laws.

F. FUTURE AGENDA ITEMS

G. COMMUNICATIONS FROM COMMITTEE MEMBERS

Stephen Ricker indicated that he would like to see the committee discuss dog rule enforcement issues at a future meeting. The committee members agreed and this item will be placed on a future meeting agenda.

H. ADJOURNMENT

On a motion from Stephen Ricker, and second by Valerie Pratt, Dennis Wells adjourned the meeting at 8:29 pm.

Should Tualatin's parks, trails, & plazas be smoke-free?



Tualatin City Council is considering a policy for smoke-free and tobacco-free outdoor City spaces. The City of Tualatin wants your input:

What should be restricted?

- tobacco (smoke and chew)
- inhalant delivery systems (vaping)

Which locations should be included?

- Tualatin Commons
- Library plaza
- all parks and trails
- parking lots
- all City-owned or managed properties

Join the discussion: TualatinOregon.gov
Comments accepted through November

Questions? Contact Rich Mueller, Parks & Recreation Manager, at rmueller@ci.tualatin.or.us or 503.691.3064





MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Richard Mueller, Parks and Recreation Manager
Paul Hennon, Community Services Director

DATE: 10/12/2015

SUBJECT: Consideration of Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City

ISSUE BEFORE THE COUNCIL:

Council consideration of adopting an Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City.

EXECUTIVE SUMMARY:

This initiative is to consider Council adopting an Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City. At the Council work session on July 28, 2014, Tualatin Together presented information to Council with a proposal to restrict smoking and tobacco in parks and other properties owned and/or managed by the City. The Council requested additional information be brought back at a future work session for further review and discussion.

There is an established trend among federal, state, and municipal agencies and jurisdictions, as well as private business and nonprofit organizations, to regulate smoking and tobacco use in outdoor spaces to promote public health and wellness, reduce operating costs, and for other reasons.

Support for this kind of policy can be found in the City Council 2020 Vision, Community Services Department mission and goals, Tualatin Tomorrow goals, Public Health vision, mission and goals, and health care provider initiatives. The Tualatin Library Advisory Committee and Tualatin Park Advisory Committee have recommended the Council consider smoke and tobacco free outdoor City areas.

Currently, the Tualatin Municipal Code, Chapter 06-07: Tobacco Use in Public Places, does not address outdoor smoking in parks or City owned or managed property, except as it relates to near the entrance of an enclosed area (near the doors of a building).

DISCUSSION:

Key policy questions for Council consideration include:

- Should smoke free policy include all tobacco and inhalant delivery systems (vapor)?
- Should tobacco free policy include all smoking and chewing items, methods, products and devices?
- Should regulation focus on consumption or use and not possession?

Not included in the scope or consideration:

- Retail sales and/or advertising or display of smoking and tobacco products
- Hookah establishments
- Smoking or tobacco use inside buildings

Where should smoke and tobacco products be regulated?

- Option: All Outdoor property owned or managed by City
Includes all parklands, Library plaza, City offices, Tualatin Commons, property surrounding the Police Department, Operations building, and core area parking lots.
- Option: Selected Locations, but not all sites
Could include any mix of parklands (parks, natural areas, trails, greenways), Tualatin Commons, Library Plaza, Police Department, Operations Department, City Parking Lots (core area)

Purpose and Reasons for Policy

The purpose and reasons for implementing a smoke and tobacco free outdoor city space policy include:

- Reduction of maintenance (litter)
- Fire safety
- Public health and wellness (second hand smoke)
- Community image and perception (social norms for youth)
- Environmental harm (wildlife)
- Consistency in policy from the federal, state, county, and municipal levels of government

Key Considerations

Key considerations for Council review and policy direction regarding an Outdoor Smoke and Tobacco Free City Spaces Policy include:

- Reason and Purpose
- Locations Included
- Implementation Schedule
- Public Involvement
- Constraints and Opposition
- Opportunities and Support
- Penalties and Enforcement

Financial Implications:

Financial implications would include the cost of refreshing signage for parklands and other property owned or managed by the City and public information materials. An estimate of these costs will be completed, if Council chooses to move forward with a Outdoor Smoke and Tobacco Free City Spaces Policy.

Next Steps

The next steps to implement such a policy are: 1) public information and public involvement, followed by 2) preparation of a draft ordinance for Council consideration and direction. Then, 3)

Council adoption of an ordinance, and 4) implementation over a designated period of time.

RECOMMENDATION:

Staff recommends Council review and consider aspects to include or not include in an Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City, and provide direction for next steps.

Attachments: Attachment A: Jurisdictional Comparison Regarding Outdoor Smoke and Tobacco Free Policy
 Attachment B: Power Point Presentation

Jurisdictional Comparison Regarding Outdoor Smoke and Tobacco Free Policy

Organization	Scope / Materials Affected	Outdoor Policy?	Locations	Purpose	Schedule	Public Involvement	Constraints/Opposition	Opportunities/Support	Public Information Plan/Process	Penalty
Beaverton	Includes all tobacco products and e-cigarettes.	Yes.	In all interior spaces owned, rented or leased by the City; all outside property or grounds owned or wholly leased by the city (including parking areas); and in all City vehicles at all times and locations.	Public/staff health and wellness. Grant stipulations.	Worked closely with med insurance vendors to determine timeline. In total, 9 months of preparation.	None.	Some staff opposition.	Suggested reaching out to medical insurance vendors, American Heart Association, Wellness Committee and stakeholders to craft communication.	Worked with Public Information Manager to develop strategic plan so they could inform public.	No penalty.
Corvallis	Includes all tobacco products (lighted or otherwise), vapor, smoking devices. Does not include tobacco cessation products.	Yes.	All City property and the County Public Library (including PROW and area within 50 ft). Does not include designated parking areas, private property, and private vehicles. Added Parks, trails, and natural areas in 2005.	Not available.	Not available.	For 2005 addition: Advisory Board had public testimony opportunity.	Not available.	For 2005 addition: Benton County Tobacco-Free Coalition; Parks, Natural Areas, and Recreation Advisory Board.	Not available.	\$50-100 for 1st offense; subsequent fines increase up to \$500. Fine up to \$500/day for each offense (\$4,000/mo max) for any person who owns, manages, operates premise.
Eugene	Includes all tobacco products (lighted or otherwise) and smoking devices. Vaping added last year.	Yes.	All public spaces, PROW, places of employment, and exterior of buildings serving children. Includes city pools and Rec Centers, but not Senior Centers.	Health, wellness, and litter.	Not available.	Not available.	Not available.	Not available.	Not available.	\$50-\$100 fine for first offense. Subsequent fines increase up to \$500, or an administrative civil penalty up to \$2000/day, or both.
Forest Grove	Includes all tobacco products, smoking products, and e-cigarettes	Yes.	Designated parks, city-owned or leased property and city-sponsored events. Does not include City streets and sidewalks.	Public health, litter reduction, allows law enforcement to contact suspects who may be persons of interest in other cases.	Effective 30 days for "education period" where warning citations issued	3 public comment opportunities during Parks and Rec Commission meetings; City Council held two duly-noticed public hearing	Fiscal impact estimated (signage costs of \$250-\$600). Perception that City-wide policy would be too difficult to implement or litigious. Minimal opposition.	Supported by public health organizations, advisory committees and City Council Goals.	Handed out policy cards to those smoking as education period. Media was used as positive education piece (5-6 articles).	\$100 to \$250 fine. Enforcement officer may cite into Municipal Court.
Hillsboro	All tobacco products (lit or otherwise), vaping, and electronic products/devices. Tobacco product definition includes anything intended to be put in human body. Does not include tobacco cessation products.	Yes.	Includes any public lands, city-sponsored event, and city owned or controlled personal property, including, but not limited to, vehicles. Does not include sidewalk ROW.	Consistency in policies, public health, wellness, and public safety.	Effective 30 days after adoption.	No major outreach. Coordinators did informal survey of Adult Softball Teams who were biggest tobacco users.	Minimal opposition.	Handful of supporters for banning vaping. Anecdotal comments from public about better experiences with smoke ban.	Signage in all of the parks, news releases, TV spots, notice given of new rule, treated as educational tool not punitive.	Warning issued first, then exclusion for up to 90 days. A violation of an exclusion notice constitutes criminal trespass.
Lake Oswego	Includes all tobacco products and smoking. Does not mention e-cigarettes or vaping.	No.	Includes all places of employment. Does not include: smoking-designated hotel or motel rooms and retail tobacco stores; makes exception for bars and taverns that prohibit minors.	Public health and safety.	Not available.	At least two Council meetings with public testimony	Some opposition from public, one Councilor voted against policy.	Larger support from public.	Not available.	Warning for first offense with educational materials & tobacco program referral; fine suspended if violator cooperates with remedial activity. Fine increases with subsequent violations up to \$500.

Jurisdictional Comparison Regarding Outdoor Smoke and Tobacco Free Policy

Organization	Scope / Materials Affected	Outdoor Policy?	Locations	Reason / Purpose	Schedule	Public Involvement	Constraints/Opposition	Opportunities/Support	Public Information Plan/Process	Penalty
Portland	Includes all tobacco products (lit or otherwise), vapor, smoking devices, and marijuana.	Yes.	All park grounds and facilities. Also includes Portland International Raceway, golf courses, and leased properties. Does not include public ROW.	Public health and safety, environmental health, consistency in policies and goals.	Effective 5 months after adoption to educate, post signage.	Parks Board and community members recommended policy to Council. City sent out online survey for feedback, no public hearings.	Internal concerns from staff (smokers) about how it would impact work. Minimal opposition.	Overwhelming community support, in addition to County support. City created designated smoking areas, which staff could request.	Created policy handouts (Spanish and English), FAQ webpage, posters/ads, email blast to partners, newsletter articles and posted signage.	Exclusion for remainder of the day.
Sherwood	Includes all tobacco products (lit or otherwise). Does not mention e-cigarettes or vaping.	Yes.	Includes any city-owned, controlled or managed property, including, but not limited to, buildings, parks, vehicles, and other real and personal property. Does not include public ROW.	Not available.	Not available.	Not available.	Not available.	Not available.	Not available.	Fine of \$50-\$500
Tigard	Smoking	No.	City facilities, including City-owned buildings, vehicles, individual employee offices, and offices or other facilities rented or leased by the City.	Not available.	Not available.	Not available.	Not available.	Not available.	Not available.	Not available.
Tualatin Hills Park & Recreation District	Includes all lit tobacco and non-tobacco substances, marijuana, and e-cigarettes. Does not include chewing tobacco.	Yes.	District grounds, facilities or buildings including parks, trails, parking lots, and athletic fields.	Public health and safety, litter reduction, consistency in mission.	Effective 2 months after board approval to allow preparation and public notification.	Public meetings (at least 2), survey of residents and other organizations, other communications over several months.	Minimal opposition.	Parks Advisory Committee and Washington County Public Health Division.	Publications, social media outreach, added to parks rules sign, notification on website, and ongoing education.	Exclusion (30-180 days/occurrence) or misdemeanor. Arrest and criminal trespass in 2nd degree if violates exclusion.
Washington County	Includes all lit tobacco products, vapor, smoking devices. Does not include chewing tobacco.	Yes.	Most County property, except in parks- areas where people congregate.	Public health.	Effective 90+ days after adoption (2014).	Public information	Minimal opposition.	Community support for health and wellness.	On effective date, flooded grounds with notices; designated employees to hand out print material as policy guide	Reminders. Not many repeat offenders.
Wilsonville	Includes all tobacco products and smoking. Does not mention e-cigarettes or vaping.	Yes.	City park property, park facilities and buildings.	Received CDC Grant; health and wellness; litter reduction; economic impacts.	Effective 30 days after second reading/adoption	Goals presented to Parks and Rec Board. Involved various organizations- students, businesses, etc. Data collected on citizen attitudes.	2% of respondents to poll indicated there should be no policy on tobacco in parks.	98% of poll respondents voted for either: Wilsonville Parks should be tobacco free, or children's play areas in parks should be tobacco free.	Not available.	Class C misdemeanor



City of Tualatin

Smoke & Tobacco Free

Consideration of Smoke and Tobacco
Free City Spaces Policy for Outdoor
Property Owned or Managed by the City

History

- Tualatin Together (initiative)
- Advisory Committees (recommendation)
- Council Workshop (July 28, 2014)
- Existing Practices & Policies (Appendix A)



Other Jurisdictions

Jurisdictional Comparison Regarding Outdoor Smoke and Tobacco Free Policy

Organization	Scope / Materials Affected	Outdoor Policy?	Locations	Purpose	Schedule	Public Involvement	Constraints/Opposition	Opportunities/Support	Public Information Plan/Process	Penalty
Beaverton	Includes all tobacco products and e-cigarettes.	Yes.	In all interior spaces owned, rented or leased by the City; all outside property or grounds owned or wholly leased by the city (including parking areas); and in all City vehicles at all times and locations.	Public/staff health and wellness. Grant stipulations.	Worked closely with med insurance vendors to determine timeline. In total, 9 months of preparation.	None.	Some staff opposition.	Suggested reaching out to medical insurance vendors, American Heart Association, Wellness Committee and stakeholders to craft communication.	Worked with Public Information Manager to develop strategic plan so they could inform public.	No penalty.
Corvallis	Includes all tobacco products (lighted or otherwise), vapor, smoking devices. Does not include tobacco cessation products.	Yes.	All City property and the County Public Library (including PROW and area within 50 ft). Does not include designated parking areas, private property, and private vehicles. Added Parks, trails, and natural areas in 2005.	Not available.	Not available.	For 2005 addition: Advisory Board had public testimony opportunity.	Not available.	For 2005 addition: Benton County Tobacco-Free Coalition; Parks, Natural Areas, and Recreation Advisory Board.	Not available.	\$50-100 for 1st offense; subsequent fines increase up to \$500. Fine up to \$500/day for each offense (\$4,000/mo max) for any person who owns, manages, operates premise.
Eugene	Includes all tobacco products (lighted or otherwise) and smoking devices. Vaping added last year.	Yes.	All public spaces, PROW, places of employment, and exterior of buildings serving children. Includes city pools and Rec Centers, but not Senior Centers.	Health, wellness, and litter.	Not available.	Not available.	Not available.	Not available.	Not available.	\$50-\$100 fine for first offense. Subsequent fines increase up to \$500, or an administrative civil penalty up to \$2000/day, or both.
Forest Grove	Includes all tobacco products, smoking products, and e-cigarettes	Yes.	Designated parks, city-owned or leased property and city-sponsored events. Does not include City streets and sidewalks.	Public health, litter reduction, allows law enforcement to contact suspects who may be persons of interest in other cases.	Effective 30 days for "education period" where warning citations issued	3 public comment opportunities during Parks and Rec Commission meetings; City Council held two duly-noticed public hearing	Fiscal impact estimated (signage costs of \$250-5600). Perception that City-wide policy would be too difficult to implement or litigious. Minimal opposition.	Supported by public health organizations, advisory committees and City Council Goals.	Handed out policy cards to those smoking as education period. Media was used as positive education piece (5-6 articles).	\$100 to \$250 fine. Enforcement officer may cite into Municipal Court.
Hillsboro	All tobacco products (lit or otherwise), vaping, and electronic products/devices. Tobacco product definition includes anything intended to be put in human body. Does not include tobacco cessation products.	Yes.	Includes any public lands, city-sponsored event, and city owned or controlled personal property, including, but not limited to, vehicles. Does not include sidewalk ROW.	Consistency in policies, public health, wellness, and public safety.	Effective 30 days after adoption.	No major outreach. Coordinators did informal survey of Adult Softball Teams who were biggest tobacco users.	Minimal opposition.	Handful of supporters for banning vaping. Anecdotal comments from public about better experiences with smoke ban.	Signage in all of the parks, news releases, TV spots, notice given of new rule, treated as educational tool not punitive.	Warning issued first, then exclusion for up to 90 days. A violation of an exclusion notice constitutes criminal trespass.
Lake Oswego	Includes all tobacco products and smoking. Does not mention e-cigarettes or vaping.	No.	Includes all places of employment. Does not include: smoking-designated hotel or motel rooms and retail tobacco stores; makes exception for bars and taverns that prohibit minors.	Public health and safety.	Not available.	At least two Council meetings with public testimony	Some opposition from public, one Councilor voted against policy.	Larger support from public.	Not available.	Warning for first offense with educational materials & tobacco program referral; fine suspended if violator cooperates with remedial activity. Fine increases with subsequent violations up to \$500.

Key Issues

Scope (What's Included)

- Smoke Free (Tobacco & inhalant delivery systems)
- Tobacco Free (Smoking & Chewing)
- Regulation on consumption/use (Not Possession)
- Where (Locations)

Out of Scope (Not Included)

- Retail sales, advertising or displays
- Marijuana (including edible packaged products)
- Hookah Establishments
- Indoor Buildings



Purpose & Reasons

- Reduction of Maintenance (litter)
- Fire Safety
- Public Health (second hand smoke)
- Community Image and Perception (social norms for youth)
- Environmental Harm (wildlife)
- Consistency in Policy



3 boys charged in Oregon trestle fire

SHERWOOD, Ore. (AP) — Police have charged three boys with reckless burning in connection with a fire that destroyed a train trestle in Sherwood, Oregon.

A fire investigator said careless smoking was the cause of the Aug. 10 fire that burned eight acres along with the 85-year-old Portland and Western Railroad trestle.

Key Considerations

- Scope
- Locations (where)
- Schedule
- Public Involvement
- Pre-Mortem (Constraints, Opposition, Opportunities & Support)
- Reason & Purpose



Next Steps

- Council Direction (Oct. 12)
- Public Information & Involvement (Nov. & Dec.)
- Draft Ordinance to Council with Policy Recommendations (Jan.)
- Ordinance Adoption
- Implementation of Ordinance





City of Tualatin

CIVIL EXCLUSION

CITY COUNCIL WORK SESSION
OCTOBER 12, 2015

Sean Brady
City Attorney

Overview

- Current Civil Exclusion Process
- Discussion of Changes in Proposed Draft

Current Civil Exclusion Process

- Only Applies to Library and Parks
 - ▣ TMC 5-1 (Library)
 - ▣ TMC 5-2 (Parks)
- Two Civil Exclusion Processes
 - ▣ One Located in Each Chapter
- Exclusion Timelines Interspersed throughout each Chapter

Draft Civil Exclusion Process

- Uniform Code
- Applies to All City Facilities
- Issued Based Upon Probable Cause
 - ▣ Felony
 - ▣ Misdemeanor,
 - ▣ Violation or Rules Infraction

Draft Civil Exclusion Process

- Timelines for Exclusion Based on Severity of Offense
 - Felonies – 1 year
 - Misdemeanor – 90 days
 - Violation/Infraction/Rules Violation – 30 days
 - Enhancement for Repeat Offense
 - Encourages Warnings and Compliance
 - Provides Clear Provisions for Enforcement Officers and Court

Draft Civil Exclusion Process

- Appeal Process to Municipal Court
 - City Prove Offense by Preponderance of Evidence Standard
- Variance Process Available at Municipal Court
 - Obtain social services
 - Conduct valid city business
 - Receive educational services
 - Take immediate family to location

QUESTIONS AND DISCUSSION



DRAFT CIVIL EXCLUSION ORDINANCE

ORDINANCE NO. ____

AN ORDINANCE RELATING TO CIVIL EXCLUSIONS; ADDING TUALATIN MUNICIPAL CODE CHAPTER 5-10; AMENDING TUALATIN MUNICIPAL CODE CHAPTERS 5-1 AND 5-2; AND ADDING NEW PROVISIONS.

WHEREAS,

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Municipal Code Chapter 5-10 (Civil Exclusion) is created as follows:

5-10-010. Definitions. As used in this Chapter, the following terms have the following meanings, unless the context otherwise requires:

(1) "Arrest" means to place a person under actual or constructive restraint, or to take a person into custody, for the purpose of charging that person with the commission of any enumerated offense which is a misdemeanor or felony.

(2) "Cite" means to issue a citation to appear in court to a person for commission of an enumerated offense.

(3) "City Property" means any property or physical structure owned or managed by the City, including but not limited to buildings, greenways, libraries, parks, and parking lots.

(4) "Enumerated offense" means any of the following:

(a) Felony: any crime under Oregon law classified as a Class A, Class B, or Class C felony;

(b) Misdemeanor:

(i) any crime under Oregon law classified as a Class A, Class B, or Class C misdemeanor; or

(ii) any violation of the Tualatin Municipal Code that classifies the offense as a misdemeanor.

(c) Violation or Infraction:

(i) any violation of Oregon law that classifies the offense as a violation;

(ii) any violation of the Tualatin Municipal Code that classifies the offense as a violation or infraction; or

(iii) any violation of the Library Rules of Conduct, Park Rules, Commons Regulations, or any other administrative rule adopted by the City.

(5) "Enforcement officer" means a peace officer as defined by ORS 133.005, or any other person with authority to enforce the City of Tualatin code.

(6) "Essential needs" means food, physical care, and medical attention.

(7) "Reside" means to occupy one's principal dwelling; including transient occupancy in a hotel or motel.

(8) "Travel" means the movement on foot or within or upon a vehicle from one point to another without delay other than to obey traffic control devices.

5-10-020 Civil Exclusion for Committing Enumerated Offense on City Property.

(1) Any person arrested or cited, based upon probable cause to believe that the person has committed an enumerated offense on City Property, will be prohibited from being present at the City Property where the conduct occurred, except to travel to or from and be present for:

(a) Attendance at a City Council meeting, or other meeting of a city committee or board;

(b) Compliance with obligations ordered by a court or corrections department;

(c) Contact with criminal justice personnel at a criminal justice facility;

(d) Attendance at Municipal Court hearing relating to:

(i) An appeal of that person's Notice of Exclusion;

(ii) The denial, revocation, or amendment of that person's variance;

(iii) a violation proceeding against that person; or

(iv) pursuant to a validly issued subpoena.

(e) Obtaining, or attempt to obtain, an essential need by accessing the public building that provides an essential need or service when the essential need cannot reasonably be satisfied by the excluded person without entering the public building;

(f) Performance of work directly related to lawful employment;

(g) An activity, place, or event as specified by a variance issued by the Municipal Court pursuant to 5-1-180.

(2) The issuance of a civil exclusion is in addition to any other remedy provided by law.

(3) This section is to be enforced so as to emphasize voluntary compliance with laws and City rules, and so that inadvertent minor violations that would fall under this Chapter can be corrected without resort to an Exclusion Notice.

5-10-040. Exclusion Notice. (1) The Exclusion Notice must be issued by the enforcement officer at the time the person is arrested or cited for the commission of the enumerated offense.

(2) The Exclusion Notice must be in writing and must specify the following:

(a) the enumerated offense;

(b) the City building or facility excluded from or geographical extent of exclusion;

(c) the date exclusion takes effect and the date it ends;

(d) the procedure for filing an appeal; and

(e) a statement indicating the availability of a variance.

(3) If the Exclusion Notice is related to the conduct of a minor, the Exclusion Notice must be:

(a) issued to the parent, guardian, or custodian of the minor; or

(b) issued to the minor with a copy of the Exclusion Notice provided to the minor's parent, guardian, or custodian in person or by first class mail.

5-10-050 Period of Exclusion. (1) The period of exclusion for a person issued an Exclusion Notice is:

(a) 30 days if the enumerated offense is a violation or infraction.

(b) 90 days if the enumerated offense is a misdemeanor.

(c) One year if the enumerated offense is a felony.

(2) The period of exclusion established in subsection (1)(a) and (b) is doubled if the person previously received an Exclusion Notice within one year from the date of receipt of the Exclusion Notice related to the current violation.

(3) The period of exclusion established in subsection (1)(a) and (b) is tripled if the person previously received two or more Exclusion Notices within one year from the date of receipt of the Exclusion Notice related to the current violation.

5-10-060. Commencement of Exclusion. The period of exclusion will commence upon the issuance of the Exclusion Notice, but will be stayed if the person excluded files a Notice of Appeal under 5-10-070, which stay will remain in place until the Municipal Court issues a decision on the appeal.

5-10-070 Notice of Appeal; Appeal to Municipal Court.

(1) A person may appeal the issuance of a Exclusion Notice by filing a Notice of Appeal with the Municipal Court. Failure to file a Notice of Appeal waives the right appeal the exclusion.

(2) A Notice of Appeal must be filed within 10 business days of receipt of the Exclusion Notice. The Notice of Appeal must contain a copy of the exclusion notice, a request for a hearing or request for written review without a hearing, and a statement setting forth the reason or reasons that the Exclusion Notice is invalid, otherwise improper, or why it should be modified.

(3) If, as part of the written appeal, the person requests a hearing, a hearing will be conducted by the Municipal Court, within 10 business days after the Notice of Appeal is filed with the Municipal Court, unless otherwise ordered by the Municipal Court. The Municipal Court will render a decision within 10 business days after the hearing, unless otherwise ordered by the Municipal Court.

(4) The City must prove by a preponderance of evidence standard that the enumerated offense occurred as alleged in the Exclusion Notice. If the City fails to so prove, the Exclusion Notice must be dismissed.

(5) The determination of facts made by the Municipal Court under this section does not have any collateral estoppel effect on a subsequent criminal prosecution or civil proceeding and does not preclude litigation of those same facts in a subsequent criminal prosecution or civil proceeding.

5-10-080. Variance from Exclusion.

(1) The Municipal Court may grant a variance to an excluded person at any time during the period of exclusion, upon a showing by the excluded person of a plausible need to grant the variance, which may include but is not limited to the following:

(a) To conduct valid city business.

(b) To obtain goods or services not otherwise reasonably available;

- (c) To obtain social services needed for the health or well-being of the person;
- (e) To obtain educational services or to attend classes;
- (f) To take the person's immediate family to a location for the benefit of the person's immediate family as provided in subsection (a) through (e). For the purposes of this paragraph, the term "immediate family" means the person's parents, in-laws, stepparents, siblings, grandparents, children, or grandchildren.

(2) A request for a variance must be in writing, must state the purpose for which the variance is sought, and the period of time during which the variance is requested to be effective.

(3) The municipal court will either grant or deny the variance request. If granted, variance decision must be in writing and clearly state the terms of the variance. The variance decision allows relief from exclusion only to the extent provided in the variance decision.

(4) A copy of the variance decision must be carried by the excluded person while within the area of exclusion, and be presented to any enforcement officer upon request.

(5) A person excluded who is present within the area of exclusions has the burden to demonstrate, by clear and convincing evidence, that the person is present consistent with the purposes specified in the variance decision.

(6) A variance is effective upon issuance; a revocation of a variance is effective upon the fifth business day after the date of the mailing of notice of revocation to the excluded person.

(7) A person may request a variance regardless of whether the person previously filed a Notice of Appeal.

5-10-90 Revocation of Variance. The Municipal Court may revoke a variance upon finding that:

- (1) The request for the variance contained false information;
- (2) There is probable cause to believe the excluded person has committed another enumerated offense; or
- (3) Circumstances upon which the variance was granted no longer exist.

5-10-100. Hearing Procedures. Except as otherwise provided in this Chapter, the civil infraction procedures in TMC 7-1 apply to hearings on appeals and variances conducted under this Chapter.

5-10-110 Violation of Exclusion Notice.

(1) No person may enter or remain on City Property in violation of an Exclusion Notice issued to the person.

(2) If a person enters or remains on City Property in violation of the Exclusion Notice, the person may be arrested on criminal trespass charges.

(3) In addition to criminal trespass, the person violating an Exclusion Notice may be liable for civil trespass and other civil liability under City or state law.

Section 2. Tualatin Municipal Code Section 5-1-050 is amended to read as follows:

5-1-050 Specific Library Rules.

(1) Whenever there is reasonable cause to believe that an individual has committed any of the following acts in or upon Library premises, such individual may be directed to leave the Library. A warning need not be given in advance. Such conduct may be reported to the police. Violation of any of the prohibitions of this subsection may result in exclusion from the library for period not to exceed one year as provided in TMC Chapter 5-10.

It is unlawful to:

- (a) Commit or attempt to commit an assault;
- (b) Commit or attempt to commit a theft;
- (c) Commit or attempt to commit mischief;
- (d) Destroy, damage or deface library property;
- (e) Engage in sexual activity including solicitation of prostitution, harassment or indecent exposure;
- (f) Use, give away, sell or be under the influence of:
 - (i) a controlled substance: or
 - (ii) intoxicating liquor except at City-sponsored events: or
- (g) Commit or attempt to commit disorderly conduct or harassment.

(2) Whenever there is reasonable cause to believe that an individual has committed any of the following acts, such individual shall be given one warning and if the conduct which led to the warning reoccurs, even on a different day, then such individual may be

directed to leave the Library for the remainder of the day. ~~Violation of two or more of the prohibitions of this subsection, each of which results in a directive to leave the Library, within any six month period may also result in exclusion from the Library for a period not to exceed six months.~~

It is unlawful to:

- (a) Use abusive language or behavior which disturbs the quiet atmosphere of the library;
- (b) Solicit, petition, distribute written materials or canvass for political, charitable or religious purposes in the Library;
- (c) Interfere with free passage on Library Premises, which includes restricting passage with or use of a bicycle, skateboard, rollerblades, cart or large backpack, or anything that creates an obstacle or takes up seating, except an assistive device, such as a wheelchair or walker, being used by a person with a disability;
- (d) Smoke, or use tobacco products inside the Library, except as expressly allowed by the Library Manager in the course of a Library-approved event;
- (e) Bring an animal into the Library, except a ~~seeing eye or service animal, or any other animal specifically trained to assist such person with a disability~~ as allowed by state or federal disability laws, or as part of a Library-sponsored event.
- (f) Sleep in the library in a manner that occupies additional seating or creates an audible disturbance, or block access;
- (g) Improperly use a restroom, including but not limited to bathing, shaving or washing hair;
- (h) Play audio equipment at a volume which is plainly audible by others in the Library;
- (i) Allow a child age five or under to be unattended in the Library, unless the child is attending a Library-sanctioned activity;
- (j) Allow a child under age eight to be unsupervised in the Library, unless the child is attending a Library-sanctioned activity; or
- (k) Fail to leave the Library at closing time.
- (l) Violate library policies; or
- (m) To follow the reasonable direction of a library employee.

(3) When there is reasonable cause to believe that an individual has committed any of the following acts, such individual may be directed to leave the Library until the problem is corrected:

~~(a) It is unlawful to enter Enter or remain on library premises in the Library without wearing shoes or sandals and a shirt or other similar clothing, except for children three years or younger.~~

~~(4) When a person is excluded from another Library which is a member of the WGCLS program due to conduct which would be sufficient reason to result in exclusion from the Tualatin Library, upon receiving notice from the City of Tualatin as provided in TMC 5-1-080, such person shall be excluded from the Tualatin Library for the period of time specified in TMC 5-1-050, but not exceeding the period for which such person was excluded from the other library.~~

Section 3. The following provisions of the Tualatin Municipal Code Chapter 5-1 (Library Rules of Conduct) are deleted in their entirety: 5-1-080 and 5-1-090.

Section 4. Tualatin Municipal Code Section 5-1-100 is amended to read as follows:

5-1-100 Remedies.

(1) Except as otherwise provided, a violation of this ordinance Chapter is a civil infraction and shall be punishable by a fine not to exceed \$500. Each violation of this ordinance constitutes a separate offense, and each day that a violation of this ordinance Chapter is committed or permitted to continue constitutes a separate offense. ~~In addition to any other forfeiture, remedy, order or penalty provided by law or city ordinance, the court, upon a determination of a violation, may order the exclusion of a person from the Library for such period as may be specified for such violation under TMC 5-1-050, but not to exceed one year.~~

(2) The remedies provided by this ordinance Chapter for violations are cumulative and the pursuit of one remedy shall not preclude the use of another. In addition, where an offense defined under this ordinance Chapter is also punishable under State law or TMC Chapter 6-4, the use of a remedy or remedies provided by this ordinance Chapter shall not be construed as an election of remedies or otherwise preclude the use of additional or alternative remedies or penalties provided by law.

(3) Where a person has been refused Library privileges by order of the Library Manager, and such refusal is not in connection with ~~an order otherwise appealable to the Municipal Court~~ a Civil Exclusion under ~~TMC 5-1-080~~ TMC Chapter 5-10, an

aggrieved person may petition in writing to the City Manager or designee for reconsideration of such refusal.

Section 5. The following provisions of the Tualatin Municipal Code Chapter 5-2 (Use of City Parks) are deleted in their entirety: 5-2-070 and 5-2-080.

Section 6. Tualatin Municipal Code Section 5-2-090 is amended to read as follows:

5-2-090 Remedies.

(1) Except as otherwise provided, a violation of this ~~ordinance~~ Chapter is a civil infraction and shall be punishable by a fine not to exceed five hundred dollars (\$500). Each violation of a provision of this ~~ordinance~~ Chapter shall constitute a separate offense, and each day that a violation of this ~~ordinance~~ Chapter is committed or permitted to continue, shall constitute a separate offense. ~~In addition to any other forfeiture, remedy, order or penalty provided by law or City ordinance, the court, upon a determination of a violation, may order the exclusion of a person from a park or any portion thereof for a period of up to one (1) year.~~

(2) In addition to other remedies provided by this ~~ordinance~~ Chapter or other law, the Parks and Recreation Director is authorized to revoke the permit or approval given or issued to a person who violates any rule or regulation set forth in this ~~ordinance~~ Chapter or any condition under which the permit was issued. Such determination shall be in writing and delivered to the person to whom the permit was issued. Any person aggrieved by the revocation of such permit may appeal such determination ~~in accordance with the procedures provided in Section 8~~ to the City Manager, or designee.

(3) The remedies provided by this ~~ordinance~~ Chapter for violations thereof are cumulative and the pursuit of one remedy shall not preclude the use of another. In addition, where an offense defined under this ~~ordinance~~ Chapter is also punishable under State law or other provisions of the Tualatin Municipal Code Ordinance 706-86, the use of a remedy or remedies provided by this ~~ordinance~~ Chapter shall not be construed as an election of remedies or otherwise preclude the use of additional or alternative remedies or penalties provided by law.

(4) Where a person has been refused a permit or authorization for use of a park by order of the Parks and Recreation Director and such refusal is not in connection with ~~an order otherwise appealable to the Municipal Court under Section 8~~ a Civil Exclusion under TMC Chapter 5-10, an aggrieved person may petition in writing to the City Manager, or designee, for reconsideration of such refusal.

Section 7. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

Adopted by the City Council this ____ Day of _____, 2015.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

DRAFT



CITY OF TUALATIN
VOLUNTEER ASSIGNMENT DESCRIPTION
TUALATIN PARKS ADVISORY COMMITTEE

ASSIGNMENT TITLE	Tualatin Parks Advisory Committee Member
GOAL/ PURPOSE	The goal of the Tualatin Parks Advisory Committee is to recommend and make suggestions to the City Council regarding all matters relating to public parks, playground-related activities and programs. To formulate comprehensive and community-wide park and recreation systems and programs to service the horticultural, environmental, historical, recreation, cultural and leisure needs of all City residents.
SUPERVISION	Rich Mueller, Parks and Recreation Manager rmueller@ci.tualatin.or.us 503.691.3064
TIME COMMITMENT	The committee meets on the second Tuesday of each month at 6:00 p.m. Meetings require about two hours, plus additional preparation time. Depending on activities planned throughout the year, each member can expect to contribute up to two additional hours per month. Members serve a three-year term.
DUTIES	<ul style="list-style-type: none">• Recommend and make suggestions to the City Council regarding all matters relating to public parks, playground-related activities and programs;• Recommendations and suggestions shall include, but are not limited to the budget process, immediate and long-range planning, and citizen participation;• Attends monthly meetings and on occasion other activities and events.• Explore and recommend funding sources to support parks and recreation;• Provide assistance to activities and organizations in the community which provide recreation programs; and• Encourage, sponsor, co-sponsor or conduct public programs to further the development and public awareness of parks, recreation, trails, open space, natural areas and greenways.
QUALIFICATIONS	<ul style="list-style-type: none">• At least five committee members shall reside within the City of Tualatin. No more than two shall reside outside the City.• One committee member may be less than 18 years of age. A member who is appointed under this provision shall serve a one-year term that may be renewed for one additional year.
TRAINING	Training will be conducted by the committee staff liaison. An orientation meeting will occur following your committee appointment. Other training will be provided on an as-needed basis.
BENEFITS	This opportunity will allow you the meaning community service involving recreation programs and park facilities that improve health, reduce crime, enhance economic development and preserve the environment. The committee members are engaged in enhancing the quality of life and quality of place for residents in the community.