



MEETING NOTICE

TUALATIN LIBRARY ADVISORY COMMITTEE

June 5, 2018 - 6:30 PM

TUALATIN PUBLIC LIBRARY
18878 SW Martinazzi Ave.

A. CALL TO ORDER

B. APPROVAL OF MINUTES: May 1, 2018

C. COMMUNICATIONS

1. Chair
2. Staff
3. Teen Library Committee
4. Public

D. OLD BUSINESS

1. Library Rules of Conduct
 - Discussion & Consider Recommendation
2. Parks & Recreation Master Plan Update
 - Discussion

E. NEW BUSINESS

1. Summer Reading Program
 - Presentation

F. FUTURE AGENDA ITEMS

1. Library Operational Policies
2. 2018-19 Library Budget
3. E-books

G. COMMUNICATIONS FROM COMMITTEE MEMBERS

H. ADJOURNMENT



TUALATIN LIBRARY ADVISORY COMMITTEE MINUTES

May 1, 2018

Present: Alan Feinstein, Nicholas Schiller, Laura Stewart, Hannah Watt, Thea Wood, Marcus Young

Absent: Sonya Ambuehl

Public: Doug Watt

Staff: Jerianne Thompson, Library Manager
Sarah Jesudason, Public Services Supervisor
Paul Hennon, Community Services Director

A. CALL TO ORDER

Thea Wood called the meeting to order at 6:30 PM.

B. APPROVAL OF MINUTES

Nicholas Schiller moved and Alan Feinstein seconded that the April meeting minutes be approved as written.

C. COMMUNICATIONS

1. Chair: None

2. Staff: Jerianne Thompson reported that the Library has opened its new small study room for public use. The Library is interviewing for the open Technical Services Librarian II position, and the Parks and Recreation Director recruitment just closed. The Friends of Tualatin Library will have their annual Spring sale on May 4-6. Thompson shared information about the draft ADA Transition Plan and the upcoming Park & Recreation Master Plan Project Advisory Committee meeting. Thompson also shared recent comment cards and statistics about programs and services.

Paul Hennon reported on the upcoming reorganization of the Community Services Department. Effective June 1, the Library will be its own department with Thompson as the Library Director. Hennon thanked committee members for their volunteerism.

3. Teen Library Committee: Jerianne Thompson reported TLC members are planning events for this summer.

4. Public: None

D. OLD BUSINESS

1. Collection Development Policy: Committee members discussed the new Collection Development Policy. Laura Stewart said she appreciated the positive wording in the policy. Nicholas Schiller asked about the inclusion of “Representing” as a field on the Patron Opinion of Library Materials form; the committee agreed to strike it. Alan Feinstein moved to recommend approval of the policy, with the revision noted; Laura Stewart seconded. The motion passed unanimously.

E. NEW BUSINESS

1. Library Rules of Conduct: Jerianne Thompson reported that library management seeks to update the Library Rules and to have them removed from the Tualatin Municipal Code. Thompson gave a brief review of best practices for writing library policies and history of the current Library Rules of Conduct. She distributed copies of the staff report and draft ordinance to be presented to City Council and a draft of the proposed Library Rules. Thompson said the draft Rules will be posted in the Library lobby for a 30-day public comment period. The committee discussed several of the proposed Rules—including the rules about weapons, unattended children, and petitioners—and reasons to remove the Rules from the Municipal Code.

F. FUTURE AGENDA ITEMS

1. Library Operational Policies
2. E-books

G. COMMUNICATIONS FROM COMMITTEE MEMBERS

1. **Members:** None.

H. ADJOURNMENT

Meeting was adjourned at 7:54 p.m.

_____, Jerianne Thompson, Recording Secretary

Published on *The City of Tualatin Oregon Official Website* (<https://www.tualatinoregon.gov>)

Chapter 05-01: Library Rules of Conduct

Municipal Code:

Title 05: Library, Parks, and City Facilities

Tags:

Specific Library Rules Fines and Charges Rules of Conduct Excluding a Person from the Library Appeals Remedies

Details

Sections:

5-1-010 Policy.

5-1-020 Short Title.

5-1-030 Definitions.

5-1-040 General Rules and Regulations.

5-1-050 Specific Library Rules.

5-1-060 Fines and Charges.

5-1-070 Rules of Conduct.

5-1-100 Remedies.

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 wellbeing 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 regulations and enforcement provisions as the City Council deems necessary. [Ord. 883-92 §1, 12/14/92; Ord. 1275-09§1, 1/26/09]

5-1-020 Short Title.

This ordinance shall be known as the City of Tualatin's "Library Rules of Conduct". [Ord. 883-92 §2, 12/14/92]

5-1-030 Definitions.

Unless the context clearly indicates a different meaning, the following terms shall be defined as follows:

(1) "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 ^[1].
- (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) "Library" includes 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) "Library employee" means a regular employee or temporary of the City who has been assigned to the Library Department.
- (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]

5-1-040 General Rules and Regulations.

The general rules and regulations for the Library are as provided in this ordinance. Although an offense defined under this ordinance requires no culpable mental state with respect to one or more of its material elements, the culpable commission of the offense may be alleged and proved, in which case criminal negligence constitutes sufficient culpability. The parent or parents of an unemancipated minor child, other than a parent who is not entitled to legal custody of such child, shall be liable for any damage to persons or property and responsible for the acts or conduct committed by such child as well as any fees, fines, charges or forfeitures assessed against such child. Unless this ordinance specifies otherwise, an order, directive or warning given by a Library employee in furtherance of the enforcement of this ordinance may be given orally, provided the patron is not disabled and thereby unable to comprehend such directive. A warning which is required to be given before a person is directed to leave or is excluded from the Library need not be repeated for purposes of further exclusion. [Ord. 883-92 §4, 12/14/92]

5-1-050 Specific Library Rules.

(1) Whenever there is reasonable cause to believe that an individual has committed any of the following acts in or upon Library premises, such individual may be directed to leave the Library. A warning need not be given in advance. Such conduct may be reported to the police. Violation of any of the prohibitions of this subsection may result in exclusion from the library as provided in TMC Chapter 5-10 [2].

It is unlawful to:

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

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

It is unlawful to:

- (a) Use abusive language or behavior which disturbs the quiet atmosphere of the library;

- (b) Solicit, petition, distribute written materials or canvass for political, charitable or religious purposes in the Library;
 - (c) Interfere with free passage on Library Premises, which includes restricting passage with or use of a bicycle, skateboard, rollerblades, cart or large backpack, or anything that creates an obstacle or takes up seating, except an assistive device, such as a wheelchair or walker, being used by a person with a disability;
 - (d) Smoke, or use tobacco products inside the Library, except as expressly allowed by the Library Manager in the course of a Library-approved event;
 - (e) Bring an animal into the Library, except as allowed by state or federal disability laws, or as part of a Library-sponsored event.
 - (f) Sleep in the library in a manner that occupies additional seating or creates an audible disturbance, or block access;
 - (g) Improperly use a restroom, including but not limited to bathing, shaving or washing hair;
 - (h) Play audio equipment at a volume which is plainly audible by others in the Library;
 - (i) Allow a child age five or under to be unattended in the Library, unless the child is attending a Library-sanctioned activity;
 - (j) Allow a child under age eight to be unsupervised in the Library, unless the child is attending a Library-sanctioned activity; or
 - (k) Fail to leave the Library at closing time.
 - (l) Violate library policies; or
 - (m) To follow the reasonable direction of a library employee.
- (3) When there is reasonable cause to believe that an individual entered or remained in the Library without wearing shoes or sandals, or a shirt or other similar clothing, except for children three years or younger, such individual may be directed to leave the Library until the problem is corrected. [Ord. 1386-15, 11/23/2015]

5-1-060 Fines and Charges.

- (1) It is unlawful for a person to withhold or fail to return any library materials that are due for return. The due date for return shall be established by the Library Manager, considering the anticipated demand by borrowers and the available supply of such materials.
- (2) The WCCLS or its Board of Directors shall establish a charge, called a "fine", to be assessed by a member library, including the Tualatin Library, against a borrower for each day after the return due date that an item of Library materials has not been returned. A person who withholds or fails to return any library materials following 45 days after they are due for return shall be subject to an assessment on each overdue item for the replacement cost, the overdue charges and a processing charge to be established by the WCCLS. If the materials are returned to the Library undamaged within one year from the date items were declared lost, the person paying such assessments shall receive a credit for the replacement cost, but not processing charges.
- (3) Patrons who accrue fines or charges totaling \$10 or more will be denied the privileges of checking out and reserving additional materials and of obtaining a replacement card at the Library

and all other member libraries of the WCCLS until fines and charges are brought below \$10.

(4) Fees and fines imposed directly on a patron by another member library of WCCLS or by the Tualatin Library may be resolved at a member library of WCCLS. [Ord. 883-92 §6, 12/14/92; Ord. 1275-09§4, 1/26/09]

5-1-070 Rules of Conduct.

(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) 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) The Library Manager, library employees designated by the Library Manager, and City police officers may obtain compliance by the public with these rules and to issue reasonable directions in furtherance of these rules. If an individual fails to obey or disregards this ordinance or an order or directive given to obtain compliance with this ordinance, that individual is subject to immediate ejection and temporary suspension of library use privileges. An individual who fails to leave or remain off library premises or designated portions of the library after being so lawfully directed shall be subject to criminal trespass charges.

(4) Notwithstanding the foregoing regulations, upon prior request the Library Manager may allow temporary, minor deviations from the strict requirements of this ordinance where the harm to library facilities and the risk to library users are negligible or non-existent. [Ord. 883-92 §7, 12/14/92; Ord. 1275-09 §5, 1/26/09]

5-1-100 Remedies.

(1) Except as otherwise provided, a violation of this Chapter 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) The remedies provided by this Chapter for violations are cumulative and the pursuit of one remedy shall not preclude the use of another. In addition, where an offense defined under this Chapter is also punishable under State law or TMC Chapter 6-4 ^[3], 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 ^[2], an aggrieved person

may petition in writing to the City Manager or designee for reconsideration of such refusal. [Ord. 883-92 §9, 12/14/92; Ord. 1275-09§8, 1/26/09; Ord. 1386-15, 11/23/2015]

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Links:

[1] <http://www.ada.gov/pubs/ada.htm>

[2] <http://www.tualatinoregon.gov/municipalcode/chapter-05-10-civil-exclusion>

[3] <http://www.tualatinoregon.gov/municipalcode/chapter-06-04-nuisances>

[4] <http://www.tualatinoregon.gov/taxonomy/term/384>

[5] <http://www.tualatinoregon.gov/municipalcode/municipal-code-table-contents>

[6] <http://www.tualatinoregon.gov/municipalcode>

[7] <http://www.tualatinoregon.gov/municipalcode/chapter-05-02-use-city-parks-and-other-recreational-areas-providing-remedies>

[8] <http://www.tualatinoregon.gov/taxonomy/term/386>



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Jerianne Thompson, Library Manager
Paul Hennon, Community Services Director

DATE: [TBD]

SUBJECT: CONSIDERATION OF ORDINANCE 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 an ordinance to amend the Tualatin Municipal Code Chapter 05-1: 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 Library Manager.

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 a library 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 TMC, Library management has created administrative rules, through a new Rules of Conduct policy, to protect the rights and safety of Library users, volunteers,

and staff and to preserve and protect Library property. 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 Rules of Conduct would continue to be subject to exclusion per TMC Chapter 5-10.

The draft ordinance and Library Rules of Conduct administrative rules were presented to the Tualatin Library Advisory Committee on [date here], 2018, and TLAC voted to recommend the City Council adopt the ordinance and adopt the new Rules policy. The draft ordinance and Library Rules of Conduct policy were posted on the Library's Public Notices board for 30 days, [date here] to [date here] 2018.

OUTCOMES OF DECISION:

- Future revisions to the Library Rules of Conduct will not require Council action but would occur using the same process as other Library administrative policies.
- 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 Municipal Code. Library management would draft a new ordinance to revise code language to update Rules.

FINANCIAL IMPLICATIONS:

None.

Attachments: Library Rules Ordinance

ORDINANCE NO. _____

AN ORDINANCE RELATING TO LIBRARY RULES; AMENDING TUALATIN MUNICIPAL 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;

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 rules, 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:

5-1-040 Administrative Rulemaking Authority. 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:

5-1-080 Temporary and Emergency rules; Effective Period.

(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

BY _____
Mayor

APPROVED AS TO LEGAL FORM

ATTEST

BY _____
City Attorney

BY _____
City Recorder



LIBRARY POLICY

CITY OF TUALATIN

LIBRARY RULES - DRAFT

POLICY: Tualatin Public Library has established these Administrative Rules, per Tualatin Municipal Code (TMC) Chapter 5-01, to protect the rights and safety of library users, volunteers, and staff and to preserve and protect library property. This policy applies to the Tualatin Public Library property, including the library, related offices, lobby, restrooms, entryways, plaza, and adjacent parking lot.

BACKGROUND: 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, this policy defines prohibited behaviors that could be expected to interfere with library use. Individuals who fail to adhere to the Library Rules may be subject to exclusion per TMC Chapter 5-10.

RULES:

While in the library, we expect you to:

- Be considerate and respectful of other library users and library staff.
- Ensure that children under the age of 10 are supervised by an adult.
- Be responsible for personal belongings.
- Respect other library users' privacy.
- Respect library materials, furnishings, equipment, and facilities by using them appropriately.
- Be responsible about trash, spills, or odors related to food and drink, which are allowed in the library unless they create a nuisance.
- Wear appropriate attire, including shoes, at all times.

These behaviors are prohibited; you must not:

- Engage in or attempt to engage in any activity that would be a violation of federal, state, or local criminal statute or ordinance or violation of library policy.
 - This includes but is not limited to bringing a weapon into the library or engaging in sexual conduct, as defined under ORS 167.060; TMC Chapters 06-01 through 06-12; and the library's Internet Use policy.
- Use, give away, sell, be under the influence of, or possess a controlled substance, alcoholic beverage (except at City-sponsored events), marijuana, or any marijuana derivative.

- Use disruptive, abusive, or threatening language, gestures, or behavior that interferes with the normal operation of the library or that unreasonably interferes with another person's ability to use the library.
- Leave a child under age 10 unattended in the library. (See Tualatin Library's Child Safety Policy for more information.)
- Solicit money, petition, distribute written materials, or canvass for any purpose inside the Library building.
 - Such solicitations may occur outside the Library only in such a way as to not impede people from entering or exiting the building and must occur at least 20 feet from an entrance or exit. No solicitations may be made in the parking lot.
- Block access to the library entrances, facility, furnishings, equipment, or materials with or use of a bicycle, skateboard, cart, or large bags; electrical cords; or anything that creates an obstacle or takes up seating. Bicycles may not be brought into the building.
- Leave personal belongings unattended. Items brought into the library must be stored out of the way, such as under a table.
- Bring an animal into the library, except as allowed by state or federal disability laws, or as part of a Library-sponsored event.
- Use personal electronic equipment at a volume that disturbs others.
- Sleep in the library in a manner that occupies additional seating or creates an audible disturbance, or blocks access.
- Improperly use a restroom, including but not limited to bathing, shaving, or laundry.
- Take photos or video of library staff, volunteers, or other patrons without their consent.
- Smoke or use other tobacco products. Smoking, including vaping, is forbidden on all City property including parking lots.
- Interfere with the ability of others to use the library because of personal hygiene, such as body odor, strong perfume, or head lice.
- Enter or remain upon library premises without wearing shoes or sufficient clothing.
- Refuse to follow the reasonable direction of a library employee.

Enforcement:

The Library Rules shall be administered by the Library Director, Library employees, City Police, or persons employed by the City of Tualatin. When there is reasonable cause to believe an individual has committed a prohibited behavior, a Library employee shall give one warning. If the conduct reoccurs, even on a different day, the individual may be directed to leave the Library premises for the remainder of the day.

For illegal activities or behavior that endangers library staff, volunteers, or visitors, the individual may be directed to leave without an advance warning. Such conduct will be reported to the police, and individuals may be subject to exclusion per TMC Chapter 5-10. An individual

who fails to leave or remain off library premises or designated portions of the library after being so lawfully directed shall be subject to criminal trespass charges.

Where a person has been refused Library use privileges by order of the Library Director, 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.

Notwithstanding the foregoing regulations, upon prior request the Library Director may allow temporary, minor deviations from the strict requirements of this policy where the harm to library facilities and the risk to library users is negligible or non-existent.

DRAFT



PARKS & RECREATION MASTER PLAN

VALUES, VISION, GOALS & OBJECTIVES

Introduction

The values and aspirations for the City of Tualatin are the guiding forces for the *Parks & Recreation Master Plan* (Master Plan). Through extensive public involvement and meetings with the Project Advisory Committee, these values and aspirations were identified and integrated into our planning framework. The framework includes the following elements, which answer critical questions:

- **Values:** The internal beliefs and philosophy that guide our work. *What characteristics or ideals inspire our community? What do we value?*
- **Vision:** A desired end state or aspirations for a preferred future. *What are our aspirations?*
- **Mission:** The purpose of the organization, its business, and essential services. *What type of work do we do?*
- **Goals:** Directions for long-range change. *Where do we want to be in the future?*
- **Objectives:** Specific and measurable outcomes that contribute to achieving our goals. *What do we want to achieve?*
- **Recommendations:** Specific activities and initiatives that will achieve the stated goal. *What steps will we take to achieve our goals?*

These elements provide the foundation for the Master Plan. They are aligned with City Council's 2030 Vision, state land use goals and public outreach input. This document presents the Master Plan values, vision, mission, goals and objectives for PAC and Council review and confirmation. After refinement, strategies will be defined to provide system-wide recommendations for the park and recreation system.

Core Values

Core values are internal beliefs and qualities treasured by the community. These shared beliefs form a philosophy to guide the City's parks and recreation services.

- **Health & wellness** (mental and physical health, activity, stress reduction)
- **Conservation & stewardship** (sustainability, natural resource protection, asset management, green infrastructure, resource conservation)

- **Inclusiveness & equity** (social justice, fairness in resource allocation, opportunities and services for people of different ages, cultures, interests, languages and abilities)
- **Diversity** (respect for different languages, cultures and peoples, variety in recreation opportunities to respond to diverse community needs)
- **Economic vitality** (prosperity, economic vibrancy and health, accountability, fiscal responsibility, community development)
- **Accessibility & connectivity** (interconnected trails and pathways, close-to-home parks, walkable/bikeable neighborhoods, accessible facilities and services to people of different abilities)
- **Community engagement** (informed and engaged residents, involved residents and neighbors, volunteerism)
- **Social cohesion** (socially interconnected through community events, neighborhood programs and public gathering spaces)
- **Community vibrancy & livability** (sense of place/community identity, integration of arts/culture/history, attractive open space and gateways, park activation, historic preservation, civic pride)
- **Family-friendliness** (opportunities for youth development, lifelong learning, multi-generational activities)

Vision

The vision statement describes Tualatin's aspirations for parks and recreation services. This vision paints a picture of the parks and recreation system we want to achieve. Through the Master Plan process, the following vision emerged:

Tualatin is a vibrant city, with a healthy and cohesive community, connected through attractive parks, diverse facilities, trails, conservation of natural areas, recreation opportunities, and art and culture that are engaging and accessible to all.

Mission

A mission describes the approach that Parks & Recreation staff will take in providing parks, recreation facilities, trails, natural areas, events and programs for Tualatin. The mission notes the type of work done by Department staff, emphasizing staff priorities in achieving the vision for parks and recreation services. The following mission is proposed:

We actively care for our parks, connect our community through trails and programs, and protect our river, greenways and natural areas to create a beautiful, livable city.

Goals

Goals represent the City's overarching directions for the park and recreation system. Seven goals are presented:

- **Goal 1: Provide accessible and inclusive parks and facilities** to support community interests and recreation needs.
- **Goal 2: Create a walkable, bikeable, and interconnected City** by providing a network of regional and local trails to community destinations.
- **Goal 3: Conserve and restore natural areas** to support wildlife, promote ecological functions, and connect residents to nature and the outdoors.
- **Goal 4: Activate parks and facilities** through vibrant programs, events, and recreation opportunities for people of all ages, abilities, cultures, and interests.
- **Goal 5: Support public art through programs, parks, and public spaces** that reflects Tualatin's unique identity, heritage, history and expressive character to create a distinct sense of place.
- **Goal 6: Promote Tualatin's unique identity, economic vitality, and community cohesion** through parks and natural resources, historic preservation, events and programs, placemaking and tourism.
- **Goal 7: Manage and maintain quality parks, facilities, and programs** through outstanding customer service, stewardship, and sustainable practices.

Objectives

Objectives are the desired outcomes to be achieved by implementing the Master Plan. Objectives are presented below, organized and numbered by goal.

Goal 1: Provide accessible and inclusive parks and facilities to support community interests and recreation needs.

- Objective 1a. Strive to provide parks, natural areas and/or recreation resources within ½ mile of residents to ensure walkable/bikeable access to recreation opportunities.
- Objective 1b. Provide natural areas, trails, greenways, and shared use paths to serve employees in commercial and industrial areas.
- Objective 1c. Continue to maintain the City's existing level of service for parkland to support community livability as Tualatin grows.
- Objective 1d. Address deferred maintenance projects and improve facility conditions by implementing an asset replacement plan.
- Objective 1e. Distribute a variety of recreation facilities throughout Tualatin to improve recreation opportunities and access.
- Objective 1f. Increase and diversify sports and play experiences across the city.
- Objective 1g. Ensure that the City parks, recreation, and natural areas are accessible to people of varying abilities.

- Objective 1h. Design parks and facilities to respond to demographic, cultural, and neighborhood needs.

Goal 2: Create a walkable, bikeable, and interconnected city by providing a network of regional and local trails to community destinations.

- Objective 2a. Develop trails to connect Tualatin to the regional trail system.
- Objective 2b. Acquire and develop an interconnected system of on and off-street bike and pedestrian routes, trails and paths and to connect people to nature, residential, commercial, industrial and public facilities.
- Objective 2c. Connect residents to the existing Tualatin River Water Trail.
- Objective 2d. Design and develop quality trails to enhance the trail experience.

Goal 3: Conserve and restore natural areas to support wildlife, promote ecological functions, and connect residents to nature and the outdoors.

- Objective 3a. Identify and protect Tualatin's natural resources.
- Objective 3b. Maintain and steward natural resources in parklands.
- Objective 3c. Restore and enhance natural areas in parklands.
- Objective 3d. Expand opportunities to experience nature in Tualatin.

Goal 4: Activate parks and facilities through vibrant programs, events, and recreation opportunities for people of all ages, abilities, cultures, and interests.

- Objective 4a. Provide recreation and library programs in core program areas to respond to community needs.
- Objective 4b. Expand sports programs to support health and fitness.
- Objective 4c. Continue to provide unique events, social gatherings, and celebrations to foster community cohesiveness and strengthen community spirit.
- Objective 4d. Strategically increase outdoor and nature programming.
- Objective 4e. Strengthen and diversify enrichment and learning programs.
- Objective 4f. Strategically phase-in more indoor programming.

Goal 5: Support public arts through programs, parks, and public spaces that reflect Tualatin's unique identity, heritage, history, and expressive character to create a distinct sense of place.

- Objective 5a. Support the role of public art in placemaking to contribute to the sense of place, character, and identity in Tualatin.
- Objective 5b. Emphasize interactive art in parks and facilities.
- Objective 5c. Emphasize educational art displays and interpretive features that promote Tualatin and its history, culture and character.
- Objective 5d. Consider the provision of sculptures and art installation on an opportunity basis.
- Objective 5e. Diversify Arts & Culture programs and events as a core recreation service area.
- Objective 5f. Expand science, technology, engineering, arts and mathematics (STEAM) education in conjunction with the arts programming.

Objective 5g. Market, promote and fund art and art programs as part of the City's branding strategy.

Goal 6: Promote Tualatin's unique identity, economic vitality, and community cohesion through parks and natural resources, historic preservation, events and programs, placemaking and tourism.

- Objective 6a. Promote placemaking in parks and facilities.
- Objective 6b. Improve City center parks as community gathering hubs.
- Objective 6c. Emphasize and augment connections to the Tualatin River.
- Objective 6d. Brand the Department and communicate the benefits provided by Tualatin's parks, natural areas, trails, and programs.
- Objective 6e. Engage residents, employees, partners, stakeholders, and local businesses to support art and tourism.

Goal 7: Manage and maintain quality parks, facilities, and programs through outstanding customer service, stewardship, and sustainable practices.

- Objective 7a. Maintain and operate parks effectively to support quality use.
- Objective 7b. Adopt design and development guidelines to guide park and facility maintenance, management, renovation, and development.
- Objective 7c. Be fiscally and financially prudent in funding the community's park and recreation needs.
- Objective 7d. Ensure the provision of high quality, responsive customer service.

The City's values, vision, mission and goals are summarized on the next page.

Inclusiveness
& equity

◀ CORE VALUES ▶

Diversity

Conservation
& stewardship

Economic
vitality

Health &
wellness

Tualatin is a vibrant city, with a healthy and cohesive community, connected through attractive parks, diverse facilities, trails, conservation of natural areas, recreation opportunities, and art and culture that are engaging and accessible to all.

Accessibility &
connectivity

Community
vibrancy &
livability

Community
engagement

Family-
friendliness

We actively care for our parks, connect our community through trails and programs, and protect our river, greenways and natural areas to create a beautiful, livable city.

Social
cohesion

◀ MISSION ▶

◀ GOALS ▶

- › **Goal 1: Provide accessible and inclusive parks and facilities** to support community interests and recreation needs.
- › **Goal 2: Create a walkable, bikeable, and interconnected City** by providing a network of regional and local trails to community destinations.
- › **Goal 3: Conserve and restore natural areas** to support wildlife, promote ecological functions, and connect residents to nature and the outdoors.
- › **Goal 4: Activate parks and facilities** through vibrant programs, events, and recreation opportunities for people of all ages, abilities, cultures, and interests.
- › **Goal 5: Support public art through programs, parks, and public spaces** that reflects Tualatin's unique identity, heritage, history and expressive character to create a distinct sense of place.
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