

TUALATIN CITY COUNCIL

Monday, JUNE 25, 2018

JUANITA POHL CENTER 8513 SW Tualatin Road Tualatin, OR 97062

WORK SESSION begins at 5:00 p.m. **BUSINESS MEETING** begins at 7:00 p.m.

Mayor Lou Ogden

Council President Joelle Davis

Councilor Robert Kellogg Councilor Frank Bubenik
Councilor Paul Morrison Councilor Nancy Grimes
Councilor Jeff DeHaan

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tvalatinoregon.gov/meetings.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A *legislative* public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

- 1. Mayor opens the public hearing and identifies the subject.
- 2. A staff member presents the staff report.
- 3. Public testimony is taken.
- 4. Council then asks questions of staff, the applicant, or any member of the public who testified.
- 5. When the Council has finished questions, the Mayor closes the public hearing.
- 6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A *quasi-judicial* public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partititions and architectural review.

- 1. Mayor opens the public hearing and identifies the case to be considered.
- 2. A staff member presents the staff report.
- 3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
- 4. Council then asks questions of staff, the applicant, or any member of the public who testified.
- 5. When Council has finished its questions, the Mayor closes the public hearing.
- 6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all provided all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR JUNE 25, 2018

A. CALL TO ORDER Pledge of Allegiance

B. ANNOUNCEMENTS

1. New Employee Introduction- Ross Hoover, Parks and Recreation Director

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

- 1. Consideration of Approval of the Minutes for the Regular Meeting of June 11, 2018
- **2.** Consideration of Recommendations from the Council Committee on Advisory Appointments
- **3.** Consideration of <u>Resolution No. 5376-18</u> Authorizing Personnel Services Updates for Non-Represented Employees for Fiscal Year 2018-19
- **4.** Consideration of **Resolution No. 5377-18** Authorizing the Sale of General Obligation Bonds and Refundings
- **5.** Consideration of **Resolution No. 5378-18** Authorizing Changes to the Adopted 2017-2018 Budget
- **6.** Consideration of **Resolution No. 5379-18** Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 5325-17
- 7. Consideration of **Resolution No. 5381-18** updating the Public Works Construction Code to create a Sidewalk/Driveway Approach Permit

- **8.** Consideration of <u>Resolution No. 5382-18</u> Canvassing Results of the Election Held in the City of Tualatin, Washington and Clackamas Counties, Oregon on May 15, 2018
- **9.** Consideration of **Resolution No. 5384-18** Granting Heritage Tree Status of Two Trees on City Property Located Along the Tualatin River Greenway Near the Nyberg Woods Trail Connection

E. PUBLIC HEARINGS – <u>Legislative</u>

1. Consideration of <u>Resolution No. 5380-18</u> Adopting the City of Tualatin Budget for the Fiscal Year Commencing July 1, 2018, Making Appropriations, Levying Ad-Valorem Taxes, and Categorizing the Levies

F. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

 Consideration of <u>Ordinance No. 1410-18</u> Relating to Library Rules; Amending Tualatin Municipal Code Chapter 5-1 and Tualatin Municipal Code Section 5-10-010; and Adding New Provisions

G. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

H. COMMUNICATIONS FROM COUNCILORS

I. ADJOURNMENT



TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 06/25/2018

SUBJECT: Consideration of Approval of the Minutes for the Regular Meeting of June 11,

2018

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Regular Meeting of June 11, 2018.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: City Council Regular Meeting Minutes of June 11, 2018



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JUNE 11, 2018

Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis;

Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Robert Kellogg

Absent: Councilor Jeff DeHaan

Staff City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Present: Finance Director Don Hudson; Deputy City Recorder Nicole Morris; Teen Program

Specialist Julie Ludemann; Library Manager Jerianne Thompson; Parks and Recreation Manager Rich Mueller; City Engineer Jeff Fuchs; IS Director Bates Russell; Accounting Supervisor Matthew Warner; Human Resources Director Stacy

Ruthrauff; Police Captain Greg Pickering

A. CALL TO ORDER

Pledge of Allegiance

Council President Davis called the meeting to order at 7:05 p.m.

B. ANNOUNCEMENTS

 Recognition of the Tualatin Girls Softball Team on the Occasion of Their Perfect Season

Council President Davis read the proclamation recognizing the Tualatin Girls Softball Team on their perfect season.

2. Science & Technology Scholarship Winners

Library Director Jerianne Thompson introduced the two Science and Technology Scholarship winners Autumn Lewis and McKenzie Scott.

Council President Davis presented the certificates to the award recipients.

3. Update on the Tualatin Youth Advisory Council's activities for June 2018

Members of Youth Advisory Committee (YAC) presented a PowerPoint on their latest activities and upcoming events. Members held a Youth Summit with the City Council where round table discussions were held. The YAC held their annual Blender Dash on June 2 at Tualatin Community Park where 850 kids participated. The YAC will participate in the Movies on the Commons events this summer selling concessions. Movies are shown every Saturday starting in July through

the end of the summer.

4. Proclamation Declaring July 2018 as National Park and Recreation Month

Councilor Paul Morrison read the proclamation declaring July 2018 as National Park and Recreation Month.

5. New Employee Introduction- Anitra Ahmed

Finance Director Don Hudson introduced Accounting Technician Anitra Ahmed. The Council welcomed her.

6. New Employee Introduction- Sean Cowley, Utility Technician I

Public Works Director Jeff Fuchs introduced Utility Technician I Sean Cowley. The Council welcomed him.

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

Johnathan Johannesen spoke to parking concerns around the high school. He noted visibility issues, trash, and illegally parked cars as his main concerns.

Cassie Cohen spoke in support of the request from the MeCHA group. She would like to see \$2,000 from the budget dedicated to the Immigrant Support Fund.

The Tigard-Tualatin Relay for Life announced they will be holding their annual event on July 14 and 15 at Fowler Middle School. They have raised \$30,000 to date.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Nancy Grimes to adopt the consent agenda.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle

Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert

Kellogg

Other: Councilor Jeff DeHaan (Absent)

MOTION CARRIED

- 1. Consideration of Approval of the Minutes for the Work Session and Regular Meeting of May 29, 2018
- 2. Consideration of Approval of a New Liquor License Application for MOD Pizza
- 3. Consideration of Approval of a New Liquor License Application for Choza PDX
- **4.** Consideration of **Resolution No. 5371-18** Setting Road Utility Fees, Effective July 1, 2018
- **5.** Consideration of **Resolution No. 5372-18** Certifying City of Tualatin Municipal Services
- 6. Consideration of <u>Resolution No. 5374-18</u> Amending Water, Sewer and Surface Water Management Rates Inside the City of Tualatin and Rescinding Resolution 5324-17
- **7.** Consideration of <u>Resolution No. 5375-18</u> Authorizing an Interfund Loan for Property Acquisition

E. SPECIAL REPORTS

1. Update on Summer Programs and Activities Offered by the City of Tualatin and Partners

Teen Program Specialist Julie Ludeman and Public Services Supervisor Sarah Jesudason presented the City of Tualatin 2018 Summer Programs. Programs include: the Summer Reading Program, Youth Summer Camps, Concerts and Movies on the Commons, Art Splash, Teen Volunteer Programs, National Night Out, and the Gang Resistance Education and Training (GREAT) Summer Program. There will also be many ongoing activities at the Juanita Pohl Center. Specialist Ludeman thanked all the summer recreation partners including the Tualatin Crawfish Festival, Tualatin Heritage Center, Browns Ferry Park rentals, Willowbrook Arts Camp, Tigard-Tualatin Summer Lunch program, the YMCA, Skyhawks, and the Code to the Future Camps.

F. PUBLIC HEARINGS – <u>Legislative or Other</u>

1. Consideration of <u>Resolution No. 5373-18</u> Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2018-19

Finance Director Hudson stated the intent for the public hearing is to recieve state shared revenues. He gave a brief report on the state shared revenues the City recieves. He noted the City is estimated to recieve \$374,400 in the FY 18/19 budget. The revenue is not restricted and is used for general city operations. Cigarette, gas, marijuana, and remaining liquor taxes are not covered in the public hearing.

PUBLIC COMMENT

None.

MOTION by Councilor Robert Kellogg, SECONDED by Councilor Nancy Grimes to adopt Resolution No. 5373-18 declaring the city's election to receive state revenue sharing funds during fiscal year 2018-19.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle

Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert

Kellogg

Other: Councilor Jeff DeHaan (Absent)

MOTION CARRIED

G. COMMUNICATIONS FROM COUNCILORS

Councilor Kellogg announced he participated in Pioneer Days. Encouraged citizens to volunteer at the event next year.

H. ADJOURNMENT

Council President Davis adjourned the meeting at 7:54 p.m.

Sherilyn Lombos, City Manager	
	/ Nicole Morris, Recording Secretary
	/ Lou Ogden, Mayor



TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 06/25/2018

SUBJECT: Consideration of Recommendations from the Council Committee on Advisory

Appointments

ISSUE BEFORE THE COUNCIL:

Consideration of appointments to the Tualatin Parks Advisory Committee.

RECOMMENDATION:

Staff recommends the City Council approve the recommendations from the Council Committee on Advisory Appointments (CCAA).

EXECUTIVE SUMMARY:

The CCAA met and interviewed citizens interested in participating on City advisory committees. The Committee recommends appointing the following individuals:

Individuals	Board	Term
Beth Dittman	Tualatin Parks Advisory Committee	New Appointment Term Expiring 2/28//20

Attachments:



TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Stacy Ruthrauff, Human Resources Director

DATE: 06/25/2018

SUBJECT: Consideration of **Resolution No. 5376-18** Authorizing Personnel Services

Updates for Non-Represented Employees for Fiscal Year 2018-19

ISSUE BEFORE THE COUNCIL:

The City Council will consider adjustments for the non-represented employees for fiscal year 2018-19

RECOMMENDATION:

Staff recommends the City Council adopt the attached resolution authorizing non-represented employee personnel services updates for fiscal year 2018-19.

EXECUTIVE SUMMARY:

Section 1 of the Resolution proposes that the Salary Schedules for Exempt Management, Non Exempt Management, and Exempt and Non Exempt Police Management employees shall be updated and increased by a 2% cost of living allowance effective July 1, 2018, as shown in attached Exhibits A, B, and C. Selected Police Management positions will be eligible to also participate in various programs contained in the Tualatin Police Officers Association Collective Bargaining Agreement. Section 2 of the Resolution proposes an update to the Salary Schedules for Temporary employees in accordance with minimum wage requirements and a 2% cost of living allowance as shown in attached Exhibits D and E.

FINANCIAL IMPLICATIONS:

Provisions of the non-represented employee salary schedules adjustment are incorporated in the FY 2018-19 budget.

Attachments: Personnel Svcs Resolution

Exhibit A
Exhibit B
Exhibit C
Exhibit D

Exhibit E

RESOLUTION NO. 5376-18

A RESOLUTION AUTHORIZING PERSONNEL SERVICES UPDATES FOR NON-REPRESENTED EMPLOYEES FOR FISCAL YEAR 2018-19.

WHEREAS, the Council of the City of Tualatin is the authority in setting the compensation and benefits for City employees; and

WHEREAS, the Oregon Legislature, Senate Bill 1532 established a series of annual minimum wage rate increases; and

WHEREAS, the City of Tualatin is located within the urban growth boundary and needs to comply with the standard set forth for the Portland Metro Area; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. Effective July 1, 2018, the Salary Schedules for Exempt Management, Non-exempt Management, and Exempt and Non-exempt Police Management employees shall be updated and increased by a 2% cost of living allowance, as provided in attached Exhibits A, B, and C, with the pay rates for these employees adjusted accordingly. Selected Police Management positions will be eligible to participate in various programs contained in the Tualatin Police Officers Association Collective Bargaining Agreement.

Section 2. Effective July 1, 2018, the Salary Schedules for Temporary employees shall be updated as provided in attached Exhibits D and E.

Adopted by the City Council this 25th day of June, 2018.

	CITY OF TUALATIN, OREGON		
	BY		
	Mayor		
APPROVED AS TO FORM	ATTEST:		
BY	BY		
City Attorney	City Recorder		

FY 2018/19 SALARY SCHEDULE Exhibit A EFFECTIVE 7/01/2018 EXEMPT MANAGEMENT

Grade	Title	RATE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
M12	Assistant to the City Manager Sr. Human Resources & Risk Mgmt Analyst	Hourly Annual	36.07 75,019.56	37.16 77,292.22	38.27 79,608.58	39.43 82,012.36	40.63 84,503.54	41.83 87,016.58	43.07 89,595.17	44.38 92,304.88	45.71 95,080.14
M13	Vacant	Hourly Annual	37.90 78,821.90	39.02 81,160.11	40.20 83,607.58	41.40 86,120.62	42.66 88,742.92	43.93 91,365.21	45.24 94,096.77	46.60 96,937.60	48.00 99,843.99
M14	Assistant Finance Director Park & Recreation Manager Planning Manager	Hourly Annual	39.79 82,755.34	40.99 85,268.38	42.21 87,803.26	43.47 90,425.56	44.78 93,135.27	46.12 95,932.39	47.50 98,795.06	48.92 101,745.14	50.39 104,804.49
M15	City Engineer Building Official	Hourly Annual	42.77 88,961.44	44.05 91,627.45	45.36 94,359.01	46.73 97,199.83	48.15 100,149.91	49.59 103,143.71	51.05 106,181.20	52.58 109,371.66	54.15 112,627.69
DM1	Parks & Recreation Director Library Director Human Resources Director Information Systems Director	Hourly Annual	46.13 95,954.24	47.54 98,882.47	48.96 101,832.56	50.41 104,848.20	51.93 108,016.81	53.50 111,272.83	55.09 114,594.41	56.73 118,003.39	58.46 121,587.20
DM2	Finance Director Public Works Director/City Engineer Community Development Director	Hourly Annual	48.84 101,592.18	50.32 104,673.38	51.84 107,820.14	53.41 111,098.01	55.00 114,397.73	56.65 117,828.57	58.34 121,346.82	60.08 124,974.34	61.91 128,776.66
DM3	Vacant	Hourly Annual	51.99 108,147.93	53.56 111,403.94	55.17 114,747.37	56.82 118,178.21	58.54 121,762.02	60.29 125,411.39	62.09 129,148.16	63.94 132,994.19	65.87 137,015.05
DM4	Assistant City Manager City Attorney	Hourly Annual	53.43 111,141.71	55.02 114,441.44	56.67 117,872.28	58.36 121,390.53	60.13 125,061.74	61.94 128,842.22	63.78 132,666.40	65.69 136,643.56	67.66 140,729.97
DM5	Police Chief	Hourly Annual	59.00 122,723.52	60.76 126,372.89	62.58 130,175.23	64.45 134,064.96	66.39 138,085.83	68.39 142,259.64	70.43 146,499.03	72.55 150,913.22	74.72 155,414.84

^{*} italicized positions are not filled.

Grade	TITLE	RATE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
M2	Legal Assistant	Hourly Annual	22.89 47,611.20	23.56 49,004.80	24.28 50,502.40	25.00 52,000.00	25.77 53,601.60	26.53 55,182.40	27.33 56,846.40	28.14 58,531.20	28.99 60,299.20
М3	Vacant	Hourly Annual	24.10 50,128.00	24.83 51,646.40	25.57 53,185.60	26.35 54,808.00	27.13 56,430.40	27.95 58,136.00	28.78 59,862.40	29.64 61,651.20	30.54 63,523.20
M4	Vacant	Hourly Annual	25.37 52,769.60	26.13 54,350.40	26.93 56,014.40	27.71 57,636.80	28.56 59,404.80	29.42 61,193.60	30.28 62,982.40	31.19 64,875.20	32.15 66,872.00
M5	Recreation Coordinator	Hourly Annual	26.38 54,870.40	27.16 56,492.80	27.99 58,219.20	28.80 59,904.00	29.68 61,734.40	30.58 63,606.40	31.49 65,499.20	32.44 67,475.20	33.39 69,451.20
М6	Court Administrator Human Resources Analyst Paralegal	Hourly Annual	27.70 57,616.00	28.55 59,384.00	29.41 61,172.80	30.27 62,961.60	31.18 64,854.40	32.13 66,830.40	33.10 68,848.00	34.08 70,886.40	35.11 73,028.80
M7	Recreation Supervisor	Hourly Annual	29.06 60,444.80	29.95 62,296.00	30.84 64,147.20	31.76 66,060.80	32.71 68,036.80	33.70 70,096.00	34.70 72,176.00	35.74 74,339.20	36.81 76,564.80
M8	Police Services Supervisor	Hourly Annual	30.54 63,523.20	31.46 65,436.80	32.37 67,329.60	33.35 69,368.00	34.37 71,489.60	35.40 73,632.00	36.47 75,857.60	37.57 78,145.60	38.69 80,475.20
M9	Access Services Supervisor Public Service Supervisor Pohl Center Supervisor	Hourly Annual	32.08 66,726.40	33.03 68,702.40	34.03 70,782.40	35.03 72,862.40	36.09 75,067.20	37.17 77,313.60	38.28 79,622.40	39.44 82,035.20	40.63 84,510.40
M10	Maintenance Service Div Mgr Park Maintenance Div Mgr Street and Sewer Div Mgr	Hourly Annual	33.65 69,992.00	34.64 72,051.20	35.69 74,235.20	36.76 76,460.80	37.85 78,728.00	38.99 81,099.20	40.18 83,574.40	41.38 86,070.40	42.63 88,670.40
M11	Accounting Supervisor Water Division Mgr	Hourly Annual	35.33 73,486.40	36.38 75,670.40	37.49 77,979.20	38.60 80,288.00	39.79 82,763.20	40.99 85,259.20	42.22 87,817.60	43.47 90,417.60	44.78 93,142.40

^{*} italicized positions are not filled.

FY 2018/19 SALARY SCHEDULE POLICE Exhibit C EFFECTIVE 7/1/2018

Grade	TITLE Non-Exempt Police	RATE Mgmt	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
P2	Police Sergeant	Hourly Annual	35.31 73,444.80	36.74 76,419.20	38.20 79,456.00	39.73 82,638.40	41.34 85,987.20	42.98 89,398.40	44.71 92,996.80	46.49 96,699.20	48.34 100,547.20
	Exempt Police Man	agement									
Р3	Police Lieutenant	Hourly Annual	46.75 97,243.54	48.15 100,149.91	49.60 103,165.55	51.10 106,290.47	52.62 109,459.08	54.19 112,715.09	55.83 116,124.08	57.50 119,598.62	59.23 123,204.28
P4	Police Captain	Hourly Annual	51.42 106,946.04	52.97 110,180.21	54.57 113,501.79	56.22 116,932.62	57.89 120,407.16	59.62 124,012.82	61.41 127,727.75	63.25 131,551.93	65.17 135,550.93
DM5	Police Chief	Hourly Annual	59.00 122,723.52	60.76 126,372.89	62.58 130,175.23	64.45 134,064.96	66.39 138,085.83	68.39 142,259.64	70.43 146,499.03	72.55 150,913.22	74.72 155,414.84

^{*} italicized positions are not filled.

TEMPORARY EMPLOYEES - SCHEDULE A

FY 2018/2018 Salary Schedule

Effective 7/01	/2018		MINIMUM REGULAR	MAXIMUM REGULAR
Grade	TITLE	RATE	WAGE	WAGE
T4	TEMP PARKING ENFORCE OFF	Hourly	15.47	19.60
Т6	TEMP LIBRARY ASST TEMP OFFICE ASST I	Hourly	17.51	22.20
Т8	TEMP OFFICE ASSIST II	Hourly	19.29	24.46
Т9	TEMP POLICE SERVICES TECH TEMP PUBLIC SERVICE ASST TEMP SPECIAL EVENTS COORD	Hourly	20.28	25.71
T11	TEMP FINANCE/ACCTG TECH TEMP OFFICE COORD TEMP PROP EVIDENCE TECH TEMP REC PROG SPEC	Hourly	22.87	29.00
T12	TEMP FLEET TECH I TEMP VOLUNTEER COORD	Hourly	24.01	30.42
T13	TEMP LIBRARIAN I	Hourly	25.22	31.94
T14	TEMP LIBRARIAN II	Hourly	26.76	33.87
T16	TEMP BLDG CONST INSPT II	Hourly	29.81	37.78

Exhibit D

TEMPORARY EMPLOYEES - SCHEDULE B FY 2018/19 SALARY SCHEDULE EFFECTIVE 7/01/2018

Exhibit D

Grade	TITLE	RATE	REGULAR WAGE
U1	TEMP LIBRARY PAGE	Hourly	12.00
U5	TEMP RECREATION LEADER I TEMP RECREATION AIDE	Hourly	12.15
U9	TEMP HOMEWORK LEADER TEMP LIBRARY SENIOR PAGE TEMP FILE CLERK TEMP OPS MAINT WORKER	Hourly	14.12
U10	TEMP INTERN TEMP PARK RANGER TEMP RECREATION LEADER II	Hourly	14.85
U12	TEMP YOUTH LEADER	Hourly	16.52
U14	TEMP SR YOUTH LEADER	Hourly	17.76
U16	TEMP TECHNOLOGY SPEC	Hourly	20.36
U30	TEMP REC. COUNSELOR I	Hourly	35.35
J1	JUDGE	Hourly	102.00

Grade	Step	Descriptior Old	l Low Ar Old	High Ar Nev	v Low A Nev	v High Amt
U10		1	14.14	14.14	14.56	14.56
U12		1	15.73	15.73	16.2	16.2
U14		1	16.9	16.9	17.41	17.41
U16		1	19.38	19.38	19.96	19.96
U30		1	33.65	33.65	34.66	34.66
U9		1	13.44	13.44	13.84	13.84



TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Don Hudson, Finance Director

DATE: 06/25/2018

SUBJECT: Consideration of <u>Resolution No. 5377-18</u> Authorizing the Sale of General

Obligation Bonds and Refundings

ISSUE BEFORE THE COUNCIL:

The Council will consider whether to approve the attached resolution, authorizing the Finance Director or the City Manager to sign the appropriate documents to issue general obligation bonds.

RECOMMENDATION:

Staff recommends that the Council approve the attached resolution.

EXECUTIVE SUMMARY:

On May 15, 2018, Tualatin voters approved Measure 34-282, authorizing the City to issue up to \$20,000,000 of general obligation (G.O.) bonds to finance capital costs to provide improvements for traffic congestion relief, neighborhood traffic safety, and safe access to schools throughout the community.

The attached resolution authorizes the issuance of general obligation bonds. It also authorizes the Finance Director or the City Manager to act on behalf of the City, and without further action by the City Council, to issue the bonds and execute the necessary documents required during the bond sale process.

Additionally, the City currently has outstanding the 2005 Parks Improvement Bond and the 2006 Library Bond. Both bonds have call features allowing them to be refunded in order to experience debt service savings. Staff will be working with our underwriters to analyze potential savings, if we were to refund either, or both, of these outstanding bond issues. If they are good candidates for refunding, it would be cost effective, and allow for additional savings, to sell the refunding bonds in conjunction with the new Transportation G.O. Bonds. Resolution 5377-18 authorizes the issuance of G.O. Refunding Bonds to achieve debt service savings, if the analysis warrants a refunding bond issue.

Attachments: Reso5377-18-GO Bond Sale

RESOLUTION NO. 5377-18

A RESOLUTION AUTHORIZING THE SALE OF GENERAL OBLIGATION BONDS AND REFUNDINGS.

WHEREAS, the voters of the City of Tualatin (the "City") approved Measure 34-282 at the May 15, 2018 election, authorizing the City to issue up to \$20,000,000 of general obligation bonds (the "2018 Bonds") to finance capital costs to provide improvements for traffic congestion relief, neighborhood traffic safety, and safe access to schools throughout the community, as described in the ballot title for Measure 34-282 (collectively, the "Projects"); and

WHEREAS, it is now desirable to authorize the sale of the 2018 Bonds; and

WHEREAS, the City may be able to reduce its debt service expense and the property tax levies by refunding its outstanding General Obligation Bonds, Series 2005 and its outstanding General Obligation Library Bonds, Series 2006 (collectively, the "Refundable Bonds"); and

WHEREAS, the City is authorized by ORS Sections 287A.360 to 287A.380 to issue bonds to refund outstanding general obligation bonds; and

WHEREAS, under current market conditions, refunding all or a portion of the Refundable Bonds may produce debt service savings; and

WHEREAS, it is now desirable to authorize the sale of bonds to refund all or a portion of the Refundable Bonds; and

WHEREAS, ORS 287A.050 limits the amount of general obligation bonds cities can issue for certain kinds of projects to three percent of the real market value of taxable property in the City, and issuing the 2018 Bonds and refunding the Refundable Bonds will not cause the City to exceed this limit; and

WHEREAS, prior to the issuance of the 2018 Bonds the City desires to incur certain capital expenditures (the "Expenditures") with respect to the Projects from available moneys of the City; and

WHEREAS, the City has determined that those moneys advanced to pay the Expenditures prior to the issuance of the 2018 Bonds are available only for a temporary period and it is necessary to reimburse the City for the Expenditures from the proceeds of the 2018 Bonds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Tualatin, Oregon that:

Section 1. 2018 Bonds Authorized. The City hereby authorizes the issuance of the 2018 Bonds.

Section 2. Refunding Bonds Authorized. The City hereby authorizes the issuance of general obligation refunding bonds (the "Refunding Bonds") to refund all or any portion of the Refundable Bonds to achieve debt service savings. The Refunding Bonds may be issued in an amount that is sufficient to refund all or any portion of the Refundable Bonds and to pay costs related to issuing the Refunding Bonds and refunding the Refundable Bonds.

Section 3. Delegation. The City Manager, the Finance Director or the person designated by the City Manager or the Finance Director to act on behalf of the City pursuant to this Resolution (each a "City Official") may, on behalf of the City and without further action by the Council:

- (1) Sell and issue all or any portion of the 2018 Bonds and the Refunding Bonds (collectively, the "Bonds") in one or more series, which may be sold at different times.
- (2) Participate in the preparation of, authorize the distribution of, and deem final any official statement or other disclosure documents relating to each series of the Bonds.
- (3) Establish the form, final principal amounts, payment terms, prepayment terms and other terms of each series of the Bonds.
- (4) Execute and deliver a bond declaration for each series of the Bonds specifying the terms under which each series of the Bonds are issued and making covenants for the benefit of Bond owners and any providers of credit enhancement for the Bonds.
- (5) Solicit competitive bids for the purchase of each series of the Bonds and award their sale to the bidder offering the most favorable terms to the City, select one or more commercial banks or other lenders and negotiate the sale of any series with those commercial banks or lenders, or negotiate the terms of the sale of each series of Bonds with Piper Jaffray & Co., as underwriter, and sell that series to the underwriter.
- (6) Undertake to provide continuing disclosure for each series of the Bonds and to comply with Rule 15c2-12 and any other applicable requirements of the United States Securities and Exchange Commission and any other federal agencies.
- (7) Apply for ratings for each series of the Bonds, determine whether to purchase municipal bond insurance or obtain other forms of credit enhancements for each series of the Bonds, enter into agreements with the providers of credit enhancement, and execute and deliver related documents.
- (8) Engage the services of verification agents, escrow agents, paying agents and any other professionals whose services are desirable for the Bonds and negotiate the terms of and execute any agreement with such professionals.
- (9) Determine whether each series of the Bonds will bear interest that is excludable from gross income under the Internal Revenue Code of 1986, as amended (the "Code"), or is includable in gross income under the Code. If a series bears interest that is excludable from gross income under the Code, the City Official may enter into covenants to maintain the excludability of interest on that series of the Bonds from gross income.
- (10) Determine whether the savings produced by refunding the Refundable Bonds are adequate to justify the refunding, and select the Refundable Bonds that will be refunded.
- (11) Provide for the call, defeasance, and redemption of any Refundable Bonds that are refunded, enter into related agreements and take related actions.

- (12) Execute and deliver each series of the Bonds to their purchaser.
- (13) Execute and deliver any agreements or certificates and take any other action in connection with each series of the Bonds which the City Official finds is desirable to permit the sale and issuance of that series of the Bonds in accordance with this Resolution.

Section 4. Security for Bonds. The Bonds shall be general obligations of the City. Pursuant to ORS 287A.315, the City hereby pledges its full faith and credit to pay the Bonds, and the City covenants for the benefit of the Bond owners that the City shall levy annually, as provided by law, in addition to its other ad valorem property taxes and outside the limitations of Sections 11 and 11b of Article XI of the Oregon Constitution, a direct ad valorem tax upon all of the taxable property within the City in sufficient amount, after considering discounts taken and delinquencies that may occur in the payment of such taxes, to pay the Bonds promptly as they mature.

Section 5. Reimbursement. The City hereby declares its official intent to reimburse itself for the Expenditures with the proceeds of the 2018 Bonds. This resolution is adopted as official action of the City in order to comply with Treasury Regulation Section 1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Expenditures of the City incurred related to the Projects prior to the date of issue of the 2018 Bonds.

Section 6. Effective Date. This resolution is effective immediately upon its passage.

INTRODUCED AND ADOPTED this 25th day of June, 2018.

	CITY OF TUALATIN, OREGON
	BY
APPROVED AS TO FORM	Mayor ATTEST:
BY	BY
City Attorney	City Recorder



TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Matt Warner, Assistant Finance Director

Don Hudson, Finance Director

DATE: 06/25/2018

SUBJECT: Consideration of **Resolution No. 5378-18** Authorizing Changes to the Adopted

2017-2018 Budget

ISSUE BEFORE THE COUNCIL:

City Council will consider whether or not to approve changes to the adopted 2017–2018 budget.

RECOMMENDATION:

Staff recommends adopting the attached Resolution.

EXECUTIVE SUMMARY:

Occasionally, it becomes necessary after the budget is adopted to make changes for occurrences unforeseen when the budget was adopted. During FY 2017-2018, there were instances that were not anticipated when the budget was adopted in June 2017. The first requires an appropriation transfer, allowed under ORS 294.463, for the Road Operating Fund Personal Services category. Increases in the Personal Services category were due to a reclassification of a position within the Road Operating Fund.

Second, we received higher than projected Sewer System Development Charges (SDC) revenue during the fiscal year, which requires 96% of the SDC revenue be passed through to Clean Water Services (CWS). Also, due to the timing of when we receive the SDC revenue and when we forward it to CWS, we began the year with a higher beginning fund balance than we projected (a large amount of revenue was received in June, but not passed through to CWS until July). These additional revenues require an increase in our revenue budget, as well as an expenditure increase in the line item used to pay CWS. Appropriation of pass-through revenues is authorized under ORS 294.466 and allows for increases to the budget by Council Resolution.

All proposed changes to the adopted budget are included in Exhibit A, attached to the Resolution that follows.

FINANCIAL IMPLICATIONS:

The net effect in each fund is zero, as the resolution transfers existing appropriations from one account to another or are self-funded with off-setting increases in revenue.

Attachments: Reso 5378-18-Supp Budget and Attach A

RESOLUTION NO. 5378-18

A RESOLUTION AUTHORIZING CHANGES TO THE ADOPTED 2017 - 2018 FISCAL YEAR BUDGET

WHEREAS, after the budget process for the 2017-2018 fiscal year was completed, an occurrence or condition arose which had not been ascertained at the time of the budget preparation;

WHEREAS, in order to lawfully comply with Local Budget Law, changes to the adopted 2017-2018 budget are necessary;

WHEREAS, Oregon Revised Statutes (ORS) 294.463 allows for transfers of appropriations within a fund;

WHEREAS, the reclassification of a position within the Road Operating Fund resulted in increased expenditures in the Personal Services category;

WHEREAS, ORS 294.466 allows for additional appropriations of fees or charges that must be paid on a pass-through basis to another municipal corporation; and

WHEREAS, the City received higher than projected Sewer System Development Charges (SDC) revenue during the fiscal year and must be paid to Clean Water Services.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council wishes to comply with Local Budget Law, and authorize the changes described above.

Section 2. Increased resources and requirements should be made as detailed in Exhibit A to this Resolution, which is attached and incorporated by reference.

Section 3. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 25th day of June, 2018.

	CITY OF TUALATIN, OREGON
	BY
	Mayor
APPROVED AS TO FORM	ATTEST:
BY	BY
City Attorney	City Recorder

Exhibit A - Resolution No. 5378-18

City of Tualatin Fiscal Year 2017 - 2018 Budget Changes, June 2018

Existing Appropriation Transfer:

То		A	mount		From		A	mount	Notes
Road Operating Fund Salaries and Wages - Full Time	217-50-55-51001	\$	10,000	Contingency		217-50-55-61000	\$	10,000	Position Reclassification

Appropriation of Increased Revenues:

Increase - Revenue	Amount	Increase - Expenditure		 Amount	Notes
Sewer Development Fund Beginning Fund Balance 533-00-00-40000 System Development Charges 533-00-00-44430	\$ 45,90 \$ 18,10		533-50-54-54502	\$ 64,000	Pass Through Portion to CWS



TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Lisa Thorpe, Program Coordinator

Don Hudson, Finance Director

DATE: 06/25/2018

SUBJECT: Consideration of **Resolution No. 5379-18** Amending the City of Tualatin Fee

Schedule and Rescinding Resolution No. 5325-17

ISSUE BEFORE THE COUNCIL:

City Council will consider whether to update and amend the City of Tualatin Fee Schedule

RECOMMENDATION:

Staff recommends adoption of the attached resolution amending the City of Tualatin Fee Schedule and rescinding Resolution No. 5325-17

EXECUTIVE SUMMARY:

The City of Tualatin Fee Schedule is divided into three groups, which are updated every three years on a rotating cycle. Staff considers cost recovery when reviewing fees, considering changes in technology, changes in practice and the costs to provide the service.

The fees in rotation to be reviewed this year are fees for Community Development, Information Systems, and Public Works. Staff reviewed the fees that require staff time to complete the service for which the fee is charged and adjusted them related to the Municipal Cost Index, in order to better reflect cost recovery, particularly in Planning and Engineering.

Additionally, Engineering staff has put together a sidewalk and driveway approach permit process. They completed an analysis of the cost to issue these permits and are requesting new permit fees of \$150 for a sidewalk permit and \$300 for a driveway approach permit.

One other increase of note is in the Parks and Recreation category. Parks Maintenance staff have reviewed the costs involved in purchasing and planting a street tree, and have determined that the costs to provide this service are not covered by the existing fee. Therefore, the cost of a street tree and installation will increase \$50.00 to \$225.00.

Attachments: 2018 Fee Schedule

Resolution No. 5379-18

City of Tualatin Fee Schedule

Fees Effective July 1, 2018

Administration Department				
Agenda Packet	same as photocopy rate			
Ordinances or Portions Thereof	same as photocopy rate			
Photocopies:				
Per page/side (up to 8.5"x14")	0.25			
Per page/side (11"x17")	0.50			
Color - per page/side (up to 8.5"x14")	1.00			
Color - per page/side (11"x17")	1.50			
Certified Copies - per document	\$5.00 plus postage			
Thumb Drive (2 GB)	10.00			
CD/DVD	20.00			
Storage Retrieval Fee	30.00			
Staff Time:				
-Up to 30 minutes	no charge			
-Over 30 minutes	employee cost			

Community Development - Building	
Temporary Certificate of Occupancy	100.00

Community Development - Planning				
Amendment to Comprehensive Plan Map	2,320.00			
Amendment to Comprehensive Plan Text/Landmark				
Designation/Removal of Landmark Designation	2,320.00			
Annexation	1,580.00			
Appeal Proceeding to Council	150.00			
Appeal Expedited Process to Referee, Deposit per ORS 197.375	336.00			

Community Development - Planning				
Architectural Review Application, Nonexpedited Process:				
Estimated Project Value:				
Under \$5,000	130.00			
\$5,000 - \$24,999.99	610.00			
\$25,000 - \$99,999.99	1,100.00			
\$100,000 - 499,999.99	1,825.00			
\$500,000 and greater	2,675.00			
Architectural Review, Minor	105.00			
Architectural Review, Single-family Level I (Clear & Objective)	105.00			
Architectural Review, Single-family Level II (Discretionary)	810.00			
Conditional Use Permit	1,580.00			
Conditional Use Permit Renewal	1,580.00			
Extension Request Reviewed by Staff	225.00			
Extension Request Reviewed by Architectural Review Board	1,275.00			
Interpretation of Development Code	105.00			
Industrial Master Plans	2,020.00			
Landmark Alteration/New Construction Review	124.00			
Central Urban Renewal Master Plan	2,020.00			
Landmark Demolition Review	135.00			
Landmark Relocation Review	62.00			
License to Keep Chickens	50.00			
Pre-Application Meeting	227.50			
Reinstatement of Nonconforming Use	1,580.00			
Request for Council Rehearing	186.00			
Sign Ordinance	8.50			
Sign Code Variance	750.00			
Sign Permit:				
New Sign or Structural Change to Existing Sign	210.00			
Temporary Sign or Each Face Change to Existing Sign	105.00			
Temporary Uses:				
1 - 3 days	55.00			
4 - 180 days	55.00 + 1.50/day			
Over 3 days	not to exceed 200.00 total			
Transitional Use Permit	1,700.00			

Community Development - Planning				
Tree Removal Permit, 1 tree	310.00			
each additional tree, \$10.00 not to exceed a total of	340.00			
Variance:				
When primary use is a single family dwelling in RL or RML	320.00			
When primary use is not a single family dwelling in RL or RML	1,580.00			
Variance, Minor:				
When primary use is a single family dwelling in RL or RML	320.00			
When primary use is not a single family dwelling in RL or RML	1,085.00			
All Other Actions	362.00			

Core Area Parking District	
Core Area Parking District Tax Appeal	135.00

Finance Department	
L.I.D. Assessment Apportionment Fee	115.00
Lien Search Fee (per tax lot)	35.00
Passport Photo	17.00
Recovery Charge Installment Payment Plan Application Fee	235.00
Returned Checks (per check for processing NSF check)	37.50
Zone of Benefit Recovery Charge Administration Fee	125.00

Geographic Information System				
Citywide aerial photo, 36" x 42"	35.00			
Subdivision street map, 34" x 36"	20.00			
Street map, 22" x 22"	10.00			
Planning Districts, 34" x 44"	20.00			
Planning Districts, 18" x 24"	10.00			
Custom Mapping	\$60.00/hr, plus materials			
Mailing Lists	32.00			

Legal Services Department				
Development Code (hard copy)	70.00 each + postage			
Updates (hard copy)				
8.5" x 11"	0.25 per page/side + postage			
11" x 17"	0.50 per page/side + postage			
Color - 8.5" x 11"	1.00 per page/side + postage			
Color – 11" x 17"	1.50 per page/side + postage			
Tualatin Municipal Code (hard copy)	55.00 each + postage			
Thumb Drive (2GB) containing electronic copies of Tualatin Municipal				
Code and/or Development Code	10.00 + postage			

Municipal Court					
Traffic School and Compliance Program Fees:					
Class A	275.00				
Class B	160.00				
Class C	125.00				
Class D	100.00				
Seat Belt Class	70.00				
Vehicle Compliance Program	35.00				
Collection Fee	25% of ordered amount				
License Restatement Fee	70.00				
Overdue Payment Letter Fee	10.00				
Failure to Appear – Arraignments	40.00				
Failure to Appear – Trials	100.00				

Parks and Recreation Browns Ferry Park Community Center							
				Resident	Non-Resident		
Meeting Rooms	1 hour	None	\$15.00	25.00	60.00		
Garage	1 hour	None	\$15.00	25.00	60.00		
Studio Structure	1 hour	None	\$15.00	25.00	60.00		
Sun Room	1 hour	None	\$15.00	25.00	60.00		
River Shelter	4 hour	None	\$15.00	25.00	60.00		
Alcohol Permit:	Individual		None	10.00	30.00		
Group			None	25.00	50.00		
Special Events			None	50.00	100.00		

Reservations must be made for a minimum of two (2) hours.

\$10.00 handling fee for cancellations

Classification of Users

For the purpose of scheduling reservations and determining fees, groups will be classified as shown below:

- Class 1: Activities sponsored by the City of Tualatin.
- Class 2: Activities co-sponsored by the City of Tualatin.
- Class 3: Non-profit organizations and public agencies serving the youth of Tualatin.
- Class 4: All other groups, organizations and individuals are categorized by resident or non-resident for the purpose of determining fees.

Cleaning & Security Deposit - Brown's Ferry Community Center				
Groups for meeting only	50.00			
Groups for kitchen storage and building use	100.00			
Groups using full kitchen facilities	285.00			

The Community Services Director will determine the amount of the cleaning/security deposit to be refunded based on the building monitor's report.

Parks and Recreation (continued) Picnic Shelters and Sports Fields						
				Resident	Non-Resident	
Rustic	4 hours	None	\$15.00	25.00	60.00	
Patio	4 hours	None	\$15.00	25.00	60.00	
Main-South	4 hours	None	\$15.00	25.00	60.00	
Main-North	4 hours	None	\$15.00	25.00	60.00	
Main-Full	4 hours	None	\$15.00	50.00	120.00	
Trestle	4 hours	None	\$15.00	25.00	60.00	
River Shelter	4 hours	None	\$15.00	25.00	60.00	
Horseshoe Pits	4 hours	None	None	15.00	30.00	
Sports Fields	2 hours	None	None	20.00	45.00	
Sports Fields Lights	2 hours	None	None	20.00	45.00	
Turf Fields-TuHS	1 hour	None	None	20.00	40.00	
Lights-TuHS	1 hour	None	None	40.00	40.00	
Alcohol Permit:	Individual		None	10.00	30.00	
Group Special Events			None	25.00	50.00	
			None	50.00	100.00	

\$10.00 handling fee for cancellations

Classification of Users

For the purpose of scheduling reservations and determining fees, groups will be classified as shown below:

- Class 1: Activities sponsored by the City of Tualatin.
- Class 2: Activities co-sponsored by the City of Tualatin.
- Class 3: Non-profit organizations and public agencies serving the youth of Tualatin.
- Class 4: All other groups, organizations and individuals are categorized by resident or non-resident for the purpose of determining fees.

Parks and Recreation (continued)						
Juanita Pohl Center						
Area	Time	Class 1 & 2	Class 3	Class 4		
				Resident	Non-Resident	
E or W Dining Rm	1hour	None	15.00	30.00	75.00	
Full Dining Rm	1 hour	None	20.00	40.00	95.00	
Kitchen -Warming only	1 hour	None	15.00	10.00	35.00	
Kitchen -Full Svc	1 hour	None	15.00	20.00	40.00	
Multipurpose Rm	1 hour	None	15.00	25.00	65.00	
E or W Dinning & W Activity	1 hour	None	15.00	40.00	95.00	
Small Classrooms	1 hour	None	5.00	10.00	20.00	
Alcohol Permit: Individual		•	None	10.00	30.00	
Group			None	25.00	50.00	
Special Events			None	50.00	100.00	

Reservations must be made for a minimum of two (2) hours.

\$10.00 handling fee for cancellations

Classification of Users

For the purpose of scheduling reservations and determining fees, groups will be classified as shown below:

- Class 1: Activities sponsored by the City of Tualatin, City of Durham official meetings, and Meals on Wheels People, for official center functions.
- Class 2: Activities co-sponsored by the City of Tualatin.
- Class 3: Non-profit organizations and public agencies serving the youth and general public of Tualatin. Rosters of organization members and 501c3 information required.
- Class 4: All other groups, including religious and political organizations and individuals are categorized by resident/non-resident for the purpose of determining fees.

Cleaning & Security Deposit - Juanita Pohl Community Center			
Groups for meeting only 50.00			
Groups for kitchen storage and building use	100.00		
Groups using full kitchen facilities	285.00		

The Community Services Director will determine the amount of the cleaning/security deposit to be refunded based on the building monitor's report.

Parks and Recreation (continued)						
Tualatin Library Community Room						
Area	Time	Class 1 & 2	Class 3		Class 4	
			Resident	Non-Resident	Resident	Non-Resident
Community Room	1 hour	None	10.00	20.00	15.00	30.00

\$10.00 handling fee for cancellations

Classification of Users

For the purpose of scheduling reservations and determining fees, groups will be given classified as shown below.

Class 1: Activities sponsored by the Tualatin Public Library and/or City of Tualatin

Class 2: Activities co-sponsored by the Tualatin Public Library and/or City of Tualatin

Class 3: Non-profit organizations

Class 4: All other orgs, including religious and political groups, are categorized by resident/nonresident for purpose of determining fees.

Street Tree and Installation (Single Family Only)	225.00
Street Tree Removal (excluding Stump Grinding)	310.00
Street Tree Stump Grinding	130.00
Tree-for-a-Fee Program	75.00
New Tree Grates – Full set of 2 halves	400.00
New Tree Grates – Half set	200.00
Tree Grates – Leveling Stone and fastening hardware	25.00
Tree Grates Improvements	175.00

Police			
Copies of Audio CDs	15.00 including CD		
Copies of Video CDs	15.00 including CD		
Copies of Photographs on CD	15.00 including CD		
Copies of Police Reports (no charge to victims):			
1 - 10 pages	10.00		
plus each page over 10	0.25		
Alarm Permit, Initial Application	25.00		
Alarm Permit, Annual Renewal	25.00		
Alarm Permit, 1st False Alarm	No charge		
Alarm Permit, 2nd False Alarm	No charge		
Alarm Permit, 3rd False Alarm	90.00		
Alarm Permit, 4th False Alarm	120.00		
Alarm Permit, 5th False Alarm	175.00		
Alarm Permit, 6 th and More False Alarms	235.00 per alarm		
Alarm Permit, 10 or more False Alarms	500.00 Civil Infraction		
Release of Towed (impounded) Vehicles	100.00		
Fingerprinting cards	(first two) 25.00		
Each additional card	each 2.00		
Good Conduct Letter	10.00		

Public Works - Engineering			
Driveway Approach Permit	300.00		
Engineering Copies:			
18" x 24"	3.00		
24" x 36"	4.00		
36" x 48"	5.00		
Erosion Control Fees:			
a. Non-Site Development			
1. New construction	325.00		
2. Additions, remodels and demolitions disturbing less than 1,000 s.f.	105.00		
b. Development Sites without infrastructure or vegetated corridor	325.00 plus 325.00		
improvements	prorated for each acre		
	over 1/2 acre		

\$325.00 or 1/2 of the EC Only Fee, whichever is greater 72.50 987.00 300.00/bldg 1,000.00 440.00 145.00 145.00 325.00 Add 150.00
72.50 987.00 300.00/bldg 1,000.00 440.00 145.00 145.00 325.00
987.00 300.00/bldg 1,000.00 440.00 145.00 145.00 325.00
987.00 300.00/bldg 1,000.00 440.00 145.00 145.00 325.00
300.00/bldg 1,000.00 440.00 145.00 145.00 325.00
1,000.00 440.00 145.00 145.00 325.00
1,000.00 440.00 145.00 145.00 325.00
440.00 145.00 145.00 325.00
145.00 145.00 325.00
145.00 325.00
325.00
Add 150 00
A 4 4 1 E D D D
Auu 150.00
Add 227.50
77.50
Add 150.00
335.00
Add 150.00
150.00
6 of est. value of work but not les
than 500.00
55.00 + postage
150.00
3,000.00

Public Works - Engineering (continued)		
Subdivision,* Variance included & primary use is not a single family		
dwelling in RL or RML	Add 378.00	
Subdivision,* Minor Variance included & primary use is a single		
family dwelling in RL or RML	Add 150.00	
Subdivision,* Minor Variance included & primary use is not a single		
family dwelling in RL or RML	Add 227.50	
Subdivision,* Nonexpedited, Extension/Modification By Council	687.00	
Subdivision,* Expedited, Extension/Modification By City Engineer	175.00	
Subdivision,* Nonexpedited, Appeal Proceeding to Council	150.00	
Subdivision,* Expedited Appeal to Referee, Deposit per ORS 197.375	335.00	
Street Name Change	150.00	
Street Vacation Application Deposit	378.00	
	Indexed annually per Washington	
Transportation Development Tax	County Code, Section 3.17	
Zone of Benefit Application Fee	750.00	
	5% of est. value of work but not less	
Water Quality Permit Deposit	than 500.00	
* Subdivision, Partition and Property Line Adjustment applicants shall contact the		

^{*} Subdivision, Partition and Property Line Adjustment applicants shall contact the Finance Department for a determination of L.I.D. assessment apportionment for the property proposed to be divided or adjusted.

Utilities			
Annual Rights-of-Way Fee:			
Electric	3.5% of Gross Revenue *		
Natural Gas	5.0% of Gross Revenue *		
Communication	5.0% of Gross Revenue *		
Any Utility Operator that does not earn Gross Revenues within the City of Tualatin (Based on total			
Linear Feet of Utility Facilities in the Rights-of-Way):			
Up to 5,000	5,000.00		
5,001 to 10,000	7,500.00		
10,001 to 20,000	10,000.00		
More than 20,000	15,000.00		
* "Gross Revenue" means any and all revenue, of any kind, nature or form, without deduction for			
expenses, less net uncollectibles, derived from the operation of utility facilities in the City of			
Tualatin, subject to allapplicable limitations in federal or state law.			
Attachment Fee (per TMC 3-6-120)	5,000.00		
Rights-of-Way License Application Fee (per TMC 3-6-205)	250.00		
Rights-of-Way License Renewal Application Fee (per TMC 3-6-260)	150.00		

RESOLUTION NO. 5379-18

A RESOLUTION AMENDING THE CITY OF TUALATIN FEE SCHEDULE AND RESCINDING RESOLUTION NO. 5325-17

WHEREAS, the Council has the authority to set fees for materials and services provided by the City; and

WHEREAS, the Council previously adopted the fee schedule by Resolution No. 5325-17; and

WHEREAS, the City Council wishes to amend fees for increases in cost to provide services, based upon the change in the Municipal Cost Index, and increases in costs of materials to provide services.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City of Tualatin fee schedule is established and adopted as set forth in "Exhibit A," which is attached and incorporated by reference.

Section 2. This resolution is effective July 1, 2018.

Section 3. Resolution No. 5325-17 is rescinded effective June 30, 2018.

INTRODUCED AND ADOPTED this 25th Day of June, 2018.

	CITY OF TUALATIN, OREGON
	BY Mayor
APPROVED AS TO FORM	ATTEST:
BY	BY
City Attorney	City Recorder



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Casey Fergeson, Project Engineer

Jeff Fuchs, Public Works Director/City Engineer

DATE: 06/25/2018

SUBJECT: Consideration of Resolution No. 5381-18 updating the Public Works

Construction Code to create a Sidewalk/Driveway Approach Permit

ISSUE BEFORE THE COUNCIL:

The City Council will consider updating the Public Works Construction Code (PWCC) to create a Sidewalk/Driveway Approach Permit process.

RECOMMENDATION:

Staff recommends that Council adopt updates to the PWCC to create a Sidewalk/Driveway Approach Permit.

EXECUTIVE SUMMARY:

Currently all construction in the City rights of way requires a Public Works Permit, regardless of the size or scope of the project. Modest sidewalk repairs and driveway replacements require the same amount of bonding as a large commercial project. These revisions will enable the City to offer homeowners a simpler permit process to repair or replace broken and degraded sidewalk or driveway panels, while still being consistent with City standards and specifications.

Staff is proposing these revisions to be comparable with neighboring jurisdictions and to accommodate homeowners and contractors who wish to conduct minor sidewalk and driveway repairs in the City's right-of-way.

The changes consist of:

- Creating a Sidewalk/Driveway Approach permit
- Setting the bonding requirement as twice the cost of construction, instead of a minimum \$25,000 currently required

OUTCOMES OF DECISION:

If the Council adopts the resolution, the permit and updated Public Works Construction Code will be implemented on future sidewalk and driveway replacement requests.

If Council does not adopt the resolution, the current Public Works Construction Code will stand, and the Public Works Permit will continue to be implemented for small right-of-way projects.

FINANCIAL IMPLICATIONS:

The permit fees for this new process will be set by separate resolution as part of the annual Citywide fee schedule update (\$300 for Driveway Approach Permit, \$150 for Sidewalk Permit). The current Public Works Permit fee costs a minimum of \$500. This reduction theoretically could cause a drop in revenue; however, because the current process is burdensome, it is likely that many sidewalk and driveway repairs have been completed without a permit and therefore without any revenue to the City. The simplified process and reduced bonding requirements are intended to encourage homeowners to obtain a permit that they otherwise would not. Staff anticipates that this new process will result in more permitted repair activity, so the action will be relatively revenue-neutral.

Attachments: A - Resolution 5381-18

RESOLUTION NO. <u>5381-18</u>

A RESOLUTION UPDATING THE PUBLIC WORKS CONSTRUCTION CODE TO CREATE A SIDEWALK/DRIVEWAY APPROACH PERMIT

WHEREAS, Tualatin Municipal Code (TMC) 2-3-010 establishes the Public Works Construction Code (PWCC) as the standards, specifications and procedures used for all Public Works Construction within the City; and

WHEREAS, under Tualatin Municipal Code 2-3-020, the City Engineer has the duty to maintain and update the PWCC, subject to Council approval by resolution: and

WHEREAS, the PWCC was adopted by Council resolution on October 8, 2001, and subsequently amended on February 11, 2002; October 14, 2002; March 10, 2003; March 22, 2004; April 12, 2010; July 26, 2010; September 26, 2011; February 25, 2013; December 12, 2016; April 24, 2017; and February 12, 2018; and

WHEREAS, the City Engineer is recommending the PWCC be revised.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The following definition is added in PWCC Section 101.1.00, Definitions, as follows:

Sidewalk/Driveway Approach Permit – The Permit issued by the City Engineer for reconstruction or modification of an existing sidewalk or driveway fronting residential or commercial properties within the public Right-of-Way, or public easements. This permit covers work not involving a public utility and shall be submitted in the name of the property owner or contractor for the property owner.

Section 2. PWCC Section 102.1.5, Sidewalk/Driveway Approach Permit, is added to read as follows:

102.1.5 <u>Sidewalk/Driveway Approach Permit</u>

A Sidewalk/Driveway Approach Permit is required to reconstruct or modify an existing sidewalk or driveway fronting residential or commercial properties within the public Right-of-Way, or public easements. This permit applies when there is no other development work, land-use actions, or other work in the right of way such as a water or sewer service. In those cases, a Public Works Permit will be required per Section 102.1.1.

Obtain a Sidewalk/Driveway Approach Permit using the application form provided by the City Engineer. With the application, include a permit fee as set forth in subsection 102.3.1, Permit Fees and Deposits.

Section 3. PWCC Section 102.3.1, Permit Fees and Deposits, is modified to read as follows:

102.3.1 Permit Fees and Deposits

This section applies to Public Works Construction Permits, Water Quality Permits, Erosion Control Permits, and Sidewalk/Driveway Approach Permits.

Section 4. PWCC Section 102.3.5, Sidewalk/Driveway Approach Permit Fees, is added to read as follows:

102.3.5 <u>Sidewalk/Driveway Approach Permit Fees</u>

For Sidewalk/Driveway Approach Permits pay the fees shown on the application and in the current version of the City of Tualatin Fee Schedule located on the City of Tualatin website.

Section 5. PWCC Section 102.14.00, Performance of the Work, is modified to read as follows:

102.14.00 Performance of the Work

In order to protect the safety of the public and the integrity of the City's public works facilities, enter into a Public Improvement Agreement for work proposed on an existing public works facility. Public works facilities include any public transportation, sanitary sewer, storm drainage, water, or park facility.

If the scope of work necessitates a Public Improvement Agreement, the permit for the project will not be issued until the Contract is executed and filed with the City. The contract is enforceable by and against the parties, their heirs, successors and assigns.

As a condition of the agreement, a bond, cash deposit, or other security acceptable to the City will be required from the applicant in an amount equal to the value of the improvements to the existing public facilities, but not less than \$25,000. For Sidewalk/Driveway Approach Permits only, the bond amount shall be equal to twice the cost of construction as approved by the City Engineer. This assurance is to ensure that the applicant constructs and completes all required improvements to the public facilities.

Fulfill the conditions of the agreement within the time limitations specified. Failure to fulfill a condition within the time may result in the City collecting the assurance and completing the improvements.

Further, notwithstanding any other provision, the City has the authority to deny a permit upon a determination that the applicant, or any officer, or principal of the applicant, willfully has failed to fulfill conditions of approval imposed in any previous permit and a determination that such a decision would encourage compliance or is necessary to protect the public from future noncompliance.

Section 6. To the extent this resolution conflicts with a prior resolution involving the PWCC, the provisions of this resolution control.

Section 7. This resolution is effective July 1, 2018.

INTRODUCED AND ADOPTED this 25th day of June 2018.

	CITY OF TUALATIN OREGON
	BY
	Mayor
APPROVED AS TO LEGAL FORM	ATTEST
BY	BY
City Attorney	City Recorder



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 06/25/2018

SUBJECT: Consideration of **Resolution No. 5382-18** Canvassing Results of the Election

Held in the City of Tualatin, Washington and Clackamas Counties, Oregon on

May 15, 2018

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to adopt a resolution canvassing results of the Election held on May 15, 2018.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached resolution canvassing results of the Election held in the City of Tualatin, Washington and Clackamas Counties, Oregon on May 15, 2018.

EXECUTIVE SUMMARY:

On May 15, 2018, a election was held for Measure 34-282 Traffic Congestion and Safety Improvements:

	Total No. of Votes	
MEASURE 34-282:	Yes-	No-
Traffic Congestion and Safety Improvements	2,675	2,076

Certified results have been received from Washington and Clackamas Counties and are on file in the Office of the City Recorder.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Canvass of Votes

Resolution No 5382-18



WASHINGTON COUNTY OREGON

June 5, 2018

NICOLE MORRIS CITY OF TUALATIN 18861 SW MARTINAZZI AVE TUALATIN OR 97062-7457

Enclosed you will find a copy of the Abstract of Votes for the City of Tualatin relating to the Primary Election held on May 15, 2018.

Sincerely,

Mickie Kawai **Elections Manager**

MK/bh

Statement of Votes Cast by Contests, Geography by Choice Washington County, May, 15 2018 Primary All Districts, All ScanStations, Measure 34-282 City of Tualatin, All Boxes

Page: 1 of 1 2018-06-04 16:38:59

Official Results

Total Ballots Cast: 4531, Registered Voters: 348505, Overall Turnout: 1.30%

				Measu	Measure 34-282 City of Tualatin (Vote for 1)	2 City	of Tuals	atin (Vo	te for 1)
Precinct	Ballots	Reg. Voters	Total	Yes		No		Over	Under
Precinct 394	52	318	48	30	62.50%	18	37.50%	0	4
Precinct 420	1308	3923	1209	646	53.43%	563	46.57%	0	66
Precinct 423	1001	4006	904	565	62.50%	339	37.50%	0	26
Precinct 428	475	1851	426	262	61.50%	164	38.50%	0	49
Precinct 433	821	2464	731	389	53.21%	342	46.79%	0	06
Precinct 436	874	2428	796	455	57.16%	341	42.84%	0	78
Total	4531	2428	4114	2347	24.05%	1767	42.95%	0	417





Office of County Clerk

SHERRY HALL CLERK

1710 Red Soils Court Suite 100 OREGON CITY, OR 97045 503.722.6086

May 30, 2018

BY EMAIL

Mickie Kawai - Director Washington County Elections 3700 SW Murray Blvd #101 Beaverton OR 97005

Dear Mickie:

Please find attached certified results of the May 15, 2018 Primary Election.

Let us know if any additional information is needed.

Sincerely,

Andrew Jones Elections Manager

Clackamas County, Oregon	May 15, 2018 Primary Election	5/15/2018	Page 332 of 338
Canvass Results	Official Election Results	Run Time 2552 PM	Run Date 05/30/2018

5/15/2018	Page 332 of 338
2.52 PM	65/30/2018

50			0 = 28.76%		-1	χP
		1000	200		- 3	
-₩		ЭM	B	20/6	у керопі	Ø.≕4
70			SUN)	9X.		
+ 88		Al de	Sio. I	5000	上級	100
: #	2000 ma	77	XX.	96	- 48	3 - J
22		288		700	U ##	顯滅
- 22	994 .	2013	39.42	88 Y	- 100g	
r 🏻		1688	of 281200	9 ×	*	
- 8		833	s - 1		Precines	120 of 120
		O MARK		366		
-8	38 L	. 488		1000	- 166	36 J.
- 22	38% :	小機		2//	100	
. 48	.	多無	SG., I	**	计键	(A)
- 20	-	30.99	Sec. 75	2819	way.	(WVC
	* * **		33 1	28	7	® - H
			調りな			30. M
100	2 6					30. Re
	600 A		0872.0	200		-/XX/-
$\mathbb{Z}\mathbb{Z}^{3}$			& ∵i		100	4
	*** *********************************	8) M	8.–€			
			Stories.			
***		.	V-146	780		
		300	3//			
			~			~////~
200						7 m/0.7
			- 34			× × 5
		38	55//00			
	400	34.	Z///			
	500 K			NIK.		
		44		-//		~ *
				XX.		
		S2		1314		
60.00	30 K					
		25%				
		2000				
鉛線			650 K	82/8		
					S) ()	2//
3.0		級器	33/44	***		20,000

	Congestion and Safety Improvements - NonPartisan
The second control of	34-282: City of Tualatin - Authorizes Bonds for Traffic C

agelfassiay / Juomuī	0.00 %	3430%	3423 %
črejetered Voters	4		2001
JS62) ziolieli listoT	0	685	<u>685</u>
Vote by Mail Bailots Cast	٥	685	685
sini-əthW sucənelləysiM.	0	0	0
· (CVELVO(62)	0	0	0
səjoxiəpun	0	48	48
zoJOV Jzg2).	0	637	637
ONI	o .	309	309
ring the state of	0	328	328
법			West of the second seco
Precin	251	252	Totals

CERTIFIED COPY OF THE ORIGINAL SHERRY HALL, COUNTY CLERK

B≺

RESOLUTION NO. 5382-18

RESOLUTION CANVASSING RESULTS OF THE ELECTION HELD IN THE CITY OF TUALATIN, WASHINGTON AND CLACKAMAS COUNTIES, OREGON ON MAY 15, 2018

WHEREAS a Primary Election was held on May 15, 2018 in the City of Tualatin, Washington and Clackamas Counties, Oregon wherein voters of the City balloted Measure 34-282 Traffic Congestion and Safety Improvements; and

WHEREAS there is on file in the Office of the City Recorder, certified election results filed by the County Clerks of Washington and Clackamas Counties and it is necessary that the Council canvass the results of said election; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The Council hereby finds that the following summary constitutes a true and accurate statement of the election results:

MEASURE 34-282: Yes- 2,675 No-2,076 City of Tualatin Traffic Congestion and Safety Improvements

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 25th Day of June, 2018.

	CITY OF TUALATIN, OREGO				
	BY				
APPROVED AS TO FORM	Mayor ATTEST:				
BY	BY				
City Attorney	City Recorder				



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Sou Souvanny, Management Analyst II

Rich Mueller, Parks and Recreation Manager

DATE: 06/25/2018

SUBJECT: Consideration of **Resolution No. 5384-18** Granting Heritage Tree Status of Two

Trees on City Property Located Along the Tualatin River Greenway Near the

Nyberg Woods Trail Connection

ISSUE BEFORE THE COUNCIL:

Council will consider granting Heritage Tree status to two trees east of the wooden connector ramp to the Tualatin River Greenway trail at Nyberg Woods.

RECOMMENDATION:

The Tualatin Park Advisory Committee (TPARK) acts as the City's Tree Board, and after reviewing the nomination application, recommends that Council grant Heritage Tree status to the two trees.

EXECUTIVE SUMMARY:

On June 22, 1987, Council established a Heritage Tree Program (Ordinance No. 723-87, TMC 1-23) to recognize, foster appreciation of, and protect Heritage Trees; to inspire awareness of the contribution of trees to the community; and to encourage the planting of trees. A Heritage Tree is defined as a tree or stand of trees that, due to its age, size, species, quality or historic association, is of landmark importance and its retention as such will not unreasonably interfere with the use of the property upon which it is located.

TPARK, in their role as the Tree Board, and in cooperation a City arborist, reviewed the nomination. It is recommended that Council grant Heritage Tree status to the following trees:

Name: Tualatin River Greenway Trail Redwoods

Species: Sequoia sempervirens (Coast Redwood)

Location: East of the Tualatin River Greenway entrance at the Nyberg Woods trail

connection behind Forest Rim Apartments

Owner: City of Tualatin

This trees were planted on April 14, 2018 as a part of the 2018 Arbor Week Celebration. Mayor

Lou Ogden and Paul Hennon, Community Services Director in the City of Tualatin, planted the trees to commemorate Arbor Day.

OUTCOMES OF DECISION:

If granted Heritage Tree status these trees will be added to the City's Heritage Tree inventory and a plaque will be placed in front of them, identifying each as such. By granting Heritage Tree status, the City shall record the designation as Heritage Trees, the site and description on the land title.

FINANCIAL IMPLICATIONS:

This trees will be maintained by the Parks Maintenance Division as any other tree on City property with no new additional maintenance costs.

Attachments: Resolution

Location Map and Photos

RESOLUTION NO. 5384-18

A RESOLUTION GRANTING HERITAGE TREE STATUS OF TWO TREES ON CITY PROPERTY LOCATED ALONG THE TUALATIN RIVER GREENWAY NEAR THE NYBERG WOODS TRAIL CONNECTION.

WHEREAS, Council established a program to recognize and protect Heritage Trees, as provided in Tualatin Municipal Code (TMC) 1-23; and

WHEREAS, Council finds that a Coast Redwood to be located near Tualatin River Greenway at Barngrover Way should receive Heritage Tree designation; and

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The two Coast Redwoods (Sequoia sempervirens) to be located on City owned property in Tualatin Oregon on Tax Lot 02900 of Tax Map 2S124A, approximately 122° 44′ 53.2104″ W 45° 23′ 10.7772″ N is hereby designated Heritage Trees under TMC 1-23. The Heritage Trees are located east of the Nyberg Woods connector ramp at the entrance to the Tualatin River Greenway.

- **Section 2.** The City will care for and manage the trees consistent with the provisions and restrictions in TMC 1-23.
- **Section 3.** The City Recorder is directed to record a copy of this resolution in the County Records to provide notice of the designation as Heritage Trees.
- **Section 4.** City staff is directed to place plaques identifying each tree as a Heritage Tree in a visible location near the individual tree, place the trees on the official listing and map of Heritage Trees, and maintain said listing and map in accordance with the provisions of TMC 1-23.

Section 5. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 25th day of June, 2018.

	CITY OF TUALATIN, OREGON				
	BY				
	Mayor				
APPROVED AS TO FORM	ATTEST:				
BY:	BY:				
City Attorney	City Recorder				

Attachment B Photos and Location of Heritage Tree

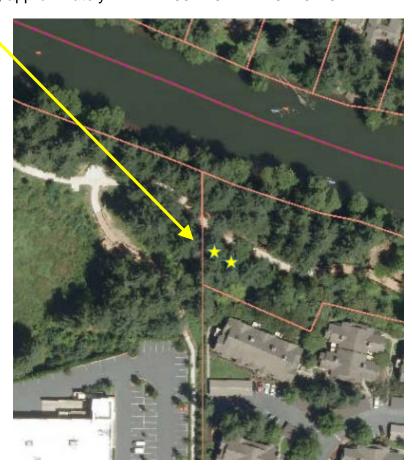


Coast Redwood #1 at Arbor Week Tree Planting (April 14, 2018)



Coast Redwood #2 at Arbor Week Tree Planting (April 14, 218)

The Coast Redwoods are located east of the entrance to the Tualatin River Greenway at the Nyberg Woods connector, a City owned property in Tualatin Oregon. The trees are located on Tax Lot 02900 of Tax Map 2S124A, approximately 122° 44′ 53.2104″ W 45° 23′ 10.7772″ N.





STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Don Hudson, Finance Director

DATE: 06/25/2018

SUBJECT: Consideration of **Resolution No. 5380-18** Adopting the City of Tualatin Budget

for the Fiscal Year Commencing July 1, 2018, Making Appropriations, Levying

Ad-Valorem Taxes, and Categorizing the Levies

ISSUE BEFORE THE COUNCIL:

Council will consider adoption of the Fiscal Year 2018–2019 Budget, after conducting a public hearing to consider public input on the Fiscal Year 2018–2019 Budget. The City of Tualatin Budget Advisory Committee approved the proposed budget on May 30, 2018. The total of the Fiscal Year 2018-2019 Budget is \$96,134,475 as approved by the Budget Advisory Committee and amended by the City Council.

The tax rate for general government would be approved at \$2.2665 per \$1,000 taxable assessed value, with \$2,636,800 to be levied for bonded debt. The bond levy is excluded from limitation for local government operations.

Oregon State law requires the City Council adopt a budget prior to July 1, 2018.

RECOMMENDATION:

Staff recommends adoption of the attached resolution, which includes the Budget Committee Approved Fiscal Year 2018-2019 Budget.

EXECUTIVE SUMMARY:

The City of Tualatin budget is made up of 16 funds, divided among five different categories: General Fund, Special Revenue Funds, Debt Service Funds, Capital Projects Funds and Enterprise Funds. Urban Renewal Funds are presented in the Tualatin Development Commission budget, which will be heard in a separate public hearing later this evening.

The General Fund is the primary operating fund of the City and supports general government services. Special Revenue Funds account for the proceeds of specific revenue sources that are legally restricted to expenditure for specific purposes, including the Building Fund, street funds, Core Area Parking Fund and the Tualatin Science and Technology Scholarship Fund. Debt Service Funds record revenues and expenditures for our general obligation bond debt. Capital Project Funds record capital projects that are funded from restricted funds. The Enterprise

Funds include all funds related to the following systems: Water, Sewer and Storm Drain. These funds account for the infrastructure systems covering water, sewer and storm drain and their revenues are derived from sources that are specifically earmarked, or restricted for these specific purposes.

City staff prides itself in providing quality services to our citizens and customers, in a fiscally prudent manner. The fiscal year 2018-2019 budget continues to meet these expectations. Utilizing the City's Fiscal Health model of matching on-going expenditures with on-going revenues, the City is maintaining a positive fiscal health position for this fiscal year. Appropriations, not including projected debt service increases due to the passage of the Transportation Bond in May 2018, increased 2.5% over the appropriation level for fiscal year 2017-2018. This percentage is below the Municipal Cost Index for the past year of just over 3%, while adding a Transportation Engineer, a seasonal Parks Maintenance Worker and increasing part-time hours in Parks and Recreation. These personnel additions support growing programs and increased maintenance needs for recent trail system additions. Even with these additions, City staff continued to be financially responsible when preparing their budgets. Overall, the City's expenditure budget is once again a financially stable budget.

Another factor in maintaining a positive fiscal health position is the continued stability of our revenue sources. Development throughout the City adds assessed value to the tax rolls, increasing our property tax revenue. Growth in our popular recreation programs are self funded through increased revenues for those programs. Other revenue sources continue to be stable. This stability allows for prudent financial management of the City's budgetary dollars, while maintaining service levels.

In addition to the budget approved by the budget committee, the City Council has the ability to change the approved budget in each fund by no more than 10% of the total budget. Staff is proposing changes in the Water Operating Fund, Park Development Fund, Tualatin Science and Technology Scholarship Fund, Road Operating Fund and the General Fund.

At the last City Council meeting, the Council approved an interfund loan for parkland property acquisition. The budget is being amended to account for the transfers necessary between the Water Operating Fund and the Park Development Fund related to this loan. In the Scholarship Fund, we received a grant to fund a second \$1,500 scholarship, so that fund is being amended for the second scholarship. The Road Operating Fund adjustment of \$335,000 records the increase to this Fund for a transfer in from the Transportation Development Tax Fund that was approved by the Budget Committee in May.

In the General Fund, there are two personnel related amendments, a carryover from the Fiscal Year 2017-2018 budget, and an increase in a capital purchase due to updated cost estimates for the project. The personnel increases impact the Administration and the Public Works Administration budgets. It was discovered that FICA/Medicare and Pension costs for salaries in Administration were not calculated correctly in our budget software, increasing that budget by \$12,170. The calculations have been corrected in the system for proper calculating in future fiscal years. It was also discovered that the temporary budget in PW Administration for the TEAM Tualatin program was inadvertently left out of the budget. The impact to that budget is \$5,000. The other two changes increase the Information Systems budget by \$42,520, and are for patron library technology that was unable to be completed prior to June 30, 2018 and for replacement of the camera surveillance system. Over half of this amount is funded by unspent budget dollars from fiscal year 2017-2018.

For more detailed information, the City's Proposed 2018-2019 Budget can be found at http://www.tualatinoregon.gov/finance/2018-2019-proposed-budget. The final adopted budget document will be posted to the website in early July.

OUTCOMES OF DECISION:

By adopting the budget before July 1st, the City will be able to operate, expend money and incur liabilities for fiscal year 2018-2019.

Attachments: Resolution No. 5380-18

RESOLUTION NO. 5380-18

A RESOLUTION ADOPTING THE CITY OF TUALATIN'S BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2018, MAKING APPROPRIATIONS, LEVYING AD VALOREM TAXES, AND CATEGORIZING THE LEVIES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council of the City of Tualatin hereby adopts the Budget as approved by the Budget Committee and adjusted by the Council. The total sum of the budget is \$96,134,475 (including \$18,142,170 of unappropriated fund balance and reserves) and is now on file at the City Offices.

Section 2. The amounts for the fiscal year beginning July 1, 2018, and for the purposes shown below, are hereby appropriated as follows:

GENERAL FUND

City Council	\$	154,530	
Administration	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	1,187,920	
Finance	\$	1,105,230	
Legal Services	\$	347,185	
Municipal Court	\$	423,315	
Engineering	\$	783,340	
Community Development	\$	1,171,240	
Information Systems	\$	1,302,325	
Police	\$	7,846,815	
Public Works Administration	\$	513,995	
Fleet Maintenance	\$	486,335	
Building Maintenance	\$	937,425	
Parks Maintenance	\$	1,583,580	
Community Services	\$	1,185,270	
Library	\$	2,308,445	
Non-Departmental	\$	1,107,440	
Contingency	\$	3,366,660	
Total CENERAL FUND Appropriations			<u> የ ጋ</u> ር 011 <u>0</u> ር0
Total GENERAL FUND Appropriations			\$ 25,811,050
Reserves	\$	2,965,600	
Unappropriated	\$ \$	4,004,540	
Total GENERAL FUND			\$ 32,781,190
TOTAL SEINLINAL TUND			Ψ 32,701,190

BUILDING FUND

Personal Services Material & Services Capital Outlay Transfers Contingency	_	\$ \$ \$ \$	897,365 80,625 36,000 406,380 213,040	
Total BUILDING FUND Appropriations				\$ 1,633,410
Reserves	_	\$	916,190	
Total BUILDING FUND			=	\$ 2,549,600
w	ATER FUND			
Personal Services Material & Services Capital Outlay Transfers Contingency	_	\$ \$ \$ \$	702,605 3,156,765 1,768,125 2,415,970 1,080,275	
Total WATER FUND Appropriations				\$ 9,123,740
Reserves	_	\$	3,613,715	
Total WATER FUND			=	\$ 12,737,455
SI	EWER FUND			
Personal Services Material & Services Capital Outlay Transfers Contingency	_	\$ \$ \$ \$	379,335 6,771,440 535,000 1,237,295 1,338,460	
Total SEWER FUND Appropriations				\$ 10,261,530
Reserves	_	\$	1,317,965	
Total SEWER FUND			=	\$ 11,579,495

STORM DRAIN FUND

Material & Services Capital Outlay Transfers Contingency	\$ \$ \$	1,383,625 330,625 922,280 392,565	
Total STORM DRAIN FUND Appropriations			\$ 3,029,095
Reserves	\$	3,136,615	
Total STORM DRAIN FUND		-	\$ 6,165,710
ROAD UTILITY FEE FUND			
Material & Services Transfers Contingency	\$ \$ \$	1,074,575 323,930	
Total ROAD UTILITY FEE FUND Appropriations			\$ 1,398,505
Reserves	\$	394,765	
Total ROAD UTILITY FEE FUND		:	\$ 1,793,270
ROAD OPERATING FUND			
Personal Services Material & Services Capital Outlay Transfers Contingency	\$ \$ \$ \$ \$ -	477,950 901,845 2,505,125 755,860 696,120	
Total ROAD OPERATING FUND Appropriations			\$ 5,336,900
Reserves	\$	1,044,130	
Total ROAD OPERATING FUND		:	\$ 6,381,030

CORE AREA PARKING DISTRICT FUND

Material & Services Capital Outlay Transfers Contingency	\$ \$ \$	32,460 - 28,060 9,080	
Total CORE AREA PKG DIST FUND Appropriations			\$ 69,600
Reserves	\$	157,900	
Total CORE AREA PARKING DISTRICT FUND		=	\$ 227,500
TUALATIN SCIENCE AND TECHNOLOGY SCHOLARSHIP FUND			
Material & Services	\$	3,000	
Total TUALATIN SCHOLARSHIP FUND Appropriations			\$ 3,000
Reserves	\$	50,630	
Total TUALATIN SCHOLARSHIP FUND		=	\$ 53,630
GENERAL OBLIGATION BOND FUND			
Debt Service	\$	2,621,985	
Total GO BOND DEBT FUND Appropriations			\$ 2,621,985
Reserves	\$	32,665	
Total GO BOND DEBT FUND		=	\$ 2,654,650
ENTERPRISE BOND FUND			
Material & Services Debt Service	\$ \$	495 636,275	
Total ENTERPRISE BOND FUND Appropriations			\$ 636,770
Reserves	\$	507,455	
Total ENTERPRISE BOND FUND		=	\$ 1,144,225

WATER DEVELOPMENT FUND

Capital Outlay Transfers Contingency	\$ \$ \$	288,990 957,320	
Total WATER DEV FUND Appropriations		=	\$ 1,246,310
SEWER DEVELOPMENT FUND			
Material & Services Capital Outlay Transfers Contingency	\$ \$ \$	993,120 434,500 15,220 3,150,900	
Total SEWER DEV FUND Appropriations		=	\$ 4,593,740
STORM DRAIN DEVELOPMENT FUND			
Capital Outlay Transfers Contingency	\$ \$ \$	70,000 2,150 389,700	
Total STORM DRAIN DEV FUND Appropriations		=	\$ 461,850
PARK DEVELOPMENT FUND			
Material & Services Capital Outlay Transfers	\$ \$ \$	23,000 3,243,440 42,780	
Total PARK DEV FUND Appropriations		=	\$ 3,309,220
TRANSPORTATION DEVELOPMENT TAX FUND			
Capital Outlay Transfers Contingency	\$ \$	325,000 1,624,000 6,506,600	
Total TRANSPORT DEV TAX FUND Appropriations		=	\$ 8,455,600
TOTAL APPROPRIATED ALL FUNDS			\$ 77,992,305
TOTAL RESERVES TOTAL UNAPPROPRIATED ALL FUNDS		-	\$ 14,137,630 \$ 4,004,540
TOTAL BUDGET		=	\$ 96,134,475

Resolution No. 5380-18 Page 5 of 6

Section 3. The City Council of the City of Tualatin hereby imposes the taxes provided for in the adopted budget at the rate of \$2.2665 per \$1,000 assessed value for operations and in the amount of \$2,636,800 for bonds; and that these taxes are hereby imposed and categorized for tax year 2018-19 upon the assessed value of all taxable property within the district.

General Government Limitation General Fund...\$2.2665/\$1,000 Excluded from Limitation
Debt Service Fund...\$2,636,800

Section 4. The Finance Director shall certify to the County Assessors of Washington County and Clackamas County, Oregon, the tax levy made by this resolution; and file with the County Clerks a true copy of the Budget as finally adopted.

INTRODUCED AND ADOPTED this 25th day of June, 2018.

	CITY OF TUALATIN, OREGON
	BY_
	Mayor
APPROVED AS TO FORM:	ATTEST:
BY	BY
City Attorney	City Recorder



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Jerianne Thompson, Library Manager

DATE: 06/25/2018

SUBJECT: Consideration of <u>Ordinance No. 1410-18</u> Relating to Library Rules; Amending

Tualatin Municipal Code Chapter 5-1 and Tualatin Municipal Code Section

5-10-010; and Adding New Provisions

ISSUE BEFORE THE COUNCIL:

Council consideration of Ordinance No. 1410-18 to amend the Tualatin Municipal Code Chapter 5-1: Library Rules of Conduct.

RECOMMENDATION:

Staff recommends Council consider the ordinance.

EXECUTIVE SUMMARY:

Council is considering a proposed ordinance related to Library Rules of Conduct. The proposed ordinance amends Tualatin Municipal Code (TMC) Chapter 5-1: Library Rules of Conduct to delete language regarding specific Library Rules and add language establishing the process for administrative rulemaking. The primary purpose of modifying this ordinance is to change Library rule-setting via ordinance by Council to administrative rules set by the City Manager or designee (Library Director).

The Library Rules were codified into the TMC in 1992, with subsequent revisions. Most neighboring municipalities do not incorporate Library Rules of Conduct into their municipal code; some cities previously had sections similar to Tualatin's but repealed them in place of an administrative policy.

The proposed ordinance deletes sections of 5-1, which will be replaced by administrative rules, amends sections of 5-1, and adds new provisions to establish administrative rulemaking authority and process.

Per the proposed ordinance, Library management has created administrative rules, through a new Library Rules policy, to protect the rights and safety of Library users, volunteers, and staff and to preserve and protect Library property. The Tualatin Public Library welcomes every member of the community to use and enjoy the Library's services, materials, and facility. To encourage a welcoming environment, the administrative rules define prohibited behaviors that

could be expected to interfere with library use. Individuals who fail to adhere to the Library Rules would continue to be subject to exclusion per TMC Chapter 5-10.

The draft ordinance and Library Rules were presented to the Tualatin Library Advisory Committee (TLAC) on June 5, 2018; they voted to recommend the City Council adopt the ordinance and to recommend adoption of the new Rules policy. The notice of rules changes and draft Library Rules policy were posted on the Library's Public Notices board for 30 days, May 2, 2018, to June 1, 2018.

OUTCOMES OF DECISION:

- Future revisions to the Library Rules will not require Council action but would occur using the process outlined in the ordinance.
- Public comment would still be part of the process, as all administrative policies are reviewed by the Library Advisory Committee.

ALTERNATIVES TO RECOMMENDATION:

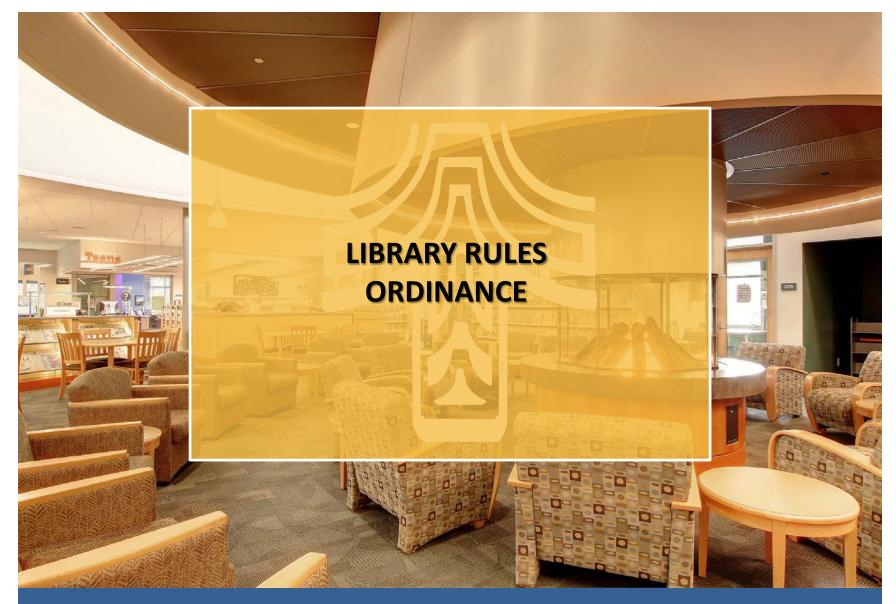
Library Rules would remain in the TMC. Library management would draft a new ordinance to revise code language to update the Rules.

FINANCIAL IMPLICATIONS:

None.

Attachments: <u>Library Rules presentation</u>

Ord 1410-18-Library Rules



LIBRARY RULES ORDINANCE

CITY COUNCIL MEETING
JUNE 25, 2018



TONIGHT'S DISCUSSION OVERVIEW

- Consideration of Ordinance No. 1410-18 relating to Library Rules
 - Amends TMC Chapter 5-1 and Section
 5-10-010
 - Adds new provisions



ORDINANCE PROVISIONS

Summary of Changes

- Deletes definitions related to Specific Library Rules
- Replaces General Rules and Regulations with Administrative Rulemaking Authority
- Replaces Specific Library Rules with process for Notice of Administrative Rulemaking
- Replaces section on Fines and Charges with Opportunity for and Consideration of Comments



ORDINANCE PROVISIONS

Summary of Changes

- Adds process for administrative rule adoption
- Adds language about Temporary and Emergency Rules
- Adds Council Review of Administrative Rules
- Replaces Rules of Conduct with Authority pertaining to the administrative rules
- Replaces Remedies with Enforcement of Violations
- Updates Civil Exclusion definitions



PUBLIC OUTREACH SUMMARY

- Notice of Rules changes and copies of draft Library Rules (administrative rules) posted in Library lobby and on Library website for 30 days, May 2-June 1, 2018
- Public comments accepted
- Ordinance, draft Rules, and public comments reviewed by Tualatin Library Advisory Committee (TLAC), June 5, 2018
- TLAC recommends Council approve the ordinance



COUNCIL OPTIONS

- 1. Approve the ordinance as drafted;
- 2. Approve an amended ordinance;
- 3. Continue discussion to a later date; or
- 4. Deny the ordinance.



LIBRARY RULES ORDINANCE

CITY COUNCIL MEETING
JUNE 25, 2018

ORDINANCE NO. 1410-18

AN ORDINANCE RELATING TO LIBRARY RULES; AMENDING TUALATIN MUNICPAL CODE CHAPTER 5-1 AND TUALATIN MUNICIPAL CODE SECTION 5-10-010; AND ADDING NEW PROVISIONS.

WHEREAS, the City of Tualatin currently has library rules adopted by ordinance and codified in Tualatin Municipal Code (TMC) Chapter 5-1;

WHEREAS, the Council finds it is more efficient and effective to have Library Rules adopted by administrative rule by the City Manager, or City Manager's designee; and

WHEREAS, the City finds it is in the public interest to enact the changes to the Tualatin Municipal Code as set forth in this Ordinance.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 5-1-020 is deleted in its entirety.

Section 2. TMC 5-1-010 (Policy) is amended as follows:

5-1-010 Policy.

The City of Tualatin may improve, operate and maintain the Library and other related premises in a manner that will best afford the public with necessary and convenient use. In order to protect such areas, protect the health, safety, and well-being of the public, and insure the greatest use and enjoyment for all Library users of the benefits from such facilities, it is necessary to adopt <u>rules</u>, regulations, and enforcement provisions as the City Council deems necessary provided in this Chapter.

Section 3. TMC 5-1-030 (Definitions) is amended to read as follows:

5-1-030 Definitions.

Unless the context clearly indicates a different meaning, the following terms shall be defined as follows The words and phrases have the following meanings:

- (1) "City Manager" means the City Manager or the City Manager's designee. "Adult" means a person who is 18 years or older.
- (2) "Assault" has the meaning provided in ORS 163.160 through 163.185.
- (3) "Attended" means a parent, guardian, or designated and responsible adult is at all times, while in the Library, within 12 feet of his or her child who is five years or younger.
- (4) "Controlled substance" has the meaning provided in ORS 167.203.
- (5) "Council" means the Tualatin City Council.

- (6) "Criminal negligence" means that a person fails to be aware of a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. Where the definition of an offense prescribes criminal negligence as the culpable mental state, it is also established if a person acts intentionally or knowingly.
- (7) "Disabled person" means a person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment, and not otherwise disqualified under the Americans with Disabilities Act.
- (8) "Disorderly conduct" has the meaning provided in ORS 166.025.
- (9) "Fee" means a monetary charge imposed by the Library for specific items, such as the replacement of lost materials.
- (10) "Fine" means a monetary charge imposed by the Library upon a patron for overdue materials.
- (11) "Harassment" has the meaning provided in ORS 166.065.
- (12) (2) "Library" includes means the City's public library, related offices, lobby, restrooms, and entryways, and plaza.
- (13) "Library Manager" or "Manager" means the individual designated by the City Manager to be in charge of the City of Tualatin Library or the person designated by the Manager to perform some or all of the functions of that position.
- (14) (3) "Library employee" means a regular employee or temporary employee of the City who has been assigned to the Library Department.
- (4) "Library Rules" means the administrative rules adopted by the City to govern the use of the library and library materials, as provided by this Chapter.
- (15) "Library materials" or "materials" means books and other items which may be borrowed from the Library, whether owned by the Tualatin Library or another library, so long as they are borrowed from or disbursed by the Tualatin Library.
- (16) "Lost item" means an item which has been overdue for 45 days or longer, or which upon return to the Library is in an unusable condition.
- (17) "Mischief" has the meaning provided in ORS 164.345, 166.354 and 166.365.
- (18) "Renew" means, with respect to a library card, the biannual reinstatement of library privileges.

- (19) "Supervised" means a parent, guardian or designated and responsible adult is on the Library premises and accompanying his or her child who is over five and less than eight years old, and monitoring such child's behavior, but are not necessarily located within 12 feet of the child.
- (20) "Theft" has the meaning provided in ORS 164.015.
- (21) "Washington County Cooperative Library Services" or "WCCLS" means the administrative agency for Washington County and county-wide library services. For purposes of this ordinance, any act taken by the in its official capacity shall be considered as having been taken by the WCCLS. [Ord. 883-92 §3, 12/14/92; Ord. 1275-09§2, 1/26/09]
- **Section 4.** TMC 5-1-040 (General Rules and Regulations) is deleted and replaced with the following:
- <u>5-1-040 Administrative Rulemaking Authority.</u> The City Manager is authorized to issue administrative rules, known as Library Rules, to govern the use of the library and library materials, consistent with the procedures of this Chapter.
- **Section 5.** TMC 5-1-050 (Specific Library Rules) is deleted and replaced with the following:

5-1-050 Notice of Administrative Rulemaking.

- (1) Prior to the adoption, amendment, or repeal of an administrative rule, the City Manager must:
 - (a) give public notice of the proposed rule, including:
 - (i) Posting copies of the proposed rule on the City's website; and
 - (ii) Posting copies of the proposed rule in a conspicuous location in the Library;
 - (b) provide copies of the proposed rule to interested persons; and
 - (c) submit copies of the proposed rule to the Library Advisory Committee.
- (2) In addition to the draft language of the rule considered to be adopted, amended, or repealed, the notice must also:
 - (a) generally state the subject matter and purpose of the rule;
 - (b) state the time, place, and manner for persons to submit data or written comments about the proposed rule; and
 - (c) the date upon which the rule will be adopted and effective.

Section 6. TMC 5-1-060 (Fines and Charges) is deleted and replaced with the following:

5-1-060 Opportunity for Comment; Consideration of Comments.

- (1) The City must provide persons with not less than 15 calendar days to submit data or written comments on the proposed administrative rule.
- (2) The City Manager must consider data or comments received from persons prior to adopting the administrative rule.
- **Section 7.** TMC 5-1-070 (Final Adoption; Filing with City Recorder; Available to Public) is created to read as follows:

5-1-070 Final Adoption; Filing with City Recorder; Available to Public.

- (1) Unless the City Manager specifies another date in the adoption order, all rules adopted are effective upon adoption.
- (2) Unless otherwise required by law, the adoption, amendment, or repeal of a rule need not be based upon, or supported by, an evidentiary record.
- (3) The adopted administrative rule must be filed with the City Recorder. The City Recorder must compile all adopted rules, including any temporary or emergency rules. Copies of current administrative rules must be made available to the public on the City's website and upon request.
- **Section 8.** TMC 5-1-080 Temporary and Emergency rules; Effective Period is created to read as follows:

<u>5-1-080 Temporary and Emergency rules; Effective Period.</u>

- (1) Temporary Rules. Temporary rules may be adopted without notice or opportunity to comment, if needed to implement the provisions of any new or amended ordinance upon the ordinance's effective date.
- (2) Emergency Rules. Emergency rules may be adopted, amended, or suspended without prior notice or opportunity to comment, or upon abbreviated notice and opportunity to comment, if the City Manager adopts written findings that an emergency exists, and the failure to act promptly will result in prejudice to the public interest.
- (3) Effective Period. Any temporary or emergency rule adopted, amended, or suspended is effective for a period of not more than 180 calendar days.
- (4) No Preclusion of Permanent Rule. The adoption of a temporary or emergency rule does not preclude the subsequent adoption of an identical permanent rule.
- **Section 9.** TMC 5-1-090 (Council Review of Administrative Rules) is created to read as follows:

5-1-090 Council Review of Administrative Rules.

- (1) The Council, upon its own motion, may review a proposed or adopted administrative rule at any time.
- (2) After review of a proposed or adopted administrative rule, the Council may take no action, amend, or repeal an administrative rule. If the Council chooses to amend or repeal an administrative rule, the amendment or repeal must be by resolution of the Council.

Section 10. TMC 5-1-070 (Rules of Conduct) is renumbered and amended as follows:

5-1-070 5-1-100 Rules of Conduct Authority.

- (1) The Library Manager shall adopt administrative rules for the enforcement of the Rules of Conduct set forth in this ordinance, for the administration of special events, and for participation in City programs in library areas. The Rules of Conduct shall be administered by the Library Manager, Library employees, or persons employed by the City of Tualatin. Except in cases where the Municipal Court in exercising its jurisdiction is presented with an interpretation issue under this ordinance, where the provisions of this ordinance are determined by the Library Manager to be unclear or ambiguous, the Library Manager may interpret the provisions in a manner consistent with Library policy. Such interpretation by the Library Director may be appealed to the City Manager, whose decision is final.
- (2) (1) The City Manager or designee may close all or portions of the Library to the public at any time and without notice for any reasonable and necessary circumstance, including but not limited to construction, maintenance, or any condition which poses a risk of bodily injury or damage to the public.
- (3) (2) The Library City Manager, library employees designated by the Library City Manager, and City police officers may obtain compliance by the public with these rules the Library Rules and to issue reasonable directions in furtherance of these rules the Library Rules. If an individual fails to obey or disregards this ordinance a Library Rule or an order or directive given to obtain compliance with this ordinance a Library Rule, that individual is subject to immediate ejection and temporary suspension of library use privileges. An individual who fails to leave or and remain off library premises, or designated portions of the library, after being so lawfully directed shall be to do so is subject to criminal trespass charges.
- (4) (3) Notwithstanding the foregoing regulations, upon prior request the Library City Manager may allow temporary, minor deviations from the strict requirements of this ordinance the Library Rules where the harm to library facilities and the risk to library users are negligible or non-existent.

Section 11. TMC 5-1-100 (Remedies) is renumbered and amended as follows:

5-1-100 5-1-110 Remedies Enforcement of Violations.

- (1) Except as otherwise provided in the Library Rules, a violation of this Chapter a Library Rule is a civil infraction and shall be punishable by a fine not to exceed \$500. Each violation of this Chapter constitutes a separate offense, and each day that a violation of this Chapter is committed or permitted to continue constitutes a separate offense.
- (2) Except as otherwise provided in the Library Rules, the civil infraction procedures in Tualatin Municipal Code Chapter 7-01 apply to the prosecution of any violation of a Library Rule.
- (3) In addition to any other remedies provided by law, a person who violates a Library Rule may be subject to Civil Exclusion, as provided by TMC Chapter 5-10.
- (2)—(4) The remedies provided by this Chapter for violations are cumulative and the pursuit of one remedy shall does not preclude the use of another. In addition, where an offense defined under this Chapter is also punishable under State law or TMC Chapter 6-4, the use of a remedy or remedies provided by this 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 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 12. TMC 5-10-010 (Definitions) is amended to read 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 that 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 Tualatin Municipal Code.
- (6) "Essential needs" means food, physical care, and medical attention.
- (7) "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.

Section 13. 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 this day of	, 2018.
	CITY OF TUALATIN OREGON
	BYMayor
APPROVED AS TO LEGAL FORM	ATTEST
BY City Attorney	BY