



City of Tigard

## Tigard Business Meeting - Agenda

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### TIGARD CITY COUNCIL

**MEETING DATE AND TIME:** July 13, 2010 - 6:30 p.m.

**MEETING LOCATION:** City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

#### PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are *estimated*; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. *Business agenda items can be heard in any order after 7:30 p.m.*

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

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**CABLE VIEWERS:** The regular City Council meeting is shown live on Channel 28 at 7:30 p.m. The meeting will be rebroadcast at the following times on Channel 28:

Thursday	6:00 p.m.	Sunday	11:00 a.m.
Friday	10:00 p.m.	Monday	6:00 a.m.



City of Tigard

# Tigard Business Meeting - Agenda

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## **TIGARD CITY COUNCIL**

**MEETING DATE AND TIME:** July 13, 2010 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

**MEETING LOCATION:** City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

6:30 PM

### STUDY SESSION

1. Consider Recommendations of Park Acquisitions for the Bond Election
2. Discuss Development of Code of Conduct for Elected Officials and Appointed Board/Committee/Commission Members
3. Administrative Items
  - Vacation Plans through September 2010
  - Distribute Current Council Groundrules
  - July Calendar
    - July 20, 2010 - Workshop Meeting - 6:30 p.m.
    - July 27, 2010 - Business Meeting - 6:30 p.m.

7:30 PM

1. BUSINESS MEETING
  1. Call to Order
  2. Roll Call
  3. Pledge of Allegiance
  4. Council Communications & Liaison Reports
  5. Call to Council and Staff for Non-Agenda Items
  
2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)  
7:35 p.m. (estimated)
  1. Tigard Area Chamber of Commerce
  2. Citizen Communication – Sign Up Sheet
  3. Follow-up to Previous Citizen Communication
  
3. CONSENT AGENDA: (Tigard City Council, City Center Development Agency, and Local Contract Review Board) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action.  
7:40 p.m. (estimated - time might change)  
Motion to:
  1. a. Receive and File - Council Calendar  
b. Receive and File - Tentative Agenda
  2. Provide Worker's Compensation Insurance for Volunteers for 7/1/10 through 6/30/11 - Resolution No. \_\_\_\_
  3. Revise City Council Member Stipends, Superseding Resolution No. 08-63 - Resolution No. \_\_\_\_
  - *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council/City Center Development Agency has voted on those items which do not need discussion.*
  
4. INFORMATIONAL PUBLIC HEARING - APPROVE FORMATION OF THE SANITARY SEWER REIMBURSEMENT DISTRICT NO. 48 (LOWER CHERRY DRIVE)  
7:45 p.m. (estimated - time might change; hearing will not be held before 7:30 p.m.)
  - Open Public Hearing
  - Hearing Procedures – This is an informational public hearing in which any person shall be given the opportunity to comment. The formation of the reimbursement district does not result in an assessment against the property or lien against the property. (TMC 13.090.050 (hearing on City Engineer's Report) and TMC 13.09.1053 (final hearing)

- Staff Report: Community Development Department
- Public Testimony
- Staff Recommendation
- Council Discussion
- Close Public Hearing
- City Council Consideration: Resolution No. \_\_\_\_\_

5. CONSIDER AN ORDINANCE UPDATING TIGARD MUNICIPAL CODE (TMC) 15.20  
STREET MAINTENANCE FEE  
7:55 p.m. (estimated - time might change)

- Staff Report
- Council Discussion
- Council Consideration: Ordinance

6. UPDATE ON BURNHAM STREET AND CAPITAL IMPROVEMENT PROGRAM  
8:10 p.m. (estimated - time might change)

7. COUNCIL LIAISON REPORTS

8. NON AGENDA ITEMS

9. EXECUTIVE SESSION: The Tigard City Council will go into Executive Session under ORS 192.660(2) (h) and (i) to discuss potential litigation with legal counsel and to review and evaluate performance of the city manager. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision.

10. ADJOURNMENT  
8:40 p.m. (estimated)

**Business Meeting****Date:** 07/13/2010**Length (in minutes):** 30 Minutes**Agenda Title:** Consider Recommendations of Park Acquisitions for the Bond Election**Prepared By:** Kathy Mollusky, Public Works**Item Type:** Update, Discussion, Direct Staff**Meeting Type:** Council Business Mtg - Study Sess.**Information****ISSUE**

This discussion is a follow up to the June 15 presentation by the Parks and Recreation Advisory Board (PRAB) and Trust for Public Lands (TPL) staff who are assisting the City regarding a potential parks bond.

**STAFF RECOMMENDATION / ACTION REQUEST**

Listen to input from the PRAB and TPL and advise staff regarding the amount of the requested bond and the appropriate distribution of the requested funds. This information is necessary for the preparation of documents which will be considered by the Council on July 27, 2010.

**KEY FACTS AND INFORMATION SUMMARY**

- In November 2009 the bond measure for \$20 million for the purchase of parks, open space and trails failed by a margin of 53% to 47%.
- Council goals for 2010 include strategizing with PRAB on a 2010 Parks Bond.
- The PRAB goals include actively pursuing a 2010 bond measure to identify and pursue possible open space/land acquisitions.
- The Parks and Recreation System Master Plan has identified that 245 more acres of land will be needed by 2028. Presently, 82 acres of park and open space are needed to meet current standards.
- The Council must decide whether or not to pursue the bond measure for the November election.
- At the June 15 Council meeting, TPL discussed their survey results and the potential bond amount. TPL believes November 2010 is the correct time for the election.
- Citizens support the acquisition and preservation of land over building, improving, or maintaining parks.
- At the same Council meeting, the PRAB discussed development and acquisition of properties. The PRAB feel citizens support parks in their neighborhood.
- Council directed the PRAB to focus more on acquiring property and less on development of parks.
- Council wants to ask for less money than the previously failed bond measure. PRAB can state how much money Tigard has received in grants to reduce the bond amount.
- At the June 21 PRAB meeting, the PRAB unanimously passed a motion to recommend to Council a \$17 million parks bond to go to voters. If approved, 80% will be used for land acquisition and 20% will be used to develop and improve existing or new parks.
- The PRAB has made a formal resolution, asking the Council to submit a bond measure for parks and open space in the amount of \$17 million.

**OTHER ALTERNATIVES**

The Council could choose to delay the election date until 2011 or later, or decide to forgo the election completely and direct staff to explore alternative methods to fund these purchases and improvements. Council could also alter the amount of the proposed bond or change the allocation of the proceeds between uses.

Council also needs to determine whether to refer a second bond measure to the same ballot as suggested by Councilor Henderson.

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

- 3. Strategize with PRAB on a 2010 Parks Bond
  - a. Decide whether to return to ballot and, if so, when
  - b. Develop land acquisition strategies (potential options to purchase, etc.)

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

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**Fiscal Impact**

**Cost:** \$500

**Budgeted (yes or no):** Yes

**Where Budgeted (department/program):** Parks

**Additional Fiscal Notes:**

An election in November 2010 is estimated to cost the City around \$500 for publication of legal notices and other minor expenses.

Bonds would mature in 21 years or less from issuance and may be issued in one or more series. The estimated additional cost to property owners, if \$15 million in bonds are sold, would be \$0.26 per \$1,000 of assessed valuation. For the owner of a home with the median assessed value \$207,000, the additional monthly cost would be about \$4.49 per month or \$54 per year.

Passage of this bond (or securing some other source for \$15 million) will allow the City to leverage additional millions of dollars in future System Development Charges (SDCs).

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**Attachments**

Resolution

Councilor Henderson Information

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**CITY OF TIGARD, OREGON  
PARK AND RECREATION ADVISORY BOARD  
RESOLUTION**

A RESOLUTION OF THE PARKS AND RECREATION ADIVISORY BOARD RECOMMENDING THE CITY OF TIGARD COUNCIL SUBMIT TO THE ELECTORS OF THE CITY THE QUESTION OF CONTRACTING GENERAL OBLIGATION BONDED INDEBTEDNESS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$17,000,000 TO ACQUIRE LAND, DEVELOP AND IMPROVE NEW AND EXISTING PARKS, OPEN SPACE, AND TRAILS

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WHEREAS, The City of Tigard has completed a Park System Master Plan that identifies numerous park and open space needs; and

WHEREAS, The City of Tigard has set goals for park and open space acreage to have a park within ½ mile of every Tigard citizen to make Tigard a more desirable and family friendly environment; and

WHEREAS, To meet the current need for park and open space acreage, the City needs 82 acres, and in 20 years those park and open space needs are projected to exceed 245 acres; and

WHEREAS, Funding must be found to acquire the acreage needed to meet these needs while land is still available; and

WHEREAS, More than \$3 million in funding for the Summer Creek property has been secured, therefore the amount of the previous \$20 million bond could be reduced.

NOW, THEREFORE, BE IT RESOLVED by the Tigard Park and Recreation Advisory Board that:

SECTION 1: The Board recommends to the Tigard City Council that Tigard submit a bond measure for parks and open space in the amount of \$17 million. Eighty percent or more of the bond funds would be dedicated for acquisition, 20 percent or less of the funds would be dedicated to development and improvements of new and existing parks, open space and trails. Additionally, up to 10 percent of the total funds would be for park and open space acquisition in the downtown area.

SECTION 2: This resolution is effective immediately upon passage.

PASSED This 13th day of July 2010.

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Chair – Park and Recreation Advisory Board

ATTEST:

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Park and Facilities Manager - City of Tigard

# Parkland Bond Measure

for future incorporated Tigard areas

## Amount :

\$5m for property acquisition

## Term:

20 years at \$14.00 per year for an average household

## Reasoning:

Monies intended for investment in park properties for future incorporated City of Tigard.

## Effected area:

Durham area

Metsger area

West Bull Mountain area

Unincorporated Islands inside Tigard City limits

## Allocation

As identified by Tigard's PRAB Board

Funds to be used ASAP

## Conditions:

Parkland Bond Measure will be considered active only:

- 1) with successful Tigard Bond Measure passage
- 2) with successful Parkland Bond Measure passage

Parkland Bond Measure Funds do not comingle with Tigard Bond Funds

AIS-57

Item #: 2.

**Business Meeting**

**Date:** 07/13/2010

**Length (in minutes):** 15 Minutes

**Agenda Title:** Discuss Development of Code of Conduct for Elected Officials and Appointed Board/Committee/Commission Members

**Prepared By:** Kent Wyatt, Administration

**Item Type:** Update, Discussion, Direct Staff

**Meeting Type:** Council Business Mtg - Study Sess.

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**Information**

**ISSUE**

What does Council wish to include in a Code of Conduct for Elected & Appointed Officials.

**STAFF RECOMMENDATION / ACTION REQUEST**

Provide consultation on development of code of conduct for elected and appointed officials.

**KEY FACTS AND INFORMATION SUMMARY**

The City Council has expressed a desire in maintaining the highest level of professional conduct for all Tigard elected officials and board, committee, and commission members. To this end, the City Council has directed staff to develop a Code of Conduct. Staff has included four sample code of conduct policies. Council may wish to provide direction on particular issues that they want addressed in the code. In particular, the City Council may wish to provide input on a process for sanction or removal of an appointed official.

**OTHER ALTERNATIVES**

N/A

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

N/A

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

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**Fiscal Impact**

**Fiscal Information:**

None

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**Attachments**

[Santa Anna, CA Code](#)

[Glendale, AZ Code](#)

[Firebaugh, CA Code](#)

[Crestwood, MO Code](#)

[TVF&R Code of Conduct](#)

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# THE CITY OF SANTA ANA

## CODE OF ETHICS AND CONDUCT

ADOPTED JUNE 2, 2008

The people of the City of Santa Ana, at an election held on February 5, 2008, approved an amendment to the City Charter of the City of Santa Ana which states: "The City of Santa Ana shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government elected and appointed officials." Consistent with the vote of the people, the following Code of Ethics and Conduct is hereby adopted by the City of Santa Ana to ensure effective and fair operation of the local government of the City of Santa Ana.

### I.

#### PREAMBLE

It is the intent of this code to achieve fair, ethical, and accountable local government for the City of Santa Ana. The people of Santa Ana expect public officials, both elected and appointed, to comply with both the letter and the spirit of the laws of the State of California, the United States of America, and the Charter, Municipal Code, and established policies of the City of Santa Ana affecting the operations of local government. In addition, public officials are expected to comply with the provisions of this Code of Ethics and Conduct established pursuant to the expressed will of the people. All persons covered by this code will aspire to meet the highest ethical standards in the conduct of their responsibility as an elected or appointed official of the City of Santa Ana.

This code addresses various aspects related to the governance of the City of Santa Ana and supplements, but does not supplant other laws and rules that prescribe the legal responsibilities of City officials. These include, but are not limited to, the Federal and State Constitutions, various provisions of the California Government Code (such as the Brown Act and the Political Reform Act), the Labor Code, laws prohibiting discrimination and harassment, and the City of Santa Ana Charter and Municipal Code. Elected and appointed officials are expected to be familiar with these laws to ensure that they exercise their public responsibilities in a proper fashion. This code is not designed to be used as a tool to remove appointed officials, as the City Council retains the right under the Charter and Municipal Code to remove appointed officials in accordance with those provisions.

While it is not possible to anticipate and provide a rule of conduct and ethics for all situations that public officials may face, this Code of Ethics and Conduct is designed to provide a framework to guide public officials in their daily duties.

## II.

### **SCOPE**

The provisions of this Code of Ethics and Conduct shall apply to the Mayor and members of the City Council, and to all members of the boards, commissions, and committees appointed by the City Council or the Mayor or the Mayor and City Council, including any *ad hoc* committees. Further, the provisions of this Code of Ethics and Conduct shall only apply to these officials and members acting in their official capacities and in the discharge of their duties.

## III.

### **CORE VALUES**

Attitudes, words, and actions should demonstrate, support, and reflect the following qualities and characteristics for the well being of our community. The five core values and expressions that reflect these core values are as follows:

#### **INTEGRITY/ HONESTY**

- I am honest with my fellow elected officials, the public and others.
- I do not promise what I believe to be unrealistic.
- I am prepared to make unpopular decisions when my sense of the public's best interests requires it.
- I credit others' contributions to moving our community's interests forward.
- I do not knowingly use false or inaccurate information to support my position or views.
- I safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising, objectivity, independence, and honesty.

#### **RESPONSIBILITY/PROTECTING THE PUBLIC'S INTERESTS**

- I do not accept gifts, services or other special considerations because of my public position.
- I excuse myself from participating in decisions when my or my immediate family's financial interests may be affected by my agency's actions.
- I do not give special treatment or consideration to any individual or group beyond that available to any other individual.

- I refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance my financial or other personal interests.

### **FAIRNESS/ACCOUNTABILITY**

- I promote meaningful public involvement in the agency's decision-making processes.
- I treat all persons, claims and transactions in a fair and equitable manner; I make decisions based on the merits of the issue.
- If I receive substantive information that is relevant to a matter under consideration from sources outside the public decision-making process, I publicly share it with my fellow governing board members and staff.
- I work to contribute to a strong organization that exemplifies transparency and open communication.

### **RESPECT FOR FELLOW ELECTED OR APPOINTED OFFICIALS, STAFF, AND THE PUBLIC**

- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
- I work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff; I involve staff in meetings with individuals, those with business before the agency, officials from other agencies and legislators to ensure proper staff support and to keep staff informed
- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- I encourage full participation of all persons and groups; I am aware and observe important celebrations and events which reflect the values of our diverse population.

### **PROPER AND EFFICIENT USE OF PUBLIC RESOURCES**

- I do not use public resources, such as agency staff time, equipment, supplies or facilities, for private gain or personal purposes.
- I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
- I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds) and follow established procedures.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

#### IV.

### **IMPLEMENTATION AND ENFORCEMENT**

City of Santa Ana elected and appointed officials of the various boards, commissions and committees have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. This code of ethics will be most effective when the elected and appointed officials are thoroughly familiar with it and embrace its provisions.

Upon adoption of this code, all current elected or appointed officials shall be given a copy of the code and asked to affirm in writing that they have received the code, understand its provisions, and pledge to conduct themselves by the code. All new members of the City Council, upon election or reelection, and members of boards, commissions, and committees appointed by the City Council, upon appointment or reappointment, shall be given a copy of the code and are required to affirm in writing they have received the code and understand its provisions, and pledge to conduct themselves by the code. (See Attachment) Additionally, all members of the City Council, boards, commissions, and committees, as part of their AB1234 training, shall be provided additional training clarifying the provisions and application of this code. The City Attorney, or his/her designee, shall serve as a resource person to those persons covered by the code to assist them in determination of appropriate actions consistent with the code.

A periodic review of the code shall be conducted to ensure that the code is an effective and vital document.

This Code of Conduct is intended to be a reflection of the community's values as articulated by the Mayor and City Council as they represent the will of the people of the City of Santa Ana.

# **CITY OF SANTA ANA – CODE OF ETHICS AND CONDUCT**

## **CERTIFICATION**

As an elected or appointed official of the City of Santa Ana, California, I herein certify that I have received a copy of the Code of Ethics and Conduct of the City of Santa Ana, have been offered training and assistance in understanding this code, and am aware of the provisions of the code and its application to my responsibilities. Consistent with the code, I pledge the following in the conduct of my duties:

### **INTEGRITY/ HONESTY**

- I am honest with my fellow elected officials, the public and others.
- I do not promise what I believe to be unrealistic.
- I am prepared to make unpopular decisions when my sense of the public's best interests requires it.
- I credit others' contributions to moving our community's interests forward.
- I do not knowingly use false or inaccurate information to support my position or views.
- I safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising, objectivity, independence, and honesty.

### **RESPONSIBILITY/PROTECTING THE PUBLIC'S INTERESTS**

- I do not accept gifts, services or other special considerations because of my public position.
- I excuse myself from participating in decisions when my or my family's financial interests may be affected by my agency's actions.
- I do not give special treatment or consideration to any individual or group beyond that available to any other individual.
- I refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance my financial or other personal interests.

### **FAIRNESS/ACCOUNTABILITY**

- I promote meaningful public involvement in the agency's decision-making processes.
- I treat all persons, claims and transactions in a fair and equitable manner; I make decisions based on the merits of the issue.

- If I receive substantive information that is relevant to a matter under consideration from sources outside the public decision-making process, I publicly share it with my fellow governing board members and staff.
- I work to contribute to a strong organization that exemplifies transparency and open communication.

### **RESPECT FOR FELLOW ELECTED OR APPOINTED OFFICIALS, STAFF, AND THE PUBLIC**

- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
- I work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff; I involve staff in meetings with individuals, those with business before the agency, officials from other agencies and legislators to ensure proper staff support and to keep staff informed
- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- I encourage full participation of all persons and groups; I am aware and observe important celebrations and events which reflect the values of our diverse population.

### **PROPER AND EFFICIENT USE OF PUBLIC RESOURCES**

- I do not use public resources, such as agency staff time, equipment, supplies or facilities, for private gain or personal purposes.
- I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
- I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds) and follow established procedures.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2008

Signature: \_\_\_\_\_

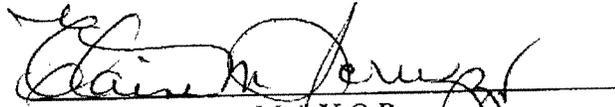
RESOLUTION NO. 4210 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
GLENDALE, MARICOPA COUNTY, ARIZONA, ADOPTING  
THE CODE OF CONDUCT FOR ELECTED OFFICIALS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the Code of Conduct for Elected Officials, three copies of which are on file in the office of the City Clerk, are hereby adopted and said copies are ordered to remain on file with the City Clerk.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 25<sup>th</sup> day of November, 2008.

  
MAYOR

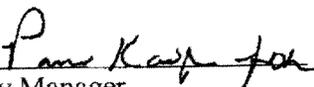
ATTEST:

  
City Clerk (SEAL)

APPROVED AS TO FORM:

  
City Attorney

REVIEWED BY:

  
City Manager

**CITY OF GLENDALE**

**CODE OF CONDUCT**

**For Elected Officials**

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## **I. General Background**

The City Charter, adopted in 1947, establishes a Council-Manager form of government. Subject to the limitations imposed by the State Constitution and so long as consistent with State law, all powers of the City are vested in the elected City Council. The City Council, which is comprised of six council members and the Mayor, enacts local legislation, adopts budgets, determines policies, and appoints the City Manager, City Clerk, City Attorney, City Treasurer and City Judge.

The council shall consist of a mayor and six (6) other members to be elected by the qualified electors of the City of Glendale as follows:

- (a) The mayor shall be elected from the city at large, pursuant to the election procedure (primary and general elections) specified in ordinances which are adopted according to law or as provided for under the City of Glendale Charter.
- (b) The six (6) other council members shall be elected from six (6) geographic districts within the City of Glendale. Each district shall contain a substantially equal number of electors. Electors in each district shall vote only for the council candidates nominated from the district in which the electors reside.
- (c) Each candidate for one of the six (6) council seats shall at the time of nomination and during his tenure maintain his permanent residence within the district from which he is nominated.
- (d) No candidate for the six (6) council seats may run for more than one district in any regular election.

The City Council is committed to ensuring active public participation in their decision-making processes:

- (a) Through the appointment of citizens to the City's advisory boards and commissions.
- (b) Through special assignment of citizens to issue-oriented task forces such as the Bond Committee.
- (c) By hosting or attending neighborhood meetings and events.
- (d) By sponsoring regional and community forums on such topics as youth, transportation, economic development and parks.
- (e) Through the actions of Citizen Participation Plans in accordance with city ordinances section 3.304 and 3.305.

## **II. Roles and Responsibilities of Elected Officials**

NOTE: For the purpose of the Code of Ethics and Code of Conduct, the term council member refers to Mayor and Council; all members of the City Council.

### **THE MAYOR**

The Mayor shall be the chairman of the council and preside over its deliberations. He or she may make and second motions and shall have a voice and vote in all its proceedings. He or she shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties.

### **THE VICE-MAYOR**

The council shall designate one (1) of its members as Vice Mayor, who shall serve in such capacity at the pleasure of the council. The vice mayor shall perform the duties of the mayor during the mayor's absence or disability.

### **THE COUNCIL MEMBERS**

All powers of the city, not in conflict with the constitution and subject to the limitations of this charter, shall be vested in the council, who shall enact appropriate legislation and do and perform any and all acts and things which may be necessary and proper to carry out these powers or any of the provisions of this charter.

## **Code of Conduct** **For Elected Officials**

This Code of Conduct is designed to describe the manner in which council members should treat one another, city staff, constituents, and others they come into contact with in representing the City of Glendale.

The constant and consistent theme through all of the conduct guidelines is "respect." Elected officials are called upon to exhibit behavior consistent with the Code of Conduct and Code of Ethics at all times.

### **Section 1 - Council Conduct with One Another**

#### **A. Use formal titles**

The council should refer to one another formally during public meetings as Mayor, Vice Mayor or council member followed by the individual's last name.

#### **B. Use civility and decorum in discussions and debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. This does not allow, however, council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or personally disparaging comments in public meetings or during

individual encounters. No shouting or physical actions that could be construed as threatening or demeaning will be acceptable.

If a council member is personally offended by the remarks of another council member, the offended council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other council member to justify or apologize for the language used.

**C. Honor the role of the Chair in maintaining order**

It is the responsibility of the Mayor, as Chair of the council under the Charter, to keep the comments of council members on track during public meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following commonly recognized parliamentary procedure.

**D. Demonstrate effective problem-solving approaches**

Council members have a public forum to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. This public forum should be used in the most effective and beneficial manner.

**Section 2 - Council Conduct with City Staff**

**A. Treat all staff as professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable. Council members should refer to staff by their title followed by the individual's last name in public meetings when first introduced.

**B. Limit contact to specific City staff**

Questions of City staff and/or requests for additional background information shall be directed to the City Manager, City Attorney, Assistant City Manager, Deputy City Managers, or Department Heads.

Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, council members should ask the City Manger for direction. Materials supplied to a council member in response to a request will be made available to all members of the council so that all have equal access to information.

**C. Do not disrupt City staff from their jobs**

Council members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

**D. Never publicly criticize an individual employee**

Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Comments about staff in the office of the appointed officials should be made directly to appointed official.

**E. Do not get involved in administrative functions**

Except as otherwise provided in this charter, neither the council nor any of its members shall interfere with the execution by the city manager of his powers and duties, or order, directly or indirectly, the appointment by the city manager of any person to an office or employment or his removal there from. Except for purposes of inquiry, the council and its members shall deal with the administrative service under the city manager solely through the city manager, and neither the council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately.

Nothing in this section shall be construed, however, as prohibiting the council while in open session from fully and freely discussing with or suggesting to the city manager anything pertaining to city affairs or the interests of the city.

**F. Do not attend meetings with City staff unless requested by staff.**

Even if the council member does not say anything, the council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

**G. Limit requests for staff support**

Council members are provided with staff to assist with various administrative activities. These staff members are merit system employees and, while available to assist the council members to which they are assigned, they remain subject to all the rules and directives that are applicable to all City employees. Requests for additional staff support, beyond the currently assigned staff, even in high-priority or emergency situations, should be made only to the City Manager who is responsible for allocating City resources in order to maintain professional, well-run City functions.

**H. Do not solicit political support from staff**

Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, collection of petition signatures, etc.) from City staff. City staff may, as private citizens within constitutional rights, support political candidates but all such activities must be done away from the workplace and the staff cannot identify themselves in any manner as City employees.

## **Section 3 - Council Conduct with The Public**

### **In Public Meetings**

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

#### **A. Be welcoming to speakers and treat them with care and gentleness**

For many citizens, speaking in front of council is a new and difficult experience. Under such circumstances many are nervous. Council members are expected to treat citizens with care and respect during public hearings. Council members should commit full attention to the speakers or any materials relevant to the topic at hand. Comments and non-verbal expressions should be appropriate, respectful and professional. Questions by council members to speakers should seek to clarify or expand information.

#### **B. Be fair and equitable in allocating public hearing time to individual speakers**

The Mayor will determine and announce time limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five-minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. The public hearings and citizen comments time will be conducted in accordance with Resolution 3136.

Each speaker may only speak once during the public hearing unless the council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Mayor reopens the public hearing for a limited and specific purpose.

#### **C. Active listening**

Council members shall actively listen to and be attentive to speakers.

#### **D. Ask for clarification, but avoid debate and argument with the public**

Only the Mayor, not the individual council members, should interrupt a speaker during a presentation. However, a council member can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the council member finds disturbing. Questions by council members to members of the public testifying should seek to clarify or expand information.

#### **E. Follow parliamentary procedure in conducting public meetings**

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final

rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full council.

### **In Unofficial Settings**

#### **F. Make no promises on behalf of the Council in unofficial settings.**

Council members will frequently be asked to explain a council action or to give their opinion about an issue as they meet and talk with constituents in the community.

It is appropriate to give a brief overview of City policy and to refer to City staff for further information. Overt or implicit promises of specific council action, or to promise City staff will take some specific action are to be avoided.

### **Section 4 - Council Conduct with Other Public Agencies**

#### **A. Be clear about representing the city or personal interests**

If a council member appears before another governmental agency or organization to give a statement on an issue, the council member must clearly state 1) whether his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the council.

#### **B. Representation of the City on an Outside Board, Commission, or to an Outside Agency**

If the council member is representing the City, that council member must consistently support and advocate the City's official position on an issue and cannot foster or further a personal viewpoint that is inconsistent with the official City position.

Council members must inform the council of their involvement in an outside organization if that organization is or may become involved in any issue within the City's jurisdiction. If an individual council member publicly represents or speaks on behalf of another organization whose position differs from the City's official position on any issue, the council member must clearly communicate the organization upon whose behalf they are speaking and must withdraw from voting as a council member upon any action that has bearing upon the conflicting issue.

#### **C. Correspondence also should be equally clear about representation**

City letterhead shall be used only when the council member is solely representing and speaking on behalf of the City and with the council member's official capacity. A copy of official correspondence should be given to the council office and mayor's office staff to be maintained as a public record.

**D. Representation of the City on Intergovernmental Commissions and Other Outside Entities**

Council members serving on committees or boards as the City representative on outside entities or agencies shall properly communicate with other council members on issues pertinent to the city.

**Section 5 - Council Conduct With Boards and Commissions\***

\*Mayor and City Manager ex-officio members.

The Mayor and City Manager shall be ex-officio members, without voting privileges, of all boards and commissions.

**A. Limit contact with Board and Commission members to questions of clarification**  
Council members shall not contact a Board or Commission member to lobby on behalf of an individual, business, or developer. Council members may contact Board or

Commission members in order to clarify a position taken by the Board or Commission or a member of that Board or Commission. Council members may respond to inquiries from Board and Commission members. Communications should be for information only.

**B. If attending a Board or Commission meeting, be careful to only express personal opinions**

Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation—especially if it is on behalf of an individual, business or developer—could be viewed as unfairly affecting the process.

Except as allowed by the City charter, public comments by a council member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the council.

**C. Remember that Boards and Commissions serve the community, not individual council members**

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the council. However, Board and Commission members do not report to individual council members, nor should council members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission will be based on such criteria as recommended by the Government Services Committee.

**D. Be respectful of diverse opinions**

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the council with advice based on a full spectrum of concerns and perspectives. Council members may have a closer working relationship with some

individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

**E. Keep political support away from public forums**

Board and Commission members may offer political support to a council member, but not in a public forum while conducting official duties. Conversely, council members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a council member.

**Section 6 - Council Conduct with the Media**

**A. Expression of Positions on Issue**

When communicating with the media, council members should clearly differentiate between personal opinions and the official position of the City. All council members represent one vote of seven and until a vote on any issue is taken, council members' positions are merely their own.

**B. Discussions Regarding Staff Members**

Council members should not discuss personnel issues or other matters regarding individual staff members in the media. Any issues pertaining to staff should only be addressed directly to the City Manager.

**SECTION 7 – Sanctions & Violations**

**A. Process**

- (1) The first and most important step in this section is the requirement that the offended Council member address the concern with the offending Council member including a description of the specific action observed, the relationship of that event to the Code and, if applicable, the impact it had on the offended Council member. The purpose of this first step is to assure that an attempt has been made to discuss the issue and resolve the conflict without proceeding further. This step requires no formal action and no involvement of other Council members.
- (2) Either party may request, and both must agree, to seek a third party who will assist in facilitating the discussion toward a mutually satisfactory conclusion. If any expenses are incurred they will be paid for equally from the district funds of each member engaged in the mediation.
- (3) If the situation cannot be settled through the process in steps (1) and (2), either Council member may choose to refer the concern to the entire Council for their review. The Council will serve as a committee of the whole for purposes of Code violation and sanction consideration.

- (4) To present the concern to the Council, the offended member must advise the offending Council member that the issue will be taken to the Council and subsequently ask the City Manager to post the issue for the earliest upcoming executive session. All laws pertaining to executive session will apply. Included in those rules is the option for the offending Council member to exercise their right to request that the discussion be held in an open hearing. The City Attorney's Office will prepare notice to the Council member or Council members that are to be discussed in executive session as required by law.
- (5) The Council will discuss the issue in order to:
  - (a) become fully informed;
  - (b) determine if there appears to be a violation of the Code of Conduct;
  - (c) seek resolution without further action or, if necessary schedule the issue for an upcoming public hearing for final determination regarding whether a violation occurred and if necessary;
  - (d) determine what sanction is most appropriate; customarily, sanctions are limited to a letter of reprimand or censure.
- (6) A 2/3 vote of the Council at a regular council meeting will be required for a determination that a violation has occurred and likewise, a 2/3 vote for the sanction to be imposed.
- (7) If a sanction is imposed, the language will follow a specific format to be established by the Council and used consistently as such situations occur.

## **B. Effects of Violations**

The Code of Conduct alone does not provide a basis for challenging the validity of any final enactment, resolution, decision, determination, or recommendation of the council, a board or a commission.

## PERSONAL CODE OF CONDUCT/ETHICS FOR THE CITY OF FIREBAUGH

### PREAMBLE

The residents and businesses of City of Firebaugh are entitled to have fair, ethic and accountable local government. Such a government requires that public officials:

- Comply with both the letter and the spirit of the laws and policies affective operations of the government.
- Be independent, impartial and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain.
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the City of Firebaugh City Council has adopted this Code of Ethics to encourage public confidence in the integrity of local government and its fair an effective operation.

Elected and Appointed officials shall sign this personal code of conduct at time of their election to office.

City Staff and Volunteers shall sign this personal code of conduct at time of employment.

#### 1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their principal concern, everyone shall work for the common good of the personal code of the City of Firebaugh and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in fair an equitable manner.

#### 2. Comply with the Law

Everyone shall comply with the laws of the nation, the State of California and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the City of Firebaugh General City, laws pertaining to conduct of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government; and City ordinance and policies.

#### 3. Conduct of Members

Everyone shall refrain from abusive conduct, verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff or the public.

4. Respect for Process

Duties shall be performed in accordance with the processes and rules of order established by the City Council.

5. Conduct of Public Meetings

Everyone shall inform themselves of public issues, listen attentively to public discussions before the body and focus on the business at hand.

6. Decisions Based on Merit

Shall be based upon the merits and substance of the matter at hand.

7. Communication

It is the responsibility of everyone to publicly share substantive information that is relevant to a matter under consideration that they received from sources outside of the public decision-making processes.

8. Disclosure of Corruption

Everyone shall take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State and the Federal government. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or action that may qualify as corruption, abuse, fraud, bribery or other violators the law.

9. Conflict of Interest

In order to assure their independence and impartiality on behalf of the public good, everyone shall not use their official positions to influence government decisions in which they have a financial interest where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

10. Gifts and Favors

Everyone shall not take advantage of services or opportunities personal gain by virtue of their public offices that are not available to the public in general. They shall refrain from accepting gifts, favors or promises of future benefits that might compromise their independence judgment or action or give the appearance of being compromised.

11. Confidential Information

Everyone shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their person's financial or private interests.

12. Representation of Private Interests

In keeping with their role as stewards of the public trust, everyone shall not appear on behalf of the private interests of a third-party before the City Council or any board, commission or committee or proceeding the City.

13. Advocacy

To the best of their ability, everyone shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the Council or the City.

16. Improper Influence

Everyone shall refrain from using their position to improperly influence the deliberations or decisions of City staff, boards, commission or committees.

17. Policy Role of Members

Everyone shall respect and adhere to the Council-Manager structure of the City of Firebaugh City Government as provided in State law the General City.

18. Positive Work Environment

Everyone shall support the maintenance of a positive and constructive environment for residents, businesses and City employees.

19. Implementation

Ethics standards shall be included in the regular orientations for Staff and Volunteers. All members shall sign a statement affirming they read and understand the City of Firebaugh City Council Code of Ethics.

20. Compliance and Enforcement

Everyone has the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of City government.

This personal code of conduct shall be considered to be a summary of ethical conduct by Firebaugh Staff and Volunteers.

I affirm that I have read and understand the City of Firebaugh City Council Personal Code of Conduct.

I acknowledge that I may be removed from my appointed office or volunteer position by the City Council if my conduct falls below these ethical standards.

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Signature

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Date



## **CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS**

The citizens and businesses of Crestwood are entitled to have a fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the City of Crestwood commitment to excellence, the effective functioning of democratic government therefore requires that:

- ? Public Officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government.
- ? Public Officials be independent, impartial and fair in their judgments and actions.
- ? Public Office be used for the public good, not for personal gain.
- ? Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Crestwood Board of Aldermen has adopted a Code of Conduct for the Mayor, members of the Board of Aldermen, and for the members of the City's Boards and Commissions to assure public confidence in the integrity of local government and its effective and fair operation.

### *Act in the Public Interest*

Recognizing that stewardship of the public interest must be their primary concern, officials will work for the common good of the people of Crestwood and not for any private or personal interest and they will assure fair and equal treatment of all persons, claims and transactions coming before the Crestwood Board of Aldermen, Boards and Commissions.

### *Comply with the Law*

Officials shall comply with the laws of the nation, the State of Missouri and the City of Crestwood in the performance of their public duties. These laws include, but are not limited to: the United States and Missouri Constitutions; Missouri State laws; Crestwood Charter and Code of Ordinances; laws pertaining to conflicts of interest, election campaigns, financial disclosures; open meetings and records laws and policies, and any other policies of the City.

### *Conduct of Officials*

The professional and personal conduct of officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of the Mayor, any members of the Board Aldermen, members of Boards and Commissions, the staff or public.

*Respect for Process*

Officials shall perform their duties in accordance with the processes and rules of order established by the Board of Aldermen and Boards and Commissions governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the Board of Aldermen by City Staff.

*Conduct of Public Meetings*

Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

*Decisions based on Merit*

Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

*Communication*

Officials shall publicly share substantive information that is relevant to a matter under consideration by the Board of Aldermen or Boards or Commissions, which they may have received from sources outside of the public decision-making process.

*Conflict of Interest*

In order to assure their independence and impartiality on behalf of the common good, officials shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income and gifts. Members shall abstain from participating in deliberations and decision-making where conflicts may exist.

*Gifts and Favors*

Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

*Confidential Information*

Officials shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

*Use of Public Resources*

Officials shall not use public resources not available to the public in general, such as City Staff time, equipment, supplies or facilities for private gain or personal purposes.

*Representation of Private Interests*

In keeping with their role as stewards of the public interest, the Mayor and Board of Aldermen shall not appear on behalf of the private interests of third parties before the Aldermen or any Board, Commission or proceeding of the City; nor shall Officials of Boards and Commissions appear before their own bodies or before the Mayor and Board of Aldermen on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

*Advocacy*

Officials shall represent the official policies or positions of the Board of Aldermen and Boards or Commissions to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, officials shall explicitly state they do not represent their body or the City of Crestwood, nor will they allow the inference that they do.

*Policy Role of Officials*

Officials shall respect and adhere to the Charter for the City of Crestwood. The Board of Aldermen determines the policies of the City with the advice, information and analysis provided by the public, Boards, Commissions and City Staff. Officials shall not interfere with the administrative functions of the City or the professional duties of City Staff; nor shall they impair the ability of staff to implement policy decisions made by the Board of Aldermen.

*Independence of Boards and Commissions*

Because of the value of the independent advice of Boards and Commissions to the public decision-making process, the Mayor and Board of Aldermen shall refrain from using their position to unduly influence the deliberations or outcomes of Board and Commission proceeding(s).

*Positive Work Place Environment*

Officials shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Officials shall recognize their special role in dealings with City employees to, in no way, create the perception of inappropriate direction to staff.

*Implementation*

As an expression of the standards of conduct for officials expected by the City, the Crestwood Code of Conduct is intended to be self-enforcing. It therefore becomes most effective when officials are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in any orientation for newly elected and appointed officials. Officials entering office (or in office or serving on a Board or Commission at the time this code of conduct is adopted) shall sign a statement affirming they read and understood the City of Crestwood Code of Conduct. In addition, the Code of Conduct shall be annually reviewed by the Mayor and Board of Aldermen and updated as necessary.

*Compliance and Enforcement*

The Crestwood Code of Conduct expresses standards of ethical conduct expected for the Mayor of Crestwood as well as members of the Crestwood Board of Aldermen and Boards and Commissions. Officials themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The Chairs of Boards and Commissions and the Mayor have the additional responsibility to intervene when actions of Officials that appear to be in violation of the Code of Conduct are brought to their attention. The Board of Aldermen may impose sanctions on Officials whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment. A violation of this Code of Conduct shall not be considered a basis for challenging the validity of any Board of Aldermen or Board or Commission decision.

Nothing in this Code of Conduct should be construed as superceding or supplanting the City's Charter, Code of Ordinance or any Missouri State laws pertaining to conflicts of interest or ethical conduct.

*OFFICIAL'S STATEMENT*

As the Mayor of Crestwood, member of the Crestwood Board of Aldermen, or of a Crestwood Board or Commission, I agree to uphold the Code of Conduct for elected and appointed officials adopted by the City and conduct myself by the following model of excellence. I will:

Recognize the worth of all officials and appreciate their individual talents, perspectives and contributions.

I will help create an atmosphere of respect and civility wherein officials, City Staff and the public are free to express their ideas and work to their full potential.

I will conduct my personal and public affairs with honesty, integrity, fairness and respect for others.

I will respect the dignity and privacy of individuals and organizations.

I will keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit.

I will avoid and discourage conduct, which is divisive or harmful to the best interests of Crestwood.

I will treat all people, with whom I come in contact, in the way I wish to be treated.

I affirm that I have read and understand the City of Crestwood Code of Conduct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Office

7/20/2007

TUALATIN VALLEY FIRE AND RESCUE  
STANDARD OPERATING GUIDELINE  
NUMBER 8.7.13

Approved: 09/30/05

SUBJECT: CODE OF ETHICS AND CONDUCT

PURPOSE: To establish policy guidelines pertaining to employee and volunteer behavior and conduct relating to public official ethics.

POLICY: In accordance with Chapter 244 of the Oregon Revised Statutes (ORS) regarding government standards and practices, the following serves as a guideline regarding the ethical conduct of District members. Further, recognizing that a) the behavior of public officials is monitored closely by citizens; b) firefighters and those affiliated with the firefighting profession are generally held in high public regard; and c) in the course of performing their daily job duties, firefighters and those affiliated with the firefighting profession are often provided open access to people's homes, property, and bodies at vulnerable times, the District expects that members shall conduct themselves, both on and off duty, in a manner which shall not bring discredit to the member or the District.

AUTHORITY & RESPONSIBILITY: The interpretation and administration of this policy shall primarily be the responsibility of the Executive Officer and the Human Resources Department. All members are expected to comply with the guidelines set forth herein. All supervisors are responsible to ensure that the conduct, actions, and behavior of themselves and their reports fall within the guidelines set forth in this policy. Members having questions regarding the interpretation and/or application of this policy should direct such questions to the Executive Officer, followed by the Director of Human Resources

## POLICY

### I. Definitions

- A. Conflict of Interest: Any action, decision, or recommendation by a member acting as an agent of the District which results in personal benefit or avoidance of any personal detriment for the member, his/her relatives, or any business with which the member or a relative of the member is associated.
- B. Business with which the person is associated: Any private business or closely held corporation of which the member or the member's relative is a director, officer, owner or employee, or agent in which the person or his/her relative owns or has owned stock worth \$1,000 (\$100,000 in a publicly held corporation) or more at any point in the preceding calendar year.
- C. Honoraria: Payment or something of economic value given in exchange for services upon which custom or propriety prevents the setting of a price. Examples

may include speeches or other services rendered in connection with an event at which the member appears in an official capacity. Consideration agreed upon in advance is not honoraria.

- D. Gift: Something of economic value given to a District member or member's relative without consideration of equivalent value. Gifts include the full or partial forgiveness of indebtedness, which is not extended to others who are not District members on the same terms and conditions. Gifts in this definition do not include:
1. Campaign contributions.
  2. Gifts having a value of \$25 or less or an aggregate value of \$50 or less from any single source in any calendar year. No gifts, however, may be accepted when the purpose of the gift is to entice business from the member or the District.
  3. Gifts from family members.
  4. Per Diem given in consideration of anticipated expenses when participating in an event which bears relationship to the individual's position and when appearing in an official capacity, subject to the reporting requirements listed within this policy.
  5. Honoraria given in consideration of services provided while off-duty.
  6. Giving or receiving of food or beverage if it is consumed by the individual in the presence of the purchaser or provider thereof. An exception is made in cases where food or beverage is consumed at the work site.
  7. Entertainment experienced in the presence of the purchaser or provider when the value of the entertainment does not exceed \$100 per person in any single calendar year.
- E. Relatives: spouse or children, parent or sibling of the public official and/or spouse, or as defined in ORS 244.020(16).
- F. On-duty: Time for which the employee is receiving compensation from the District. For purposes of this SOG, this may also include uncompensated time during which the employee is in District uniform.
- G. Off-duty: Time for which the employee is not receiving compensation from the District.

- II. As public officials, all District members are expected to comply with the Code of Ethics as outlined within ORS 244.040. Specifically, employees shall adhere to the following:
- A. No member shall use or attempt to use his/her position to obtain financial gain or avoidance of financial detriment for the member or the member's relative that would not otherwise be available but for the member's position, other than salary, honoraria, reimbursement of expenses, etc., as otherwise allowed. Examples of such may include, but not be limited to, the following:
    - 1. Use of District owned property: Except as provided in SOGs 1.8.3 Use of District Electronic and Communication Devices, 1.15 Internet Usage and Access, 8.8.5 Use of District Owned Property, and 8.8.13 Staff Vehicle Acquisition, Assignment and Use, any personal use of District owned property is prohibited.
    - 2. District personnel resources: Use of District personnel resources to conduct personal or non-job-related functions is prohibited.
    - 3. Use of work time: The time during which a member works and for which the member is paid should be dedicated to work-related activities. Except where duly and appropriately authorized, all time should be directed toward performing job-related responsibilities during working hours.
  - B. Honoraria: Members shall be eligible to receive honoraria for duties performed off-duty, for other agencies and organizations within state guidelines. Examples may include honoraria for invitations to speak at functions when the invitation is based on the employee's position with the District.
  - C. Gifts: Members shall not accept, either directly or indirectly, any gift or gifts except as provided in section I.D. above.
  - D. Confidential Information: A member shall not attempt to further his or her personal gain (or that of a relative or other member of household) by using confidential information gathered by reason of the member's position with the District.

III. Chief's "Bull's-Eye"

All District members are expected to act in a manner reflecting the values depicted within the Chief's "Bull's Eye." Specifically, members shall adhere to the following:

- A. Professionalism: Demonstration of competence, respect, and concern for the customers members come in contact with. On the District's Internet website, it is identified as "Comportment – looking like professionals and displaying conduct

that brings credit to the organization and the fire service while on-duty and off-duty.”

- B. Customer Service: Described on the District’s Internet website as “Whether it’s a true emergency incident or a situation where a citizen has simply exhausted his/her resources, members should exceed the expectations of every citizen with whom they come in contact.”
- C. Safety and Performance: Described on the District’s Internet website as “Safety is a top priority at Tualatin Valley Fire & Rescue - everyone who comes to work goes home from work! A safe work environment only occurs where the highest levels of competency and craftsmanship exist. Our customers deserve the highest standards of performance and reliability since we are their only choice when the call 911.”

IV. Board Policy Section 4.2 - Member Conduct And Responsibility

- A. Members are expected to abide by the Board of Directors’ Policy which states, in part:
  - 1. Use time during working hours, and time on authorized leave, for the purposes intended.
  - 2. Maintain relationships with the community and not use such relationships for private advantage.
  - 3. Make every effort to avoid off-duty behavior which will negatively affect public perception of the organization.
  - 4. Distinguish between personal views and those of the District to avoid misrepresentation of the District.
  - 5. Perform in accordance with the member's current job description and directives from supervisory authority and to achieve performance goals.
  - 6. Refrain from disseminating or disclosing confidential, proprietary, or sensitive information received in the course of duty.
  - 7. Refrain from any use of drugs or alcohol which may impair performance during the workday, operating under provisions detailed in the District’s Substance Abuse policy.

V. Specific Expectations On-Duty

- A. Fully comply with all SOGs and other work rules.

- B. Perform to the full extent of the Chief's Bull's-Eye.
- C. Present yourself with honesty and integrity in all your actions.
- D. Utilize the "straight face" test prior to engaging in questionable behavior – consider how your actions may reflect on the members involved and the District.

VI. Specific Expectations Off-Duty

- A. Adhere to all regulations and laws
- B. While off-duty but in uniform (e.g., in transit to a public education or recruiting event, while traveling to and from work, etc.) members conduct should be at the same standard as if s/he was on-duty. Additionally, no purchase or consumption of alcohol while in uniform is allowed.
- C. Consider whether the behavior could effect the public's perception of the District, or if the public trust would be impacted.

VII. Reporting Requirements

- A. Conflict of Interest: In any case where the member has an economic interest that may create a conflict of interest in their employment with the District, or where a relative or member of the household may possess such an interest, the member shall report such information to the Executive Officer or, in the case of the Fire Chief to the President of the Board of Directors.
- B. Gifts: In any situation where the member received a gift and the value or circumstances were beyond the limitations described in I.D. above.
- C. Honoraria: All honoraria received as a result of performing a function as a result of the member's position with the District should be reported to the Chief Financial Officer.

VIII. Ethics Code Enforcement

The District trusts its members to understand and abide by this policy in both letter and spirit. Members are expected to act responsibly and ethically in their relations, interactions, and the way they conduct business. Members are expected to abide by the elements of this policy and all related state regulations as they pertain to ethical conduct of public officials.

In cases where members are found to violate this policy, appropriate action shall be taken to ensure compliance. Appropriate corrective action shall be taken as a result and remedies shall be enacted to address all violations and conflicts of interest. In cases of

gross misconduct or willful violation of this policy, members shall be subject to corrective action (as per SOG 8.7.10) up to and including termination of employment or affiliation.

APPROVED

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JEFFREY D. JOHNSON  
FIRE CHIEF

**AIS-93**

**Item #: 3.**

**Business Meeting**

**Date: 07/13/2010**

**Length (in minutes):** 10 Minutes

**Agenda Title:** Administrative Items

**Prepared By:** Cathy Wheatley, Administration

**Item Type:** Motion Requested  
Update, Discussion, Direct Staff

**Meeting Type:** Council Business Mtg - Study  
Sess.

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**Information**

**ISSUE**

- STUDY SESSION

**STAFF RECOMMENDATION / ACTION REQUEST**

**KEY FACTS AND INFORMATION SUMMARY**

**OTHER ALTERNATIVES**

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

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AIS-87

Item #: 3.1.

**Business Meeting**

**Date: 07/13/2010**

**Length (in minutes):** Consent Item

**Agenda Title:** Receive and File - Council Calendar

**Prepared By:** Carol Krager, Administration

**Item Type:** Receive and File

**Meeting Type:** Consent - Receive and File

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**Information**

**ISSUE**

Receive and file only. See attachments.

**STAFF RECOMMENDATION / ACTION REQUEST**

**KEY FACTS AND INFORMATION SUMMARY**

**OTHER ALTERNATIVES**

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

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**Attachments**

Council Calendar

Tentative Agenda

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Agenda Item No. \_\_\_\_\_  
For Agenda of July 13, 2010

# MEMORANDUM

TO: Honorable Mayor & City Council  
FROM: Cathy Wheatley, City Recorder  
RE: Three-Month Council Meeting Calendar  
DATE: July 13, 2010

Regularly scheduled Council meetings are marked with an asterisk (\*).

## July

12	Monday	Joint Meeting with Lake Oswego City Council– 6:00 pm, Dinner and 6:30 pm Meeting - Town Hall
13*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
20*	Tuesday	Council Workshop Meeting – 6:30 pm, Town Hall
27*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall

## August

10*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
17*	Tuesday	Council Workshop Meeting – 6:30 pm, Town Hall
24*	Tuesday	Council Business Meeting - CANCELLED

## September

14*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
21*	Tuesday	Council Workshop Meeting – 6:30 pm, Town Hall
28*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall

**City Council Tentative Agenda**  
7/6/2010 4:59 PM

Form #	Submitted By	Meeting Date	Type	-----Title-----	Area	SubArea	Department	Division	Entered	Inbox or Finalized
68	Cathy Wheatley	07/20/2010	AAA	Meeting Date: July 20, 2010   Absences to Note: None   Location: Tigard City Hall			Administration		06/23/2010	
12	Cathy Wheatley	07/20/2010	CCWKSHOP	20 Minutes - Review Council Groundrules	City Council Workshop		Administrative Services	City Recorder/Records	06/15/2010	C Wheatley, City Recorder
21	Darren Wyss	07/20/2010	CCWKSHOP	60 Minutes - Joint Meeting with Planning Commission - Tree Grove Inventory Discussion	City Council Workshop		Community Development	Long Range Planning	06/17/2010	D Wyss, Senior Planner
26	Kathy Mollusky	07/20/2010	CCWKSHOP	60 Minutes - Water Rate Consultant Presentation on Water Rate Study and SDC Findings	City Council Workshop		Public Works	Water	06/18/2010	C Prosser, City Manager
56	Liz Lutz	07/20/2010	CCWKSHOP	20 Minutes - Budget Committee Meeting	City Council Workshop		Financial and Information Services	Finance Administration	06/23/2010	T LaFrance, Fin/Info Svcs Director
				Total Time: 160 of 180 minutes have been scheduled						
69	Cathy Wheatley	07/27/2010	AAA	Meeting Date: July 27, 2010   Absences to Note: None   Location: Tigard City Hall			Administration		06/23/2010	
28	Kathy Mollusky	07/27/2010	ACCSTUDY	10 Minutes - Discussion Regarding Park Bond Resolution	Study Session		Public Works	Parks	06/18/2010	K Mollusky, Conf Exec Asst
78	Kim McMillan	07/27/2010	ACCSTUDY	10 Minutes - Resolution of Necessity for Main Street Green Street Improvements	Study Session		Public Works		06/24/2010	K McMillan, Engineering Manager
79	Cheryl Caines	07/27/2010	ACCSTUDY	25 Minutes - Internal RTS - Executive Session - Potential Litigation (Fields Property-Wall St.)	Study Session		Community Development	Development Services	06/28/2010	C Wheatley, City Recorder
				Total Time: 45 of 45 minutes have been scheduled						
8	Sean Farrelly	07/27/2010	ACONSENT	Consent Item - Amend 2010-11 Fee Schedule to Include a Temporary Use Special Rate for Businesses in the MU-CBD Zone			Community Development	Community Development Administration	06/14/2010	S Farrelly, Redev Project Manager
19	Mike McCarthy	07/27/2010	ACONSENT	Consent Item - Award Contract for Pavement Management Program Slurry Seal			Public Works		06/17/2010	C Prosser, City Manager

**City Council Tentative Agenda**  
**7/6/2010 4:59 PM**

23	Kathy Mollusky	07/27/2010	ACONSENT	Consent Item - Authorize the Mayor to Sign the Dedication and Easement Documents Needed for the Burnham Street Reconstruction Project			Public Works	Engrg - Const Svcs & Support	06/18/2010	K McMillan, Engineering Manager
24	Kathy Mollusky	07/27/2010	ACONSENT	Consent Item - Approve IGA Amendment with Washington County and ODOT to Record Revised Funding of the Pacific Hwy/Hall Blvd Project			Public Works	Engrg - Const Svcs & Support	06/18/2010	C Krager, Deputy City Recorder
31	Kathy Mollusky	07/27/2010	ACONSENT	Consent Item - Approve Memorandum of Understanding between Metro and Tigard for Washington Square Regional Center Trail			Public Works	Engrg - Const Svcs & Support	06/18/2010	K McMillan, Engineering Manager
32	Mike McCarthy	07/27/2010	ACONSENT	Consent Item - Intergovernmental Agreement with ODOT for Study of Potential Improvements to the Pacific Hwy 99W / Gaarde St / McDonald St Intersection			Public Works		06/18/2010	C Krager, Deputy City Recorder
18	Susan Hartnett	07/27/2010	CCBSNS	30 Minutes - Receive Update and Provide Feedback on Revisions to Code Compliance Program	Discussion or Action Item		Community Development	Community Development Administration	06/17/2010	S Hartnett, Asst CD Director
25	Kathy Mollusky	07/27/2010	CCBSNS	15 Minutes - Consider an Ordinance Updating TMC 9.04 Park Facility Reservations, General Provisions and a Resolution Adopting the Parks Policies and Procedures	Discussion or Action Item		Public Works	Parks	06/18/2010	D Koellermeier, Public Works Dir
29	Kathy Mollusky	07/27/2010	CCBSNS	15 Minutes - Consider Resolution for Ballot Measure Regarding the Park Bond	Discussion or Action Item		Public Works	Parks	06/18/2010	K Mollusky, Conf Exec Asst
52	John Floyd	07/27/2010	CCBSNS	30 Minutes - Consider Adoption of Revised Findings for the Urban Forestry Comprehensive Plan Amendment CPA2008-00002	Discussion or Action Item		Community Development	Long Range Planning	06/22/2010	R Bunch, CD Director
55	Cheryl Caines	07/27/2010	CCBSNS	15 Minutes - Public Hearing to consider annexion of property owned by Japanese International Baptist Church ZCA2010-00001	Discussion or Action Item		Community Development	Development Services	06/23/2010	C Caines, Assoc Planner
61	Joanne Bengtson	07/27/2010	CCBSNS	5 Minutes - 2nd Quarter Council Goal Update	Discussion or Action Item		Administration	City Mgr/Asst City Mgr/Admin Staff	06/23/2010	J Bengtson, Exec Asst to City Mgr

**City Council Tentative Agenda**  
7/6/2010 4:59 PM

81	Sandy Zodrow	07/27/2010	CCBSNS	30 Minutes - Executive Session - City Manager Review	Executive Session		Administration		06/29/2010	C Wheatley, City Recorder
Total Time: 140 of 110 minutes have been scheduled Mayor approved extra time.										
70	Cathy Wheatley	08/10/2010	AAA	Meeting Date: August 10, 2010   Absences to Note: None   Location: Tigard City Hall			Administration		06/23/2010	
36	Kathy Mollusky	08/10/2010	ACCSTUDY	15 Minutes - Presentation of the Sanitary Sewer Master Plan	Study Session		Public Works	Water	06/21/2010	K Mollusky, Conf Exec Asst
37	Kathy Mollusky	08/10/2010	ACCSTUDY	15 Minutes - Presentation of the Water System Master Plan	Study Session		Public Works	Water	06/21/2010	K Mollusky, Conf Exec Asst
Total Time: 30 of 45 minutes have been scheduled										
48	Kathy Mollusky	08/10/2010	ACONSENT	Consent Item - Award Contract for Permit Center Roof		Local Contract Review Board	Public Works	Facilities	06/22/2010	K Mollusky, Conf Exec Asst
49	Kathy Mollusky	08/10/2010	ACONSENT	Consent Item - Award Contract for Structural Repairs of the Fanno Creek House		Local Contract Review Board	Public Works	Facilities	06/22/2010	K Mollusky, Conf Exec Asst
50	Mike McCarthy	08/10/2010	ACONSENT	Consent Item - Award Contract for Pavement Management Program Pavement Overlays			Public Works	Engrg - System Design & Operations	06/22/2010	D Koellermeier, Public Works Dir
80	Alison Grimes	08/10/2010	ACONSENT	Consent Item - Appointment of Library Board Member			Library		06/28/2010	M Barnes, Library Director
40	Kathy Mollusky	08/10/2010	CCBSNS	15 Minutes - Burnham Street and CIP Project Reports	Discussion or Action Item		Public Works	Engrg - Const Svcs & Support	06/21/2010	K Mollusky, Conf Exec Asst
41	Kathy Mollusky	08/10/2010	CCBSNS	15 Minutes - Pass a Resolution Authorizing the Mayor to Sign the IGA between Tigard and Sherwood for Joint Funding of the Water Supply Improvements	Discussion or Action Item		Public Works	Water	06/21/2010	K Mollusky, Conf Exec Asst

**City Council Tentative Agenda**  
7/6/2010 4:59 PM

47	Kathy Mollusky	08/10/2010	CCBSNS	10 Minutes - Consider Amendment to Master Fee Resolution to Amend Water Fees & Charges	Discussion or Action Item		Public Works	Water	06/21/2010	K Mollusky, Conf Exec Asst
Total Time: 40 of 110 minutes have been scheduled										
71	Cathy Wheatley	08/17/2010	AAA	Meeting Date: August 17, 2010   Absences to Note: None   Location: Tigard City Hall			Administration		06/23/2010	
7	Julia Wade	08/17/2010	CCWKSHOP	30 Minutes - Photo Enforcement and Red Light Camera Options for Traffic Safety	City Council Workshop		Police		06/14/2010	T LaFrance, Fin/Info Svcs Director
16	Judith Gray	08/17/2010	CCWKSHOP	30 Minutes - Regional Transportation Planning Update -- Progress Report on Activities Related to High Capacity Transit	City Council Workshop		Community Development	Long Range Planning	06/17/2010	J Gray, Sr Transportation Planner
42	Kathy Mollusky	08/17/2010	CCWKSHOP	30 Minutes - Discuss Updating TMC 12 Water and Sewer, and Corresponding Policies and Procedures	City Council Workshop		Public Works	Water	06/21/2010	K Mollusky, Conf Exec Asst
51	Darren Wyss	08/17/2010	CCWKSHOP	30 Minutes - Receive Comprehensive Plan Periodic Review Update	City Council Workshop		Community Development	Long Range Planning	06/22/2010	D Wyss, Senior Planner
53	John Floyd	08/17/2010	CCWKSHOP	15 Minutes - Review and discuss proposed Use Classification Development Code Amendment (DCA2010-00004)	City Council Workshop		Community Development	Long Range Planning	06/22/2010	R Bunch, CD Director
58	Loreen Mills	08/17/2010	CCWKSHOP	30 Minutes - Engineering Performance Review Update	City Council Workshop		Administration	Assistant to City Manager/Risk Mgmt.	06/23/2010	L Mills, Asst to City Manager
59	Kent Wyatt	08/17/2010	CCWKSHOP	15 Minutes - Review and Discuss Draft Code of Conduct for Elected Officials and Appointed Board/Committee/Commission Members	City Council Workshop		Administration	Assistant to City Manager/Risk Mgmt.	06/23/2010	L Mills, Asst to City Manager
Total Time: 180 of 180 minutes have been scheduled										
72	Cathy Wheatley	08/24/2010	AAA	Meeting Date: August 24, 2010 MEETING CANCELLED!			Administration		06/23/2010	

**City Council Tentative Agenda**  
7/6/2010 4:59 PM

73	Cathy Wheatley	09/14/2010	AAA	Meeting Date: September 14, 2010   Absences to Note: None   Location: Tigard City Hall		Administration		06/23/2010	
38	Kathy Mollusky	09/14/2010	ACONSENT	Consent Item - Approve Water System Master Plan - Resolution		Public Works	Water	06/21/2010	K Mollusky, Conf Exec Asst
39	Kathy Mollusky	09/14/2010	ACONSENT	Consent Item - Approve Sanitary Sewer Master Plan - Resolution		Public Works	Water	06/21/2010	K Mollusky, Conf Exec Asst
43	Kathy Mollusky	09/14/2010	CCBSNS	15 Minutes - Consider an Ordinance Updating TMC 12, Water and Sewers	Discussion or Action Item	Public Works	Water	06/21/2010	K Mollusky, Conf Exec Asst
44	Kathy Mollusky	09/14/2010	CCBSNS	15 Minutes - Burnham Street and CIP Project Reports	Discussion or Action Item	Public Works	Engrg - Const Svcs & Support	06/21/2010	K Mollusky, Conf Exec Asst
54	John Floyd	09/14/2010	CCBSNS	45 Minutes - Public Hearing to consider adoption of Use Classification Development Code Amendment (DCA2010-00004)	Discussion or Action Item	Community Development	Long Range Planning	06/22/2010	R Bunch, CD Director
60	Kent Wyatt	09/14/2010	CCBSNS	20 Minutes - Proposed Code of Conduct for Elected and Appointed Officials	Discussion or Action Item	Administration		06/23/2010	L Mills, Asst to City Manager
63	Joanne Bengtson	09/14/2010	CCBSNS	5 Minutes - Proclaim September 2010 National Alcohol & Drug Addiction Recovery Month	Proclamations	Administration		06/23/2010	06/24/2010
		Total Time: 100 of 110 minutes have been scheduled							
74	Cathy Wheatley	09/21/2010	AAA	Meeting Date: September 21, 2010   Absences to Note: None   Location: Tigard City Hall		Administration		06/24/2010	
45	Kathy Mollusky	09/21/2010	CCWKSHOP	30 Minutes - Water Rate Consultant Final Recommendations on SDC Update	City Council Workshop	Public Works	Water	06/21/2010	K Mollusky, Conf Exec Asst
46	Kathy Mollusky	09/21/2010	CCWKSHOP	60 Minutes - Water Rate Consultant's Final Recommendations on Water Rate Study	City Council Workshop	Public Works	Water	06/21/2010	K Mollusky, Conf Exec Asst
83	Darren Wyss	09/21/2010	CCWKSHOP	60 Minutes - Tigard 2035 TSP Workshop (CPA2010-00001)	City Council Workshop	Community Development	Long Range Planning	06/29/2010	R Bunch, CD Director
		Total Time: 150 of 180 minutes have been scheduled							

**City Council Tentative Agenda**  
7/6/2010 4:59 PM

75	Cathy Wheatley	09/28/2010	AAA	Meeting Date: September 28, 2010   Absences to Note: None   Location: Tigard City Hall		Administration		06/24/2010	
15	Cheryl Caines	09/28/2010	CCBSNS	60 Minutes - Consider a proposed Comprehensive Plan Amendment and Sensitive Lands Review to extend Wall Street across Fanno Creek to the Fred Fields property.	Consent Agenda	Community Development	Development Services	06/16/2010	C Caines, Assoc Planner
		Total Time: 60 of 110 minutes have been scheduled							

**Business Meeting**

**Date:** 07/13/2010

**Length (in minutes):** Consent Item

**Agenda Title:** Approve Workers' Compensation Insurance for Volunteers - Resolution

**Prepared By:** Loreen Mills, Administration

**Item Type:** Motion Requested

**Meeting Type:** Consent Agenda

**Information**

**ISSUE**

Should the City continue to provide Workers' Compensation Insurance for volunteers to protect them if they are injured during their volunteer work time?

**STAFF RECOMMENDATION / ACTION REQUEST**

Approve resolution to provide workers' compensation benefits to City volunteers 7/1/10 through 6/30/11.

**KEY FACTS AND INFORMATION SUMMARY**

- Protect City volunteers by providing Workers' Compensation Insurance for them when they volunteer
- Workers' Compensation Insurance is less costly and provides more benefits than health insurance
- City Council places high value on volunteers and the volunteer program and has provided this coverage for several years to protect volunteers if they are injured during volunteer work
- Oregon law requires cities to decide whether Workers' Compensation Insurance will be provided to volunteers (ORS 656.031)
- City County Insurance Services requires Council to adopt a resolution to declare the City's intent to provide volunteer workers' comp coverage

**OTHER ALTERNATIVES**

- Provide health-care coverage, accidental death & dismemberment insurance or no coverage at all rather than Workers' Compensation Insurance for volunteers. Health & accidental death/dismemberment insurance coverage is more expensive and would provide less coverage for volunteers than Workers' Comp. Not providing any coverage for injuries is not in keeping with Council's past practice.

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

N/A

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

**Fiscal Impact**

**Cost:** \$8,600

**Budgeted (yes or no):** Yes

**Where Budgeted (department/program):** All Dept

**Additional Fiscal Notes:**

Workers' Compensation Insurance premiums for volunteers are in the 10/11 fiscal year budget. This is about \$8,600 annually.

**Attachments**

Resolution No. 10-35

Volunteer Coverage Draft Resolution



**CITY OF TIGARD, OREGON**  
**TIGARD CITY COUNCIL**  
**RESOLUTION NO. 10-35**

A RESOLUTION EXTENDING CITY OF TIGARD'S WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY.

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WHEREAS, the City of Tigard acknowledges the valuable service rendered by City of Tigard volunteers; and

WHEREAS, the City of Tigard wishes to protect City volunteers by providing injury insurance for them when they volunteer; and

WHEREAS, Workers' Compensation Insurance is less costly and provides more benefits than health insurance; and

WHEREAS, the City Council places high value on volunteers and the volunteer program and has provided this coverage for several years to protect volunteers if they are injured during volunteer work; and

WHEREAS, Oregon law requires cities determine whether Workers' Compensation Insurance will be provided to volunteers (ORS 656.031); and

WHEREAS, the City of Tigard participates in the City County Insurance Services (CIS) Group Self-Insurance Program, which requires a resolution be adopted annually by the Tigard City Council to extend Workers' Compensation Insurance coverage to City of Tigard volunteers.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Pursuant to ORS 656.031, Workers' Compensation coverage will be provided to classifications listed on the attached Volunteer Program Worksheet (Exhibit A). Assumed wages for police reserve officers, boards and commissions, and the Mayor and Council are provided on attached Exhibit A. An assumed hourly wage of \$8.40 will be used for all other volunteers.

SECTION 2: A roster of active volunteers is updated monthly for reporting purposes. It is acknowledged that CIS may request copies of these rosters during year-end audit.

SECTION 3: Unanticipated volunteer projects or exposures not addressed herein will be added to the City of Tigard's coverage agreement by endorsement and advance notice to CIS, allowing at least two weeks for processing. It is hereby acknowledged that Worker's Compensation for unanticipated volunteer projects cannot be backdated.

SECTION 4: This resolution will be updated annually as long as Tigard is a member of the CIS Workers' Compensation Self-Insurance Services Group and chooses to provide Workers' Compensation Insurance for City volunteers.

SECTION 5: The coverage affected by this resolution is for the 2010/2011 coverage year (July 1, 2010 through June 30, 2011) with the City's membership in the CIS Workers' Compensation Self-Insurance Services Group.

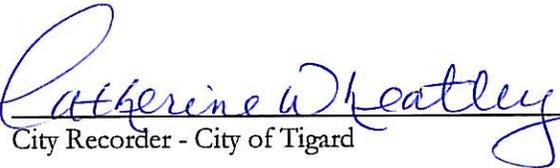
SECTION 6: This resolution is effective immediately upon passage.

RESOLUTION NO. 10 - 35

PASSED: This 13<sup>th</sup> day of July 2010.

  
\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

  
\_\_\_\_\_  
City Recorder - City of Tigard

**7/13/10 Council Resolution Exhibit "A" - City of Tigard Volunteer Workers' Comp Program  
FY 2010/11 Request**

Position Title	WC Code	Volunteers Anticipated (number of)	Volunteer Time Anticipated (in hours)	Assumed Wage (per hour)	Notes	Estimated Payroll
Photographer	4361V	2	100	\$8.40	Photographer indoors and outdoors - can use ladder	\$840
Painting Services (Interior)	5474V	10	100	\$8.40	Bldg. interiors with latex paint & ladders	\$840
Traffic & Accident Data Coord.	5506V	1	230	\$8.40	Office work and work within the ROW. Minimal traffic control & will require flagging training from certified COT staff member.	\$1,932
Library Volunteers (Traveling)	7380V	25	500	\$8.40	Driving personal vehicles to homes of "shut ins" deliver materials	\$4,200
Community Service Supervisors	7720V	5	750	\$8.40	Supervision of community service, PEER Court & Municipal Court work crews/individuals.	\$6,300
Juvenile Court Offenders	7720V	50	500	\$8.40	Juveniles from Municipal Court providing community service	\$4,200
CERT Volunteers Training & Activation	8411V	50	2,000	\$800/ month/ member	Training & activation	\$480,000
Reserve Police Officers	8411V	8	1,920	\$4,594	Note: Assumed wage is <u>per month each</u> (mid-range of police officer salary)	\$441,024
Boards & Committees	8742V	See membership listing below	N/A	\$2,500/ board/yr	10 boards & commissions(see list @ bottom of page 2). Meetings & limited travel to view field sites	\$25,000
City Council	8742V	4	N/A	\$350/ month/ member	Council meetings & other council duties	\$16,800
Mayor	8742V	1	N/A	\$42,000/yr.		\$42,000
Engineering Project Notice Asst.	8742V	1	30	\$8.40	Prepares & distributes project advance notices - No driving allowed (rides in City rig with City EE driving)	\$252
Grant Writer Assistants (Indoors Only)	8810V	1	40	\$8.40	Working in office setting or in the home.	\$336
Library Volunteers (No travel)	8810V	440	24,000	\$8.40	All tasks in-house; check-in materials, shelving, data entry, processing new materials, etc.	\$201,600
Office Assistance	8810V	5	600	\$8.40	Clerical type work assignments in administrative offices	\$5,040
Police Crime Prevention Support	8810V	2	300	\$8.40	In office work only	\$2,520
Translators	8810V	2	80	\$8.40	Working in office setting or in the home translating information from one language to another.	\$672
PEER Court Service	8820V	24	450	\$8.40	Teenagers serving as attorneys, jurors, clerks in court room. Adults serving as judges and facilitation of process.	\$3,780

**7/13/10 Council Resolution Exhibit "A" - City of Tigard Volunteer Workers' Comp Program  
FY 2010/11 Request**

Position Title	WC Code	Volunteers Anticipated (number of)	Volunteer Time Anticipated (in hours)	Assumed Wage (per hour)	Notes	Estimated Payroll
Building Maintenance	9015V	4	50	\$8.40	Room set up & tear down, general cleaning	\$420
DARE Camp Supervisors	9015V	100	3,200	\$8.40	Mentoring kids at camp (does NOT include driving)	\$26,880
Park Landscape Maintenance	9102V	400	1,500	\$8.40	Planting trees, blackberry removal, greenway cleanup, path clean up, trail maintenance. This code allows use of gas powered leaf blowers and reciprocating weed eaters.	\$12,600
Citywide Celebrations	9402V	500	1,750	\$8.40	Earth Day, Make A Difference Day, etc. Includes planting trees, library shelf cleaning, community cleanup, street cleanup patrols	\$14,700
Storm/Water Maintenance	9402V	120	1,200	\$8.40	Stenciling catch basins, Adopt-A-Creek program with weeding & limited trash removal & cleaning/painting water hydrants. This code allows use of gas powered leaf blowers and reciprocating weed eaters.	\$10,080
Street Cleanup Program	9402V	100	600	\$8.40	Roadside cleanup. This code allows use of gas powered leaf blowers and reciprocating weed eaters.	\$5,040
Door to Door Distribution	9410V	3	30	\$8.40	Delivery of brochures/door hangers	\$252
Election Ballot Collectors	9410V	5	10	\$8.40	Collecting ballots at drive-up collection point (not ROW)	\$84
<b>TOTAL Estimated Payroll for FY 2010/2011</b>						<b>\$1,307,392</b>

**NOTE: Ten boards, commission and task forces (WC Code 8742V) are as follows: Budget Committee (6), Committee For Citizen Involvement (9), City Center Advisory Commission (11), Intergovernmental Water Board (3 members only; Tigard representatives and at-large member if appointed by City), Library Board (8), Park & Recreation Advisory Board (8), Planning Commission (11), Tree Board (6), Tigard Transportation Advisory Committee (11), Tigard Youth Advisory Council (12).**

**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 10-**

A RESOLUTION EXTENDING CITY OF TIGARD'S WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY.

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WHEREAS, the City of Tigard acknowledges the valuable service rendered by City of Tigard volunteers; and

WHEREAS, the City of Tigard wishes to protect City volunteers by providing injury insurance for them when they volunteer; and

WHEREAS, Workers' Compensation Insurance is less costly and provides more benefits than health insurance; and

WHEREAS, the City Council places high value on volunteers and the volunteer program and has provided this coverage for several years to protect volunteers if they are injured during volunteer work; and

WHEREAS, Oregon law requires cities determine whether Workers' Compensation Insurance will be provided to volunteers (ORS 656.031); and

WHEREAS, the City of Tigard participates in the City County Insurance Services (CIS) Group Self-Insurance Program, which requires a resolution be adopted annually by the Tigard City Council to extend Workers' Compensation Insurance coverage to City of Tigard volunteers.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Pursuant to ORS 656.031, Workers' Compensation coverage will be provided to classifications listed on the attached Volunteer Program Worksheet (Exhibit A). Assumed wages for police reserve officers, boards and commissions, and the Mayor and Council are provided on attached Exhibit A. An assumed hourly wage of \$8.40 will be used for all other volunteers.

SECTION 2: A roster of active volunteers is updated monthly for reporting purposes. It is acknowledged that CIS may request copies of these rosters during year-end audit.

SECTION 3: Unanticipated volunteer projects or exposures not addressed herein will be added to the City of Tigard's coverage agreement by endorsement and advance notice to CIS, allowing at least two weeks for processing. It is hereby acknowledged that Worker's Compensation for unanticipated volunteer projects cannot be backdated.

SECTION 4: This resolution will be updated annually as long as Tigard is a member of the CIS Workers' Compensation Self-Insurance Services Group and chooses to provide Workers' Compensation Insurance for City volunteers.

SECTION 5: The coverage affected by this resolution is for the 2010/2011 coverage year (July 1, 2010 through June 30, 2011) with the City's membership in the CIS Workers' Compensation Self-Insurance Services Group.

SECTION 6: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2010.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

**7/13/10 Council Resolution Exhibit "A" - City of Tigard Volunteer Workers' Comp Program  
FY 2010/11 Request**

Position Title	WC Code	Volunteers Anticipated (number of)	Volunteer Time Anticipated (in hours)	Assumed Wage (per hour)	Notes	Estimated Payroll
Photographer	4361V	2	100	\$8.40	Photographer indoors and outdoors - can use ladder	\$840
Painting Services (Interior)	5474V	10	100	\$8.40	Bldg. interiors with latex paint & ladders	\$840
Traffic & Accident Data Coord.	5506V	1	230	\$8.40	Office work and work within the ROW. Minimal traffic control & will require flagging training from certified COT staff member.	\$1,932
Library Volunteers (Traveling)	7380V	25	500	\$8.40	Driving personal vehicles to homes of "shut ins" deliver materials	\$4,200
Community Service Supervisors	7720V	5	750	\$8.40	Supervision of community service, PEER Court & Municipal Court work crews/individuals.	\$6,300
Juvenile Court Offenders	7720V	50	500	\$8.40	Juveniles from Municipal Court providing community service	\$4,200
CERT Volunteers Training & Activation	8411V	50	2,000	\$800/ month/ member	Training & activation	\$480,000
Reserve Police Officers	8411V	8	1,920	\$4,594	Note: Assumed wage is <u>per month each</u> (mid-range of police officer salary)	\$441,024
Boards & Committees	8742V	See membership listing below	N/A	\$2,500/ board/yr	10 boards & commissions(see list @ bottom of page 2). Meetings & limited travel to view field sites	\$25,000
City Council	8742V	4	N/A	\$350/ month/ member	Council meetings & other council duties	\$16,800
Mayor	8742V	1	N/A	\$42,000/yr.		\$42,000
<b>Engineering Project Notice Asst.</b>	<b>8742V</b>	<b>1</b>	<b>30</b>	<b>\$8.40</b>	<b>Prepares &amp; distributes project advance notices - No driving allowed (rides in City rig with City EE driving)</b>	<b>\$252</b>
Grant Writer Assistants (Indoors Only)	8810V	1	40	\$8.40	Working in office setting or in the home.	\$336
Library Volunteers (No travel)	8810V	440	24,000	\$8.40	All tasks in-house; check-in materials, shelving, data entry, processing new materials, etc.	\$201,600
Office Assistance	8810V	5	600	\$8.40	Clerical type work assignments in administrative offices	\$5,040
Police Crime Prevention Support	8810V	2	300	\$8.40	In office work only	\$2,520
Translators	8810V	2	80	\$8.40	Working in office setting or in the home translating information from one language to another.	\$672
PEER Court Service	8820V	24	450	\$8.40	Teenagers serving as attorneys, jurors, clerks in court room. Adults serving as judges and facilitation of process.	\$3,780

**7/13/10 Council Resolution Exhibit "A" - City of Tigard Volunteer Workers' Comp Program  
FY 2010/11 Request**

Position Title	WC Code	Volunteers Anticipated (number of)	Volunteer Time Anticipated (in hours)	Assumed Wage (per hour)	Notes	Estimated Payroll
Building Maintenance	9015V	4	50	\$8.40	Room set up & tear down, general cleaning	\$420
DARE Camp Supervisors	9015V	100	3,200	\$8.40	Mentoring kids at camp (does NOT include driving)	\$26,880
Park Landscape Maintenance	9102V	400	1,500	\$8.40	Planting trees, blackberry removal, greenway cleanup, path clean up, trail maintenance. This code allows use of gas powered leaf blowers and reciprocating weed eaters.	\$12,600
Citywide Celebrations	9402V	500	1,750	\$8.40	Earth Day, Make A Difference Day, etc. Includes planting trees, library shelf cleaning, community cleanup, street cleanup patrols	\$14,700
Storm/Water Maintenance	9402V	120	1,200	\$8.40	Stenciling catch basins, Adopt-A-Creek program with weeding & limited trash removal & cleaning/painting water hydrants. This code allows use of gas powered leaf blowers and reciprocating weed eaters.	\$10,080
Street Cleanup Program	9402V	100	600	\$8.40	Roadside cleanup. This code allows use of gas powered leaf blowers and reciprocating weed eaters.	\$5,040
Door to Door Distribution	9410V	3	30	\$8.40	Delivery of brochures/door hangers	\$252
Election Ballot Collectors	9410V	5	10	\$8.40	Collecting ballots at drive-up collection point (not ROW)	\$84
<b>TOTAL Estimated Payroll for FY 2010/2011</b>						<b>\$1,307,392</b>

*NOTE: Ten boards, commission and task forces (WC Code 8742V) are as follows: Budget Committee (6), Committee For Citizen Involvement (9), City Center Advisory Commission (11), Intergovernmental Water Board (3 members only; Tigard representatives and at-large member if appointed by City), Library Board (8), Park & Recreation Advisory Board (8), Planning Commission (11), Tree Board (6), Tigard Transportation Advisory Committee (11), Tigard Youth Advisory Council (12).*

AIS-86

Item #: 3.3.

**Business Meeting**

**Date:** 07/13/2010

**Length (in minutes):** Consent Item

**Agenda Title:** Revise City Council Member Stipends, Superseding Resolution No. 08-63

**Prepared By:** Cathy Wheatley, Administration

**Item Type:** Resolution

**Meeting Type:** Consent Agenda

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**Information**

**ISSUE**

Consider an amendment to revised the conditions of the stipend for the Mayor to reflect that the annual stipend shall be no more than \$42,000 per year.

**STAFF RECOMMENDATION / ACTION REQUEST**

Consider the proposed resolution.

**KEY FACTS AND INFORMATION SUMMARY**

- On October 14, 2008, the City Council approved Resolution No. 08-63 establishing City Council member stipends, including a section setting the annual stipend for the Mayor at \$42,000 per year, to work on assignments over and above the usual and customary assignments for an average of 20 hours per week during business hours.
- The proposed resolution amends Resolution No. 08-63 to state that the annual stipend shall be *no more than* \$42,000 per year and the assignments will require an average of twenty hours *or less*.
- The proposed resolution also adds a section stating that the stipend may be adjusted downward if approved by the Mayor and Council.

**OTHER ALTERNATIVES**

Edit the proposed amendments or add additional amending language to the proposed resolution.

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

N/A

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

October 14, 2008

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**Fiscal Impact**

**Cost:** See Notes

**Budgeted (yes or no):** Yes

**Where Budgeted (department/program):** Council

**Additional Fiscal Notes:**

The proposed resolution would make it possible for the Council to reduce the amount of the stipend paid to the Mayor to correspond with reduced hours.

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**Attachments**

Resolution No. 10-36

Draft Resolution

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CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO 10-36

A RESOLUTION ESTABLISHING CITY COUNCIL MEMBER STIPENDS, SUPERSEDING RESOLUTION NO. 08-63

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WHEREAS, the City Council is charged by City Charter Section 11 and by the Municipal Code Section 2.44.010 with responsibility to set annually the amount of compensation for the appointed or elected officers of the City; and

WHEREAS, the Council Service Task Force studied the matter and recommended additional compensation for an elected official in an amount authorized by Resolution; and

WHEREAS, the City Budget, established by the Budget Committee and the City Council includes amounts for compensation for Council Members and the Mayor; and

WHEREAS, the City Council has agreed on the expectations that it has for the Mayor and its Members as well as the compensation and benefits to be established for the Mayor and Council Members; and

WHEREAS, the City Council recognized that for the next year there will be important duties over and above regular City Council duties and liaison assignments, including: Attendance at meetings of committees, governmental bodies and stakeholders relating to regional transportation decisions, including light rail alignments; and the regular involvement of an elected official to connect with business and property owners in the implementation of the Downtown Plan.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1: The annual stipend for the Council Members, other than the Mayor, shall be \$4,200 (\$350 per month).
- SECTION 2: The Mayor and Council are eligible to participate in the City's health insurance benefit plans offered to City employees.
- SECTION 3: Council Members, including the Mayor, are expected to abide by the Council Rules, and make best efforts to attend City Council meetings, and perform liaison, committee, board and other responsibilities assigned by the City Council.
- SECTION 4: The annual stipend for the Mayor shall be no more than \$42,000. It is the expectation of the City Council that the assignments given to the Mayor, over and above the usual and customary assignments, described in Section 6 below, will require an average of twenty (20) hours each week during business hours.
- SECTION 5: Should the duties of the Mayor average less than 20 hours per week, the stipend may be adjusted downward with the approval of the Mayor and City Council.

RESOLUTION NO. 10- 36

SECTION 6: The City Council priorities for the Mayor include the following responsibilities:

- a. Serve as the primary City Council liaison to the City's Transportation Consultant.
- b. Serve as the City's primary representative on transportation matters in the region.
- c. Meet regularly with representatives of Washington County, Metro, and Tri-met on issues including transportation funding.
- d. Represent the City at the State Legislature on Transportation funding and issues including holding regular meetings with the City's legislative delegation.
- e. Represent the City at the Joint Policy Advisory Committee on Transportation (JPACT), Metro Policy Advisory Committee (MPAC) and Washington County Coordinating Committee (WCCC).
- f. Represent the City at the federal level on transportation funding and issues including contacts with the City's congressional delegation locally and in Washington DC.
- g. Represent the City Council to downtown business and property owners and prospective business and property owners on the implementation of the downtown plan.
- h. Perform other tasks as deemed appropriate by the Mayor and City Council members.

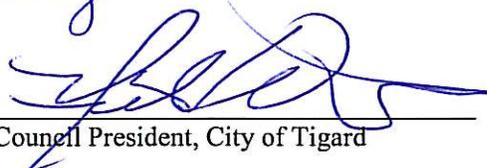
The Mayor shall submit monthly reports to the members of the Committee summarizing activities and reporting on issues, including describing meetings, contracts, outcomes and time required for each area of activity.

SECTION 7: Renewal of the provisions of this resolution pertaining to the additional responsibilities and compensation for the Mayor shall be deliberated during the City's Budget process each fiscal year.

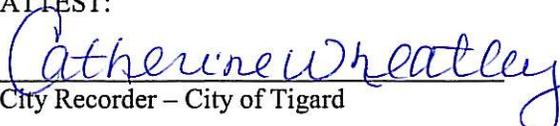
SECTION 8: Consideration on the amount of compensation and benefits to City Council members shall be deliberated during the Budget process for each fiscal year.

SECTION 9: This resolution is effective immediately upon passage.

PASSED: This 13<sup>th</sup> day of July, 2008.

  
\_\_\_\_\_  
Council President, City of Tigard

ATTEST:

  
\_\_\_\_\_  
City Recorder – City of Tigard

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CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO 10-\_\_\_\_\_

A RESOLUTION ESTABLISHING CITY COUNCIL MEMBER STIPENDS, SUPERSEDING  
RESOLUTION NO. 08-63

---

WHEREAS, the City Council is charged by City Charter Section 11 and by the Municipal Code Section 2.44.010 with responsibility to set annually the amount of compensation for the appointed or elected officers of the City; and

WHEREAS, the Council Service Task Force studied the matter and recommended additional compensation for an elected official in an amount authorized by Resolution; and

WHEREAS, the City Budget, established by the Budget Committee and the City Council includes amounts for compensation for Council Members and the Mayor; and

WHEREAS, the City Council has agreed on the expectations that it has for the Mayor and its Members as well as the compensation and benefits to be established for the Mayor and Council Members; and

WHEREAS, the City Council recognized that for the next year there will be important duties over and above regular City Council duties and liaison assignments, including: Attendance at meetings of committees, governmental bodies and stakeholders relating to regional transportation decisions, including light rail alignments; and the regular involvement of an elected official to connect with business and property owners in the implementation of the Downtown Plan.

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SECTION 6: The City Council priorities for the Mayor include the following responsibilities:

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- b. Serve as the City's primary representative on transportation matters in the region.
- c. Meet regularly with representatives of Washington County, Metro, and Tri-met on issues including transportation funding.
- d. Represent the City at the State Legislature on Transportation funding and issues including holding regular meetings with the City's legislative delegation.
- e. Represent the City at the Joint Policy Advisory Committee on Transportation (JPACT), Metro Policy Advisory Committee (MPAC) and Washington County Coordinating Committee (WCCC).
- f. Represent the City at the federal level on transportation funding and issues including contacts with the City's congressional delegation locally and in Washington DC.
- g. Represent the City Council to downtown business and property owners and prospective business and property owners on the implementation of the downtown plan.
- h. Perform other tasks as deemed appropriate by the Mayor and City Council members.

The Mayor shall submit monthly reports to the members of the Committee summarizing activities and reporting on issues, including describing meetings, contracts, outcomes and time required for each area of activity.

SECTION 7: Renewal of the provisions of this resolution pertaining to the additional responsibilities and compensation for the Mayor shall be deliberated during the City's Budget process each fiscal year.

SECTION 8: Consideration on the amount of compensation and benefits to City Council members shall be deliberated during the Budget process for each fiscal year.

SECTION 9: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Council President, City of Tigard

ATTEST:

\_\_\_\_\_  
City Recorder – City of Tigard

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**Business Meeting****Date:** 07/13/2010**Length (in minutes):** 10 Minutes**Agenda Title:** Info PH-Approve Formation of the Sanitary Sewer Reimbursement District No. 48 (Lower Cherry Dr)**Prepared By:** Kathy Mollusky, Public Works**Item Type:** Public Hearing - Informational**Meeting Type:** Select One**Information****ISSUE**

Shall City Council approve the formation of a sewer reimbursement district to construct a sanitary sewer project as part of the Neighborhood Sewer Extension Program?

**STAFF RECOMMENDATION / ACTION REQUEST**

Approve, by motion, the attached resolution forming the Reimbursement District.

**KEY FACTS AND INFORMATION SUMMARY**

- At its July 24, 2007 meeting, City Council was requested to form a reimbursement district serving 23 lots along SW Cherry Drive. Following public testimony, City Council approved the Resolution forming the District, removing four of the lots: 7510, 7530, 7550 and 7570 from the district. These four lots, along the lower portion of SW Cherry Drive, were to be served from a line behind the houses constructed through a separate reimbursement district. Council approved the formation of Reimbursement District No. 44 without these four lots by readopting Resolution No. 07-50 on August 28, 2007 following an informational hearing. This proposed reimbursement district would provide sewer service to the four remaining lots along SW Cherry Drive as directed by City Council.
- Through the City's Neighborhood Sewer Extension Program, the City would install public sewers to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line.
- On May 3, 2010, staff held a neighborhood meeting for owners to review the project procedure, construction schedule, and estimated costs. All four owners were represented at the meeting. Those attending were generally supportive of the project and recognize the need for sewers. Written comments collected at the meeting from each of the owners are attached.
- Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.
- If Council approves this request to form the Reimbursement District, bids from contractors to construct the sewer will be requested.
- Another resolution to finalize the Reimbursement District, with cost adjustments, will be submitted for Council action after construction is completed and actual construction costs are determined.

**OTHER ALTERNATIVES****COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

The proposed Reimbursement District meets Goal No.1, "Implement Comprehensive Plan," by furthering Comprehensive Goal 11.3, "Develop and maintain a wastewater collection system that meets the existing and future needs of the community."

## **DATES OF PREVIOUS COUNCIL CONSIDERATION**

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### **Fiscal Impact**

**Cost:** \$155,657  
**Budgeted (yes or no):** Yes  
**Where Budgeted (department/program):** San. Sewer

#### **Additional Fiscal Notes:**

The estimated cost of the project is \$155,657. This amount includes the estimated cost of construction plus an amount for administration and engineering as defined in TMC 13.09.040(1). Funding is by unrestricted sanitary sewer funds.

(Budgeted in the Sanitary Sewer Extension Program)

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### **Attachments**

Resolution No. 10-38

Draft Resolution - District 48

Exhibit A to Draft Resolution

Exhibit B to Draft Resolution

Attachments to Staff Report

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**CITY OF TIGARD, OREGON**  
**TIGARD CITY COUNCIL**  
**RESOLUTION NO. 10- 37**

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 48  
(SW LOWER CHERRY DRIVE)

---

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, the property owners of proposed Sanitary Sewer Reimbursement District No. 48 (SW Lower Cherry Drive) have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

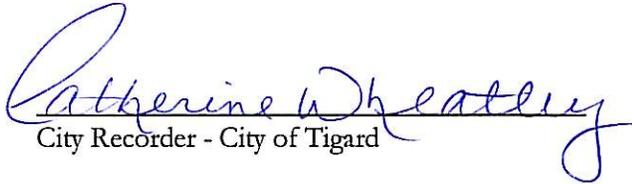
NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1: The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 48," attached hereto as Exhibit A, is hereby approved.
- SECTION 2: A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described in Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 48."
- SECTION 3: Payment of the reimbursement fee, as shown in Exhibit A, is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.
- SECTION 4: An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.
- SECTION 5: The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.
- SECTION 6: This resolution is effective immediately upon passage.

PASSED: This 13th day of July 2010.

  
\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

  
\_\_\_\_\_  
City Recorder - City of Tigard

**Exhibit A**  
City Engineer's Report  
**Sanitary Sewer Reimbursement District No. 48**  
**(SW Lower Cherry Drive)**

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program, the City of Tigard would install public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner would pay a connection and inspection fee, currently \$4,135, and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic systems according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

Serving the four lots in the following table will require extending an existing sewer along the back lot lines of the lots to be served. No further extension of this line will be required. The surrounding area is completely served with sewer.

The proposed project would provide sewer service to a total of four lots within the proposed reimbursement district as shown on Exhibit Map B.

Cost

The estimated cost for the sanitary sewer construction to provide service to the four lots is \$129,017. Engineering and inspection fees amount to \$17,417 (13.5%) as defined in TMC 13.09.040(1). The sewer will be construction within easements purchased by the City at a cost of \$6,400. In addition, a total of \$2,822 will be paid to owners to compensate them for the cost of restoring property disturbed by construction. The estimated total project cost is \$155,657. This is the estimated amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays depends upon the extent to which the owner is eligible for the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay a connection and inspection fee, currently \$4,135, upon connection to the public line. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in the proposed district are zoned R-3.5 but vary in lot size from about 20,000 to 32,000 square feet as can be seen in the following list of lots. Therefore, it is recommended that the total cost of the project be divided among the properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

**Each property owner's estimated fair share of the public sewer line is \$1.5011 per square foot of lot served. Each owner's fair share would be limited to \$6,000, to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution No. 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed, as provided by Resolution No. 03-55 (attached).**

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

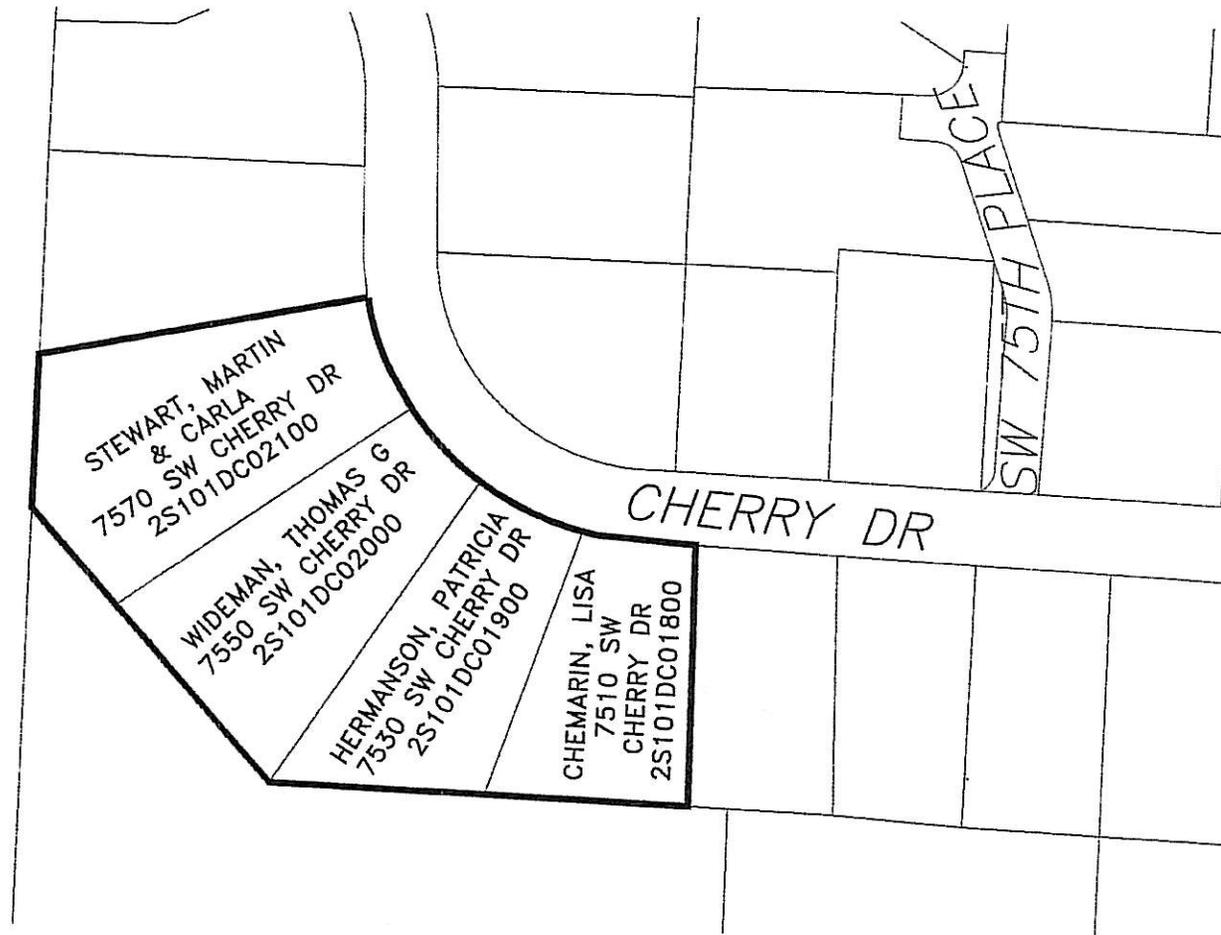
It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted June 28, 2010

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**Theodore S. Kyle, P.E.**  
City Engineer

LOWER CHERRY DRIVE-REIMBURSEMENT DIST NO. 48  
FY 2009-10 SANITARY SEWER EXTENSION PROGRAM  
A PORTION OF THE NW 1/4 SECTION 11 T2S R1W W.M.



**NOTE:**

All properties in the reimbursement district are zoned R3.5

EXHIBIT B (p1)

NTS

**LOWER CHERRY DR**  
**CIP 2010 Sanitary Sewer Extension Program**

*Estimated Cost to Property Owners*

*Summary*

*Thursday, April 22, 2010*

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Estimated Construction Costs	<b>\$112,189</b>
15.00% contingency (construction)	\$16,828
<b>Estimated construction subtotal</b>	<b>\$129,017</b>
<hr/>	
13.50% Administration & Engineering	\$17,417
Easement Cost	\$6,400.00
Site Restoration	\$2,822.00
<b>total project costs</b>	<b>\$155,657</b>
<hr/>	
total area to be served (S.F.)	103695
<hr/>	
total cost per S.F. to property owner	<b>\$1.50110847</b>

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**LOWER CHERRY DR**  
**CIP 2010 Sanitary Sewer Extension Program**

*Estimated Cost to Property Owners*

*Thursday, April 22, 2010*

	Owner	Site Address	Tax Lot ID	Area (S.F.)	Area (AC)	Estimated Reimbursement Fee	Amount to be Paid by Owner	Amount to be Paid by City	Amount that can be Deferred by Owner
1	WIDMAN, THOMAS G	7550 SW CHERRY DR	2S101DC02000	28308.7	0.65	\$ 42,494	\$ 33,494	\$ 9,000	\$ 27,494
2	HERMANSON, PATRICIA M	7530 SW CHERRY DR	2S101DC01900	23398.3	0.54	\$ 35,123	\$ 26,123	\$ 9,000	\$ 20,123
3	CHEMARIN, LISA M &	7510 SW CHERRY DR	2S101DC01800	19755.8	0.45	\$ 29,656	\$ 20,656	\$ 9,000	\$ 14,656
4	MARTIN D. STEWRT & CARLA STEWRT	7570 SW CHERRY DR	2S101DC02100	32231.7	0.739	\$ 48,383	\$ 39,383	\$ 9,000	\$ 33,383
<b>Totals</b>				<b>103694.5</b>	<b>2.379</b>	<b>\$ 155,657</b>	<b>\$ 119,657</b>	<b>\$ 36,000</b>	<b>\$ 95,657</b>

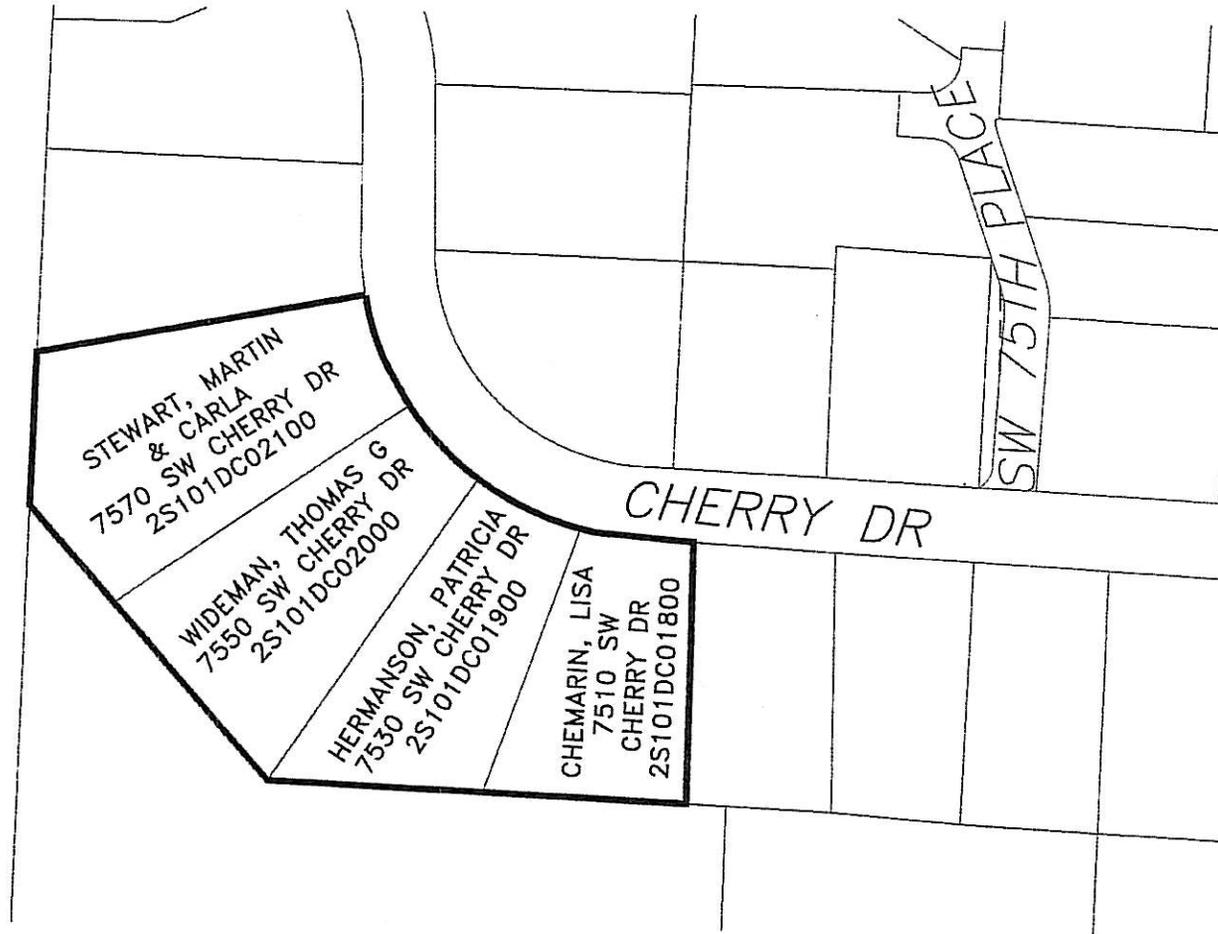
The "ESTIMATED REIMBURSEMENT FEE" column shows the estimated reimbursement fee for each lot. There are no requirements to connect to the sewer or pay any fees until the owner decides to connect to the sewer. The final reimbursement fee will be determined once construction is complete and final costs are determined.

In accordance with Resolution No. 01-46, each property owner will be required to pay the first \$6,000 of the final reimbursement fee for connections completed within the first three years of City Council's approval of the final City Engineer's Report following construction. The "AMOUNT TO BE PAID BY CITY" column shows that portion of the reimbursement fee that the owners will not be required to pay if they connect to the sewer during this three year period.

This resolution also requires owners to pay any fair share amount that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus that amount of the fair share that exceeds \$15,000. Under Resolution No. 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed. This amount is shown in the "AMOUNT THAT CAN BE DEFERRED BY OWNER" column.

In addition to the reimbursement fee, the owners will also be required to pay a connection fee, currently \$4,135, at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

LOWER CHERRY DRIVE-REIMBURSEMENT DIST NO. 48  
FY 2009-10 SANITARY SEWER EXTENSION PROGRAM  
A PORTION OF THE NW 1/4 SECTION 11 T2S R1W W.M.



NOTE:

All properties in the reimbursement district are zoned R3.5

EXHIBIT B (p1)  
NTS

LOWER CHERRY DRIVE—REIMBURSEMENT DIST NO. 48  
FY 2009-10 SANITARY SEWER EXTENSION PROGRAM  
A PORTION OF THE SE 1/4 SECTION 1 T2S R1W W.M.



VICINITY MAP  
NTS

**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 10-**

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 48  
(SW LOWER CHERRY DRIVE)

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WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, the property owners of proposed Sanitary Sewer Reimbursement District No. 48 (SW Lower Cherry Drive) have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1: The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 48," attached hereto as Exhibit A, is hereby approved.
- SECTION 2: A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described in Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 48."
- SECTION 3: Payment of the reimbursement fee, as shown in Exhibit A, is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.
- SECTION 4: An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.
- SECTION 5: The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.
- SECTION 6: This resolution is effective immediately upon passage.

PASSED: This 13th day of July 2010.

---

Mayor - City of Tigard

ATTEST:

---

City Recorder - City of Tigard

**Exhibit A**  
City Engineer's Report  
**Sanitary Sewer Reimbursement District No. 48**  
**(SW Lower Cherry Drive)**

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program, the City of Tigard would install public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner would pay a connection and inspection fee, currently \$4,135, and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic systems according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

Serving the four lots in the following table will require extending an existing sewer along the back lot lines of the lots to be served. No further extension of this line will be required. The surrounding area is completely served with sewer.

The proposed project would provide sewer service to a total of four lots within the proposed reimbursement district as shown on Exhibit Map B.

Cost

The estimated cost for the sanitary sewer construction to provide service to the four lots is \$129,017. Engineering and inspection fees amount to \$17,417 (13.5%) as defined in TMC 13.09.040(1). The sewer will be construction within easements purchased by the City at a cost of \$6,400. In addition, a total of \$2,822 will be paid to owners to compensate them for the cost of restoring property disturbed by construction. The estimated total project cost is \$155,657. This is the estimated amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays depends upon the extent to which the owner is eligible for the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay a connection and inspection fee, currently \$4,135, upon connection to the public line. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in the proposed district are zoned R-3.5 but vary in lot size from about 20,000 to 32,000 square feet as can be seen in the following list of lots. Therefore, it is recommended that the total cost of the project be divided among the properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

**Each property owner's estimated fair share of the public sewer line is \$1.5011 per square foot of lot served. Each owner's fair share would be limited to \$6,000, to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution No. 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed, as provided by Resolution No. 03-55 (attached).**

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted June 28, 2010

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**Theodore S. Kyle, P.E.**  
City Engineer

LOWER CHERRY DRIVE—REIMBURSEMENT DIST NO. 48  
FY 2009–10 SANITARY SEWER EXTENSION PROGRAM  
A PORTION OF THE NW 1/4 SECTION 11 T2S R1W W.M.



**NOTE:**

All properties in the reimbursement district are zoned R3.5

EXHIBIT B (p1)

NTS

**LOWER CHERRY DR**  
**CIP 2010 Sanitary Sewer Extension Program**

*Estimated Cost to Property Owners*

*Summary*

*Thursday, April 22, 2010*

---

<b>Estimated</b> Construction Costs	<b>\$112,189</b>
15.00% contingency (construction)	\$16,828
<b>Estimated</b> construction subtotal	<b>\$129,017</b>
13.50% Administration & Engineering	\$17,417
Easement Cost	\$6,400.00
Site Restoration	\$2,822.00
<b>total project costs</b>	<b>\$155,657</b>
total area to be served (S.F.)	103695
<b>total cost per S.F. to property owner</b>	<b>\$1.50110847</b>

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**LOWER CHERRY DR**  
**CIP 2010 Sanitary Sewer Extension Program**

*Estimated Cost to Property Owners*

*Thursday, April 22, 2010*

	<b>Owner</b>	<b>Site Address</b>	<b>Tax Lot ID</b>	<b>Area (S.F.)</b>	<b>Area (AC)</b>	<b>Estimated Reimbursement Fee</b>	<b>Amount to be Paid by Owner</b>	<b>Amount to be Paid by City</b>	<b>Amount that can be Deferred by Owner</b>
1	WIDMAN, THOMAS G	7550 SW CHERRY DR	2S101DC02000	28308.7	0.65	\$ 42,494	\$ 33,494	\$ 9,000	\$ 27,494
2	HERMANSON, PATRICIA M	7530 SW CHERRY DR	2S101DC01900	23398.3	0.54	\$ 35,123	\$ 26,123	\$ 9,000	\$ 20,123
3	CHEMARIN, LISA M &	7510 SW CHERRY DR	2S101DC01800	19755.8	0.45	\$ 29,656	\$ 20,656	\$ 9,000	\$ 14,656
4	MARTIN D. STEWRT & CARLA STEWRT	7570 SW CHERRY DR	2S101DC02100	32231.7	0.739	\$ 48,383	\$ 39,383	\$ 9,000	\$ 33,383
<b>Totals</b>				<b>103694.5</b>	<b>2.379</b>	<b>\$ 155,657</b>	<b>\$ 119,657</b>	<b>\$ 36,000</b>	<b>\$ 95,657</b>

The "ESTIMATED REIMBURSEMENT FEE" column shows the estimated reimbursement fee for each lot. There are no requirements to connect to the sewer or pay any fees until the owner decides to connect to the sewer. The final reimbursement fee will be determined once construction is complete and final costs are determined.

In accordance with Resolution No. 01-46, each property owner will be required to pay the first \$6,000 of the final reimbursement fee for connections completed within the first three years of City Council's approval of the final City Engineer's Report following construction. The "AMOUNT TO BE PAID BY CITY" column shows that portion of the reimbursement fee that the owners will not be required to pay if they connect to the sewer during this three year period.

This resolution also requires owners to pay any fair share amount that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus that amount of the fair share that exceeds \$15,000. Under Resolution No. 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed. This amount is shown in the "AMOUNT THAT CAN BE DEFERRED BY OWNER" column.

In addition to the reimbursement fee, the owners will also be required to pay a connection fee, currently \$4,135, at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

LOWER CHERRY DRIVE—REIMBURSEMENT DIST NO. 48  
FY 2009–10 SANITARY SEWER EXTENSION PROGRAM  
A PORTION OF THE NW 1/4 SECTION 11 T2S R1W W.M.



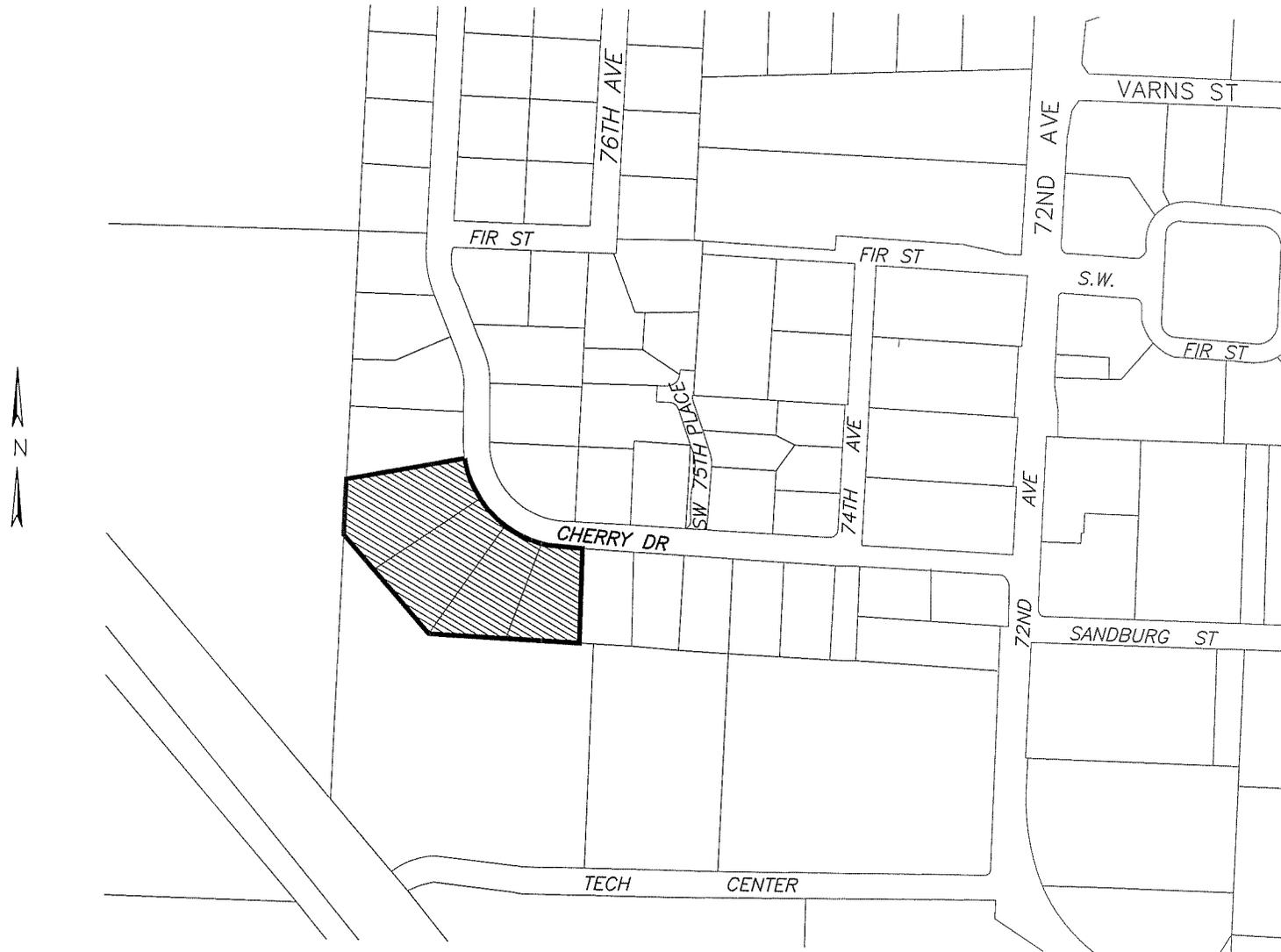
**NOTE:**

All properties in the reimbursement district are zoned R3.5

EXHIBIT B (p1)

NTS

LOWER CHERRY DRIVE—REIMBURSEMENT DIST NO. 48  
FY 2009–10 SANITARY SEWER EXTENSION PROGRAM  
A PORTION OF THE SE 1/4 SECTION 1 T2S R1W W.M.



VICINITY MAP  
NTS

June 28, 2010

# NOTICE

## Informational Hearing

NOTICE IS HEREBY GIVEN  
THAT THE **TIGARD CITY COUNCIL**  
AT A MEETING ON  
**TUESDAY, July 13, 2010 AT 7:30 PM**  
IN THE **TOWN HALL OF THE TIGARD CIVIC CENTER**  
**13125 SW HALL BLVD**  
TIGARD OR 97223

WILL CONSIDER THE FOLLOWING:

### **Proposed Sanitary Sewer Reimbursement District No. 48** (SW Lower Cherry Drive)

The Tigard City Council will conduct an informational public hearing to hear testimony on the proposed Reimbursement District formed to install sewers in SW Cherry Drive.

*Both public oral and written testimony is invited.*

The public hearing on this matter will be conducted as required by Section 13.09.060 of the Tigard Municipal Code.

Further information and the scheduled time for this item during the Council meeting may be obtained from the Engineering Department, 13125 SW Hall Blvd. Tigard, Oregon 97223, by calling 503-718-2468 or at [www.tigard-or.gov](http://www.tigard-or.gov).

June 28, 2010

**Proposed Sanitary Sewer Reimbursement District No. 48  
(SW Lower Cherry Drive)**

At this meeting, City Council will be requested to form a sewer reimbursement district to provide your neighborhood with sewer service as described during the May 3, 2010, neighborhood meeting. There is no requirement to connect to the sewer or pay any fee until connection is made. Each property owner's estimated fair share is summarized in the attached tables.

As discussed at the neighborhood meeting, the amount each property owner will be required to pay will be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution No. 01-46. Please note that this resolution also requires the owner to pay any fair share amounts that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus the amount the fair share exceeds \$15,000. Under Resolution No. 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed.

In addition, the owner would be required to pay a connection fee, currently \$4,135, at the time of connection to the sewer. Also, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

2S101DC01800  
CHEMARIN, LISA M &  
SANTORO, JENNIFER L  
7510 SW CHERRY DR  
TIGARD, OR 97223

2S101DC01900  
HERMANSON, PATRICIA M  
7530 SW CHERRY DR  
TIGARD, OR 97223

2S101DC02100  
STEWART, MARTIN D & CARLA E  
7570 SW CHERRY DR  
TIGARD, OR 97223

2S101DC02000  
WIDMAN, THOMAS G  
7550 SW CHERRY DR  
TIGARD, OR 97223

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

**A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM**

---

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

**NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:**

**SECTION 1:** Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

**SECTION 2:** A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

**SECTION 3:** To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee; which is still payable upon application for

sewer connection.

**SECTION 4:** The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

**SECTION 5:** Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

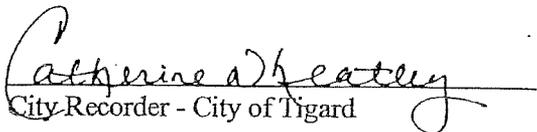
**SECTION 6:** The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

**EFFECTIVE DATE:** July 10, 2001

**PASSED:** This 10<sup>th</sup> day of July 2001.

  
\_\_\_\_\_  
Mayor - City of Tigard

**ATTEST:**

  
\_\_\_\_\_  
City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

**TABLE 1**  
**Reimbursement Districts with Refunds Available**

DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 <sup>TH</sup> & JOHNSON No.12	5,598	No reimbursement available	
100 <sup>TH</sup> & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 <sup>ST</sup> No.18	-	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

\* Currently being constructed

## CITY OF TIGARD, OREGON

RESOLUTION NO. 03-55

**A RESOLUTION PROVIDING ADDITIONAL INCENTIVES TO THE NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM (RESOLUTION NO. 01 - 46).**

---

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on July 10, 2001, the City Council established the Revised and Enhanced Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 01-46 to encourage owners to connect to public sewer within three-years following construction of sewers; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners of large lots to promptly connect to sewers once service is available.

**NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:**

- SECTION 1: In addition to the incentives provided by Resolution No. 01-46, any person whose reimbursement fee exceeds \$15,000 and wishes to connect a single family home or duplex to a sewer constructed through a reimbursement district may defer payment of the portion of the reimbursement fee that exceeds \$15,000, as required by Section 3 of Resolution No. 01-46, until the lot is partitioned or otherwise developed in accordance with a land use permit. The land use permit shall not be issued until payment of the deferred amount is made. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payment of this deferred amount.
- SECTION 2: Lots that qualify under Section 1, within reimbursement districts that have exceeded the three-year period for connection, and have not connected to sewer can connect the existing structure, pay a reimbursement fee of \$6,000, and defer payment of the portion of the reimbursement fee that exceeds \$15,000 if connection to the sewer is completed within one year after the effective date of this resolution.
- SECTION 3: Vacant lots improved with a single family home or duplex during the term of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, pay \$6,000 if the fee exceeds that amount, and may defer payment of the portion of the reimbursement fee that exceeds \$15,000 as provided by Section 1.
- SECTION 4: Vacant lots that are partitioned, subdivided, or otherwise developed during the life of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, shall pay a reimbursement fee of \$6,000, and shall pay any amount due over \$15,000 at the time of development. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payments made under this section.
- SECTION 5: The owner of any lot for which deferred payment is requested must enter into an agreement with the City, on a form prepared by the City Engineer, acknowledging the

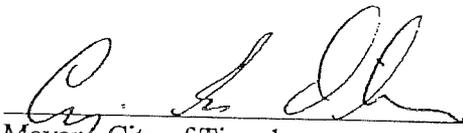
owner's and owner's successors obligation to pay the deferred amount as described in Section 1. The City Recorder shall cause the agreement to be filed in the office of the County Recorder to provide notice to potential purchasers of the lot. The recording will not create a lien. Failure to make such a recording shall not affect the obligation to pay the deferred amount.

SECTION 6: Any person who qualifies under Section 1 and has paid a reimbursement fee for the portion of the reimbursement fee in excess of \$15,000 is entitled to reimbursement for that amount from the City upon request. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. Any person requesting a refund must sign an agreement similar to that described in Section 5 acknowledging the obligation to pay the refunded amount upon partitioning or developing the lot.

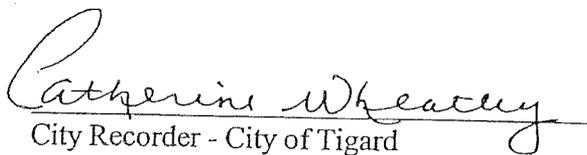
SECTION 7: The Sanitary Sewer Fund continues to remain the funding source for the Neighborhood Sewer Reimbursement District Program and shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection and for any deferred payment permitted by this resolution.

SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 14<sup>th</sup> day of October 2003.

  
~~Mayor - City of Tigard~~  
Craig E. Dirksen, Council President

ATTEST:

  
Catherine Wheately  
City Recorder - City of Tigard

I:\eng\reg\reimbursement districts\revisions res 01-46 aug 26 03\oct 14 03 council\10-14-03 addition to res 1-46 res.doc

## COMMENTS

### Citywide Sanitary Sewer Extension Program

CIP2009-00002

Name or District No.: Lower Cherry Sanitary Sewer Extension Reimbursement District No. 48

It is very important to me that the temporary construction fence be installed before the project begins. I have 3 dogs - one very large and very strong.

Name:

Address:

Contact Number

Pat Hermanson 7550 Silvera Dr. (503) 639-6245

## COMMENTS

### Citywide Sanitary Sewer Extension Program

CIP2009-00002

Name or District No.: Lower Cherry Sanitary Sewer Extension Reimbursement District No. 48

6 Question of Alignment on my property  
 - Can MH & Line be moved OUTSIDE property.  
 Moving would save a (live) tree & wildlife tree.

Name:

Address:

Contact Number

Tom Widman 7550 SW Cherry Dr. 503-539-6346

# COMMENTS

## Citywide Sanitary Sewer Extension Program

CIP2009-00002

Name or District No.: Lower Cherry Sanitary Sewer Extension Reimbursement District No. 48

WE APPRECIATE THE CITY STAFFS  
HELPFUL INFORMATION & WORKING WITH US.



Name:

Address:

Contact Number

YARDIN

STEWART

968-2855

# COMMENTS

## Citywide Sanitary Sewer Extension Program

CIP2009-00002

Name or District No.: Lower Cherry Sanitary Sewer Extension Reimbursement District No. 48

Please feel free to remove any/all blackberries.

Name:

Address:

Contact Number

LISA Chemarin

7510 SW Cherry Dr

503-  
407-3571

**AIS-13**

**Item #: 5.**

**Business Meeting**

**Date: 07/13/2010**

**Length (in minutes):** 15 Minutes

**Agenda Title:** Consider an Ordinance Updating Tigard Municipal Code (TMC) 15.20 Street Maintenance Fee

**Prepared By:** Kathy Mollusky, Public Works

**Item Type:** Ordinance

**Meeting Type:** Council Business Meeting - Main

---

**Information**

**ISSUE**

Shall Council adopt an ordinance updating TMC 15.20 Street Maintenance Fee clarifying vacancy waivers?

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends Council approve the ordinance.

**KEY FACTS AND INFORMATION SUMMARY**

- The current Street Maintenance Fee was adopted at the January 5, 2010 Council meeting.
- As approved, Council granted a vacancy waiver to fully vacant buildings.
- Clarification was needed regarding buildings that are only partially vacant.
- This amendment to TMC 15.20.070 clarifies Street Maintenance Fee vacancy waiver for partially vacant buildings.

**OTHER ALTERNATIVES**

The Council could choose to not adopt the ordinance and staff would continue to operate under the current Tigard Municipal Code.

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

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**Fiscal Impact**

**Fiscal Information:**

The current code allows a property owner to suspend street maintenance fees while their property is vacant. The new code does not change this, but does require that the owner reapply every six months when their property is vacant. The fee can be doubled as a penalty if a property that was reported as vacant becomes occupied without notice to the city. For single occupancy properties, turning off water service would be considered a vacancy request to suspend the street maintenance fee and turning on water service would cause the fee to resume automatically. Both of these refinements to vacancy administration will result in more accurate fee billing. This could result in either an increase or decrease if fees collected, but it will be fair to all fee payers. Tracking vacancies and following up every six months will increase administrative costs. The adopted budget for fiscal year 2011 contains \$20,000 for a part time person to maintain the street maintenance fee database and follow-up on vacancies.

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**Attachments**

Ordinance No. 10-08

SMF Ordinance

SMF TMC 15.20

SMF TMC Redlined

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**CITY OF TIGARD, OREGON**  
**TIGARD CITY COUNCIL**  
**ORDINANCE NO. 10-08**

AN ORDINANCE UPDATING TIGARD MUNICIPAL CODE CHAPTER 15.20 STREET MAINTENANCE FEE

---

WHEREAS, the City of Tigard Municipal Code Chapter 15.20, Street Maintenance Fee was last updated January 2010; and

WHEREAS, Council granted a vacancy waiver to fully vacant buildings; and

WHEREAS, Clarification was needed regarding buildings that are only partially vacant; and

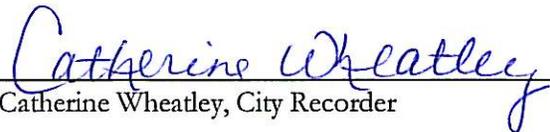
WHEREAS, this Tigard Municipal Code chapter clarifies Street Maintenance Fee vacancy waiver for partially vacant buildings.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific Tigard Municipal Code 15.20 Street Maintenance Fee attached as Exhibit A to this ordinance is hereby adopted and approved by the City Council.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

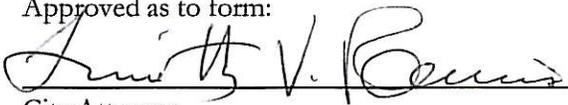
PASSED: By unanimous vote of all Council members present after being read by number and title only, this 13th day of July, 2010.

  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 13<sup>th</sup> day of July, 2010.

  
Craig Dirksen, Mayor

Approved as to form:

  
City Attorney

July 13, 2010  
Date

## TIGARD MUNICIPAL CODE

### Chapter 15.20 STREET MAINTENANCE FEE.

#### Sections:

- 15.20.010 Creation and Purpose.
- 15.20.020 Definitions.
- 15.20.030 Administrative Officers Designated.
- 15.20.040 Street Maintenance Fees Allocated to the Street Maintenance Fee Fund.
- 15.20.050 Determination of Street Maintenance Fee.
- 15.20.060 Determination of Amount, Billing and Collection of Fee.
- 15.20.070 Waiver of Fees in Case of Vacancy.
- 15.20.080 Administrative Provisions and Appeals.
- 15.20.090 Administrative Policies.
- 15.20.100 Penalty.
- 15.20.110 Severability.

#### 15.20.010 Creation and Purpose.

A street maintenance fee is created and imposed for the purpose of maintenance of City streets. The street maintenance fee shall be paid by the responsible party for each occupied unit of real property. The purposes of the street maintenance fee are to charge for the service the City provides in maintaining public streets and to ensure that maintenance occurs in a timely fashion, thereby reducing increased costs that result when maintenance is deferred.

#### 15.20.020 Definitions.

As used in this chapter, the following shall mean:

(1) Public Works Director. The Public Works Director or the Public Works Director's designee.

(2) Developed property or developed use. A parcel or legal portion of real property, on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, landscaping and outside storage.

(3) Finance Director. The Finance & Information Services Director or designee.

(4) Residential Property. Property that is used primarily for personal domestic accommodation, including single family, multi-family residential property and group homes, but not including hotels and motels.

(5) Nonresidential Property. Property that is not primarily used for personal domestic accommodation. Nonresidential property includes industrial, commercial, institutional, hotel and motel, and other nonresidential uses.

(6) Street Functional Classification. Street classifications as described in the Tigard Transportation System Plan.

a. Arterials are defined as streets having regional level connectivity. These streets link major commercial, residential, industrial and institutional areas.

b. Collectors are defined by citywide or district wide connectivity. These streets provide both access and circulation within and between residential and commercial/industrial areas.

c. Neighborhood routes are defined as streets that provide connections within the neighborhood and between neighborhoods. These streets provide connectivity to collectors or arterials.

d. Local commercial/industrial streets are those streets within the City that are not designated as arterials or collectors and whose

## TIGARD MUNICIPAL CODE

primary function is serving traffic to and from commercial and/or industrial (i.e., nonresidential) uses.

e. Local streets are any streets within the City that are not designated as arterials, collectors, neighborhood routes or identified as commercial/industrial streets. These streets have the sole function of providing access to immediately adjacent land.

(7) Parking Space Requirement. The minimum off-street vehicle parking requirement as stated in the Minimum and Maximum Off-Street Vehicle and Bicycle Parking Requirements in the Tigard Community Development Code.

(8) Pavement Management Program (PMP). An annual program of corrective and preventative maintenance on City of Tigard streets funded by the street maintenance fee (SMF). The program helps to extend the life of the pavement structure by various means such as, pavement overlaying, slurry sealing, or complete removal and replacement of asphalt.

(9) Occupied Unit. Any structure or any portion of any structure occupied for residential, commercial, industrial, or other purposes. For example, in a multifamily residential development, each dwelling unit shall be considered a separate occupied unit when occupied, and each retail outlet in a shopping mall shall be considered a separate occupied unit. An occupied unit may include more than one structure if all structures are part of the same dwelling unit or commercial or industrial operation. For example an industrial site with several structures that form an integrated manufacturing process operated by a single manufacturer constitutes one occupied unit. Property that is undeveloped or, if developed, is not in current use is not considered an occupied unit.

(10) Responsible Party. The person or persons who by occupancy or contractual arrangement are responsible to pay for utility and other services provided to an occupied unit. Unless another party has agreed in writing to pay and a copy of the writing is filed with the City, the person(s) paying the City's water and/or sewer bill for an occupied unit shall be deemed the responsible party as to that occupied unit. For any occupied unit not otherwise required to pay a City utility bill, "responsible party" shall mean the person or persons legally entitled to occupancy of the occupied unit, unless another responsible party has agreed in writing to pay and a copy of the writing is filed with the City. Any person who has agreed in writing to pay is considered the responsible person if a copy of the writing is filed with the City.

(11) Street Maintenance. Any action to maintain City streets, including repair, renewal, resurfacing, replacement and reconstruction. Street maintenance does not include the construction of new streets or street lighting. Street maintenance shall include resurfacing of existing streets, repair or replacement of curb and gutter where they exist, repair or replacement of the entire existing street structural section, repair or replacement of existing street shoulders, pavement markers, striping and other street markings, repair or replacement of existing channelization devices, adjustment of existing utilities to match finish grades, and any other related work within the existing streets. It includes repair or restoration of existing storm drainage systems within existing streets, but does not include installation of new drainage systems. It includes right-of-way maintenance on the City's arterial and collector streets, which covers maintenance and enhancement of planting strips, medians and areas between sidewalks and property lines on these street to prevent the uncontrolled growth of weeds and other undesirable vegetation in these areas. It does not include repair or replacement of existing

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sidewalks. (Ord. 10-01 § 2).

## **15.20.030 Administrative Officers Designated.**

(1) Except as provided in subsections (2) and (3) of this section, the Public Works Director shall be responsible for the administration of this chapter. The Public Works Director shall be responsible for developing administrative procedures for the chapter, administration of fees, and for the purposes of establishing the fee for a specific occupied unit, the consideration and assignment of categories of use, and parking space requirements subject to appeal in accordance with this chapter.

(2) The Public Works Director shall be responsible for developing and maintaining street maintenance programs for the maintenance of City streets and, subject to City Budget Committee review and City Council approval, allocation and expenditure of budget resources for street system maintenance in accordance with this chapter.

(3) The Finance Director shall be responsible for the collection and calculation of fees and the appeals process under this chapter. (Ord. 10-01 § 2).

## **15.20.040 Street Maintenance Fees Allocated to the Street Maintenance Fee Fund.**

(1) All street maintenance fees received shall be deposited to the street maintenance fee fund or other fund dedicated to the operation and maintenance of the City street system. The street maintenance fee fund shall be used for street maintenance. Other revenue sources may also be used for street maintenance. Amounts in the street maintenance fee fund may be invested by the Finance Director in accordance with State law. Earnings from such investments shall be dedicated

to the street maintenance fee fund.

(2) The street maintenance fee fund shall not be used for other governmental or proprietary purposes of the City, except to pay for an equitable share of the City's overhead costs including accounting, management and other costs related to management and operation of the street maintenance program. Engineering design, pavement evaluation, construction management, and other related costs, including project advertisements for bid, in the implementation of the street maintenance projects shall also be considered as being used for street maintenance. (Ord. 10-01 § 2).

## **15.20.050 Determination of Street Maintenance Fee.**

(1) The street maintenance fee shall be established based on the following:

(a) The City's five-year maintenance and reconstruction plan for corrective and preventative maintenance of the City's street infrastructure.

(b) The average annual cost based on the five-year maintenance and reconstruction plan with costs allocated as follows:

(i) Arterial maintenance costs allocated 62% to nonresidential uses and 38% to residential uses.

(ii) Local commercial/industrial street maintenance costs allocated 100% to nonresidential uses.

(iii) Collector maintenance costs allocated 50% to residential uses and 50% to nonresidential uses.

(iv) Neighborhood routes and local street maintenance costs allocated 100% to

## TIGARD MUNICIPAL CODE

residential uses.

(c) For residential property, the fee shall be charged on a per unit basis.

(d) For nonresidential property other than gasoline stations, the fee shall be based on the minimum number of vehicle parking spaces as stated in the Minimum and Maximum Off-Street Vehicle and Bicycle Parking Requirements in the Tigard Community Development Code for each occupied unit, provided, however, that the maximum number of parking spaces for purposes of calculating the street maintenance fee shall be 250.

i. In that nonresidential property with fewer than six required spaces shall constitute a tier with a 50% reduction of the total fee amount.

ii. In recognition that religious institutions have minimum parking space requirements that are relatively large in comparison to the actual use of those spaces, the total fee for each religious institution shall be reduced by 50%.

(e) The street maintenance fee for gasoline stations shall be based on the number of fueling positions.

(2) The street maintenance fee rates shall be established by Council resolution.

(3) Beginning July 1, 2010, the fee for the Pavement Management Program will be implemented in three phases. The second phase will be effective on April 1, 2011 and the third will be effective on January 1, 2012. The street surface portion of the PMP will be phased in evenly over all three phases. The right-of-way portion of the PMP will be phased in evenly to residential customers over the last two phases.

(4) The street maintenance fee will be adjusted according to an annual index that is calculated based on a two-year rolling average of the combination of the following indices:

(a) The Oregon Composite Construction Cost index reflecting the cost of materials (weighted 65%).

(b) The U.S. Bureau of Labor Statistics Employment cost Index for Private Industry Workers, by Occupational Group and Industry, Construction Group reflecting the cost of Labor (weighted 35%).

(c) A floor of two percent and a ceiling of seven percent has been established based on a composite of both indices listed above.

(5) The indices will be applied in the second and third period of the three-part phasing and every year thereafter.

(6) The program shall be reviewed annually as part of the City's budget process.

(7) Following each review of the program, the Finance Director shall review the revenue received from the new rates after a full year of collection to determine if the annual revenues meet the annual funding level set from the updated five-year street maintenance plan. The Finance Director shall report the findings of that review to City Council and may make recommendations on any potential fee increases or decreases based on that review. Any unspent funds will be placed in a reserve fund. (Ord. 10-01 § 2).

### **15.20.060 Determination of Amount, Billing and Collection of Fee.**

(1) For the purpose of establishing the fee, the minimum required number of parking spaces or the number of fueling positions for each

## TIGARD MUNICIPAL CODE

occupied unit of nonresidential property shall be determined by the Public Works Director. For uses not explicitly listed in the Tigard Development Code as to required parking, the Public Works Director shall assign the use to the similar category with the most similar impact on the transportation system, considering relevant information such as:

(a) The size of the site and the building;

(b) The number of employees;

(c) Other developed sites with similar use.

(2) The Public Works Director shall establish the amount of street maintenance fee payable for each unit of nonresidential property and shall inform the Finance Director of the amount. The amount payable shall be re-determined if there is a change in use or development. All redeterminations based on a change in use or development shall be prospective only. The Finance Director shall charge the per-unit street maintenance fee to the responsible party for each occupied unit of residential property.

(3) The street maintenance fee shall be billed to and collected from the responsible party for each occupied unit. Billings shall be included as part of the water and sewer bill for occupied units utilizing City water and/or sewer, and billed and collected separately for those occupied units not utilizing City water and/or sewer. All such bills shall be rendered regularly by the Finance Director and shall become due and payable upon receipt.

(4) Collections from utility customers will be applied first to interest and penalties, then proportionately among the various charges for utility services and street maintenance.

(5) An account is delinquent if the street maintenance fee is not paid by the due date shown on the utility bill. The City may follow the procedures for collection of delinquent accounts set forth in Sections 12.03.030 and/or 12.03.040, including termination of water and/or sanitary sewer service. (Ord. 10-01 § 2).

### **15.20.070 Waiver of Fees in Case of Vacancy.**

(1) When any developed property within the City becomes vacant as described in subsections (6) of this section, upon written application and approval by the Finance Director, the street maintenance fee shall thereafter not be billed and shall not be a charge against the property until such time as the property is no longer vacant.

(2) The Finance Director is authorized to cause an investigation of any property for which an application for determination of vacancy is submitted to verify any of the information contained in the application. The Finance Director is further authorized to develop and use a standard form of application, provided it shall contain a space for verification of the information and the person signing such form affirms under penalty for false swearing the accuracy of the information provided therein.

(3) When any developed property within the City has the utilities shut-off due to vacancy, the street maintenance fee shall be waived for the duration of the vacancy as described in subsection (6) of this section.

(4) When any multi-occupied developed property within the City has one or more vacancies as described in subsection (6) of this section, the responsible party may request, in writing, a waiver of a portion of the street maintenance fee applicable to the vacant units.

(5) When a change of use occurs, a vacancy has

## TIGARD MUNICIPAL CODE

been filled, or a property is developed, it is the responsible party's responsibility to inform the City of any change so the proper street maintenance fees may be assessed. If the responsible party does not inform the City of any change, the City shall cancel the vacancy waiver and charge the responsible party as per subsection (6) of this section.

(6) For purposes of this section, a unit of property is vacant when it has been continuously unoccupied and unused for at least 30 days. Fees shall be waived in accordance with this section only while the property remains vacant. The waiver duration is for six months. After six months, the responsible party must re-apply for the waiver if the property continues to be unoccupied and unused. The responsible party has 30 days to re-apply for the vacancy waiver after the expiration of the six month waiver. Any non-occupancy or use of the property terminates the waiver. As a penalty for not reporting a change in property vacancy, the City may charge any property two times the appropriate street maintenance fee, that would have been due without the vacancy waiver for prior billing periods, upon determining by whatever means that the property did not qualify for waiver of charges during the relevant time. The decision of the Finance Director under subsections (1, 2) and (6) of this section shall be final. (Ord. 10-01 § 2).

### **15.20.080 Administrative Provisions and Appeals.**

(1) The Public Works Director shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this chapter and to determine the appropriate charges thereunder. The responsible party for an occupied unit may request reconsideration of the Public Works Director's determination of the amount of the fee by submission of a written application to the Public Works Director. The application shall be submitted in sufficient detail to enable the

Public Works Director to render a decision.

(2) Within 30 days of the submission of a complete application requesting reconsideration of the amount of the street maintenance fee to be charged to an occupied unit, the Public Works Director shall render a decision on the application. The decision shall be written and shall include findings of fact and conclusions for the particular aspects of the decision, based upon applicable criteria, which may include a land use decision that modifies the minimum required vehicle parking for an occupied unit. A copy of the decision shall be mailed to the person submitting the request. The Public Works Director shall maintain a collection of such decisions. Decisions of the Public Works Director, which affect the amount of fee to be charged to a property, shall be forwarded to the Finance Director. Except as provided under subsection (4) of this section, the decision of the Public Works Director is final.

(3) For the purpose of reviewing the fee, the Public Works Director may determine that the land use category is proper and that the fee charged is appropriate. However, if the decision of the Public Works Director results in a change in the category of land use, the Public Works Director shall, for the purpose of establishing the fee, assign a new use category, determine the appropriate fee for the category, and notify the Finance Director so that the appropriate change may be made in the applicable fee to be charged in the future. No back charges or refunds are required. The decision of the Public Works Director, under this subsection (3) only, may be appealed.

(4) Council may form a subcommittee consisting of two Council members, or appoint a committee of disinterested citizens, hereinafter known as the Appeal Committee, to address any appeals to the Public Works Director's decisions. A responsible party who disputes the determination of the Public Works Director as to

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use category or number of required parking spaces may file a written appeal with the Appeal Committee. All appeals must be submitted within 10 days from the date of the Public Works Director's decision, together with a filing fee in an amount set by Council by resolution. The application for appeal shall specify the reasons for the appeal and shall provide sufficient information for the Appeal Committee to render a decision. No other appeals shall be permitted.

(5) The Appeal Committee shall schedule a review of each appeal and shall notify the appellant not less than 10 days prior thereto of the date of such review. The Appeal Committee shall conduct a hearing to determine whether there is substantial evidence in the record to support the interpretation given by the Public Works Director and may continue the hearing for purposes of gathering additional information bearing on the issue. The Appeal Committee shall render an initial oral decision and shall adopt a final written decision together with appropriate findings in support thereof. The decision of the Appeal Committee shall be for the purpose of establishing the fee and limited to whether the appellant has been assigned to the appropriate use category, or whether the appropriate minimum vehicle parking space requirement or number of fueling positions has been correctly identified. If the Appeal Committee should determine that for the purpose of establishing the fee, a different use category should be assigned, or that the minimum parking space requirement should be revised, it shall so order, provided no refund of prior street maintenance fees shall be given. Only where the Committee decision results in a change in use category and/or change in the minimum parking space requirement will the filing fee on the appeal be refunded. The Appeal Committee decision shall be final. (Ord. 10-01 § 2).

### **15.20.090 Administrative Policies.**

(1) The following policies shall apply to the

operation and scope of this chapter:

(a) Street maintenance fees imposed under this chapter shall apply to all occupied units, occupied units owned and/or occupied by local, state and federal governments, as well as property which may be entitled to exemption from or deferral of ad valorem property taxation.

(b) Publicly owned park land, open spaces and greenways shall not be subject to the street maintenance fee unless public off-street parking designed to accommodate the use of such areas is provided.

(c) Areas used for commercial farming or forestry operations shall be billed according to the use of any structures on the site. Where a site is used exclusively for farming or forestry and not for residential or commercial uses, the site shall not be subject to the street maintenance fee. Where there are different seasonal uses of structures on farm or forest land, the use category shall be determined by examining the use for the longest portion of the year. Where more than one use is made of a farming or forestry site, then each use shall be examined separately and combination of use categories shall be used to determine the street maintenance fee.

(d) Areas encompassing railroad and public right-of-way shall not be subject to the street maintenance fee.

(e) Railroad property containing structures, such as maintenance areas, non-rolling storage areas and areas used for the transfer of rail transported goods to non-rail transport shall be subject to street maintenance fees.

(f) For newly developed properties, the fees imposed under this chapter shall become due and payable from and after the date when the developed property is occupied and connected to the public water or sanitary sewer system.

## TIGARD MUNICIPAL CODE

(2) The Public Works Director is authorized and directed to review the operation of this chapter and, where appropriate, recommend changes thereto in the form of administrative policies for adoption of the City Council by resolution. Administrative policies are intended to provide guidance to property owners, subject to this chapter, as to its meaning or operation, consistent with policies expressed herein. Policies adopted by the Council shall be given full force and effect, and unless clearly inconsistent with this chapter shall apply uniformly throughout the City.

(3) If an occupied unit of nonresidential property is used for more than one use with different minimum parking requirements, the street maintenance fee shall be based on the required parking for the total of the various uses.

(4) The determination or assignment of a use category and minimum number of parking spaces under the provisions of this chapter are strictly for the purpose of establishing a fee and are not statutory land use decisions. (Ord. 10-01 § 2).

### **15.20.100 Penalty.**

In addition to any other remedy, violation of any provision of this chapter shall be a Class A Civil Infraction. Each day of delinquency in paying the street maintenance fee constitutes a separate violation.

### **15.20.110 Severability.**

(1) In the event any section, subsection, paragraph, sentence or phrase of this chapter or any administrative policy adopted herein is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the chapter shall continue to be effective. If a court of competent jurisdiction

determines that this chapter imposes a tax or charge, which is therefore unlawful as to certain but not all affected properties, then as to those certain properties, an exception or exceptions from the imposition of the street maintenance fee shall thereby be created and the remainder of the chapter and the fees imposed thereunder shall continue to apply to the remaining properties without interruption.

(2) Nothing contained herein shall be construed as limiting the City's authority to levy special assessments in connection with public improvements pursuant to applicable law. (Ord. 03-10). ■

**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 10-**

AN ORDINANCE UPDATING TIGARD MUNICIPAL CODE CHAPTER 15.20 STREET MAINTENANCE FEE

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WHEREAS, the City of Tigard Municipal Code Chapter 15.20, Street Maintenance Fee was last updated January 2010; and

WHEREAS, Council granted a vacancy waiver to fully vacant buildings; and

WHEREAS, Clarification was needed regarding buildings that are only partially vacant; and

WHEREAS, this Tigard Municipal Code chapter clarifies Street Maintenance Fee vacancy waiver for partially vacant buildings.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific Tigard Municipal Code 15.20 Street Maintenance Fee attached as Exhibit A to this ordinance is hereby adopted and approved by the City Council.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this 13th day of July, 2010.

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Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Craig Dirksen, Mayor

Approved as to form:

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City Attorney

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Date

# TIGARD MUNICIPAL CODE

## **Chapter 15.20 STREET MAINTENANCE FEE.**

### **Sections:**

- 15.20.010 Creation and Purpose.**
  - 15.20.020 Definitions.**
  - 15.20.030 Administrative Officers Designated.**
  - 15.20.040 Street Maintenance Fees Allocated to the Street Maintenance Fee Fund.**
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- 15.20.010 Creation and Purpose.**

A street maintenance fee is created and imposed for the purpose of maintenance of City streets. The street maintenance fee shall be paid by the responsible party for each occupied unit of real property. The purposes of the street maintenance fee are to charge for the service the City provides in maintaining public streets and to ensure that maintenance occurs in a timely fashion, thereby reducing increased costs that result when maintenance is deferred.

### **15.20.020 Definitions.**

As used in this chapter, the following shall mean:

(1) Public Works Director. The Public Works Director or the Public Works Director's designee.

(2) Developed property or developed use. A parcel or legal portion of real property, on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, landscaping and outside storage.

(3) Finance Director. The Finance & Information Services Director or designee.

(4) Residential Property. Property that is used primarily for personal domestic accommodation, including single family, multi-family residential property and group homes, but not including hotels and motels.

(5) Nonresidential Property. Property that is not primarily used for personal domestic accommodation. Nonresidential property includes industrial, commercial, institutional, hotel and motel, and other nonresidential uses.

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c. Neighborhood routes are defined as streets that provide connections within the neighborhood and between neighborhoods. These streets provide connectivity to collectors or arterials.

d. Local commercial/industrial streets are those streets within the City that are not designated as arterials or collectors and whose

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primary function is serving traffic to and from commercial and/or industrial (i.e., nonresidential) uses.

e. Local streets are any streets within the City that are not designated as arterials, collectors, neighborhood routes or identified as commercial/industrial streets. These streets have the sole function of providing access to immediately adjacent land.

(7) Parking Space Requirement. The minimum off-street vehicle parking requirement as stated in the Minimum and Maximum Off-Street Vehicle and Bicycle Parking Requirements in the Tigard Community Development Code.

(8) Pavement Management Program (PMP). An annual program of corrective and preventative maintenance on City of Tigard streets funded by the street maintenance fee (SMF). The program helps to extend the life of the pavement structure by various means such as, pavement overlaying, slurry sealing, or complete removal and replacement of asphalt.

(9) Occupied Unit. Any structure or any portion of any structure occupied for residential, commercial, industrial, or other purposes. For example, in a multifamily residential development, each dwelling unit shall be considered a separate occupied unit when occupied, and each retail outlet in a shopping mall shall be considered a separate occupied unit. An occupied unit may include more than one structure if all structures are part of the same dwelling unit or commercial or industrial operation. For example an industrial site with several structures that form an integrated manufacturing process operated by a single manufacturer constitutes one occupied unit. Property that is undeveloped or, if developed, is not in current use is not considered an occupied unit.

(10) Responsible Party. The person or persons who by occupancy or contractual arrangement are responsible to pay for utility and other services provided to an occupied unit. Unless another party has agreed in writing to pay and a copy of the writing is filed with the City, the person(s) paying the City's water and/or sewer bill for an occupied unit shall be deemed the responsible party as to that occupied unit. For any occupied unit not otherwise required to pay a City utility bill, "responsible party" shall mean the person or persons legally entitled to occupancy of the occupied unit, unless another responsible party has agreed in writing to pay and a copy of the writing is filed with the City. Any person who has agreed in writing to pay is considered the responsible person if a copy of the writing is filed with the City.

(11) Street Maintenance. Any action to maintain City streets, including repair, renewal, resurfacing, replacement and reconstruction. Street maintenance does not include the construction of new streets or street lighting. Street maintenance shall include resurfacing of existing streets, repair or replacement of curb and gutter where they exist, repair or replacement of the entire existing street structural section, repair or replacement of existing street shoulders, pavement markers, striping and other street markings, repair or replacement of existing channelization devices, adjustment of existing utilities to match finish grades, and any other related work within the existing streets. It includes repair or restoration of existing storm drainage systems within existing streets, but does not include installation of new drainage systems. It includes right-of-way maintenance on the City's arterial and collector streets, which covers maintenance and enhancement of planting strips, medians and areas between sidewalks and property lines on these street to prevent the uncontrolled growth of weeds and other undesirable vegetation in these areas. It does not include repair or replacement of existing

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sidewalks. (Ord. 10-01 § 2).

## **15.20.030 Administrative Officers Designated.**

(1) Except as provided in subsections (2) and (3) of this section, the Public Works Director shall be responsible for the administration of this chapter. The Public Works Director shall be responsible for developing administrative procedures for the chapter, administration of fees, and for the purposes of establishing the fee for a specific occupied unit, the consideration and assignment of categories of use, and parking space requirements subject to appeal in accordance with this chapter.

(2) The Public Works Director shall be responsible for developing and maintaining street maintenance programs for the maintenance of City streets and, subject to City Budget Committee review and City Council approval, allocation and expenditure of budget resources for street system maintenance in accordance with this chapter.

(3) The Finance Director shall be responsible for the collection and calculation of fees and the appeals process under this chapter. (Ord. 10-01 § 2).

## **15.20.040 Street Maintenance Fees Allocated to the Street Maintenance Fee Fund.**

(1) All street maintenance fees received shall be deposited to the street maintenance fee fund or other fund dedicated to the operation and maintenance of the City street system. The street maintenance fee fund shall be used for street maintenance. Other revenue sources may also be used for street maintenance. Amounts in the street maintenance fee fund may be invested by the Finance Director in accordance with State law. Earnings from such investments shall be dedicated

to the street maintenance fee fund.

(2) The street maintenance fee fund shall not be used for other governmental or proprietary purposes of the City, except to pay for an equitable share of the City's overhead costs including accounting, management and other costs related to management and operation of the street maintenance program. Engineering design, pavement evaluation, construction management, and other related costs, including project advertisements for bid, in the implementation of the street maintenance projects shall also be considered as being used for street maintenance. (Ord. 10-01 § 2).

## **15.20.050 Determination of Street Maintenance Fee.**

(1) The street maintenance fee shall be established based on the following:

(a) The City's five-year maintenance and reconstruction plan for corrective and preventative maintenance of the City's street infrastructure.

(b) The average annual cost based on the five-year maintenance and reconstruction plan with costs allocated as follows:

(i) Arterial maintenance costs allocated 62% to nonresidential uses and 38% to residential uses.

(ii) Local commercial/industrial street maintenance costs allocated 100% to nonresidential uses.

(iii) Collector maintenance costs allocated 50% to residential uses and 50% to nonresidential uses.

(iv) Neighborhood routes and local street maintenance costs allocated 100% to

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residential uses.

(c) For residential property, the fee shall be charged on a per unit basis.

(d) For nonresidential property other than gasoline stations, the fee shall be based on the minimum number of vehicle parking spaces as stated in the Minimum and Maximum Off-Street Vehicle and Bicycle Parking Requirements in the Tigard Community Development Code for each occupied unit, provided, however, that the maximum number of parking spaces for purposes of calculating the street maintenance fee shall be 250.

i. In that nonresidential property with fewer than six required spaces shall constitute a tier with a 50% reduction of the total fee amount.

ii. In recognition that religious institutions have minimum parking space requirements that are relatively large in comparison to the actual use of those spaces, the total fee for each religious institution shall be reduced by 50%.

(e) The street maintenance fee for gasoline stations shall be based on the number of fueling positions.

(2) The street maintenance fee rates shall be established by Council resolution.

(3) Beginning July 1, 2010, the fee for the Pavement Management Program will be implemented in three phases. The second phase will be effective on April 1, 2011 and the third will be effective on January 1, 2012. The street surface portion of the PMP will be phased in evenly over all three phases. The right-of-way portion of the PMP will be phased in evenly to residential customers over the last two phases.

(4) The street maintenance fee will be adjusted according to an annual index that is calculated based on a two-year rolling average of the combination of the following indices:

(a) The Oregon Composite Construction Cost index reflecting the cost of materials (weighted 65%).

(b) The U.S. Bureau of Labor Statistics Employment cost Index for Private Industry Workers, by Occupational Group and Industry, Construction Group reflecting the cost of Labor (weighted 35%).

(c) A floor of two percent and a ceiling of seven percent has been established based on a composite of both indices listed above.

(5) The indices will be applied in the second and third period of the three-part phasing and every year thereafter.

(6) The program shall be reviewed annually as part of the City's budget process.

(7) Following each review of the program, the Finance Director shall review the revenue received from the new rates after a full year of collection to determine if the annual revenues meet the annual funding level set from the updated five-year street maintenance plan. The Finance Director shall report the findings of that review to City Council and may make recommendations on any potential fee increases or decreases based on that review. Any unspent funds will be placed in a reserve fund. (Ord. 10-01 § 2).

## **15.20.060 Determination of Amount, Billing and Collection of Fee.**

(1) For the purpose of establishing the fee, the minimum required number of parking spaces or the number of fueling positions for each

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occupied unit of nonresidential property shall be determined by the Public Works Director. For uses not explicitly listed in the Tigard Development Code as to required parking, the Public Works Director shall assign the use to the similar category with the most similar impact on the transportation system, considering relevant information such as:

- (a) The size of the site and the building;
- (b) The number of employees;
- (c) Other developed sites with similar use.

(2) The Public Works Director shall establish the amount of street maintenance fee payable for each unit of nonresidential property and shall inform the Finance Director of the amount. The amount payable shall be re-determined if there is a change in use or development. All redeterminations based on a change in use or development shall be prospective only. The Finance Director shall charge the per-unit street maintenance fee to the responsible party for each occupied unit of residential property.

(3) The street maintenance fee shall be billed to and collected from the responsible party for each occupied unit. Billings shall be included as part of the water and sewer bill for occupied units utilizing City water and/or sewer, and billed and collected separately for those occupied units not utilizing City water and/or sewer. All such bills shall be rendered regularly by the Finance Director and shall become due and payable upon receipt.

(4) Collections from utility customers will be applied first to interest and penalties, then proportionately among the various charges for utility services and street maintenance.

(5) An account is delinquent if the street maintenance fee is not paid by the due date shown on the utility bill. The City may follow the procedures for collection of delinquent accounts set forth in Sections 12.03.030 and/or 12.03.040, including termination of water and/or sanitary sewer service. (Ord. 10-01 § 2).

## **15.20.070 Waiver of Fees in Case of Vacancy.**

(1) When any developed property within the City becomes vacant as described in subsections (6) of this section, upon written application and approval by the Finance Director, the street maintenance fee shall thereafter not be billed and shall not be a charge against the property until such time as the property is no longer vacant.

(2) The Finance Director is authorized to cause an investigation of any property for which an application for determination of vacancy is submitted to verify any of the information contained in the application. The Finance Director is further authorized to develop and use a standard form of application, provided it shall contain a space for verification of the information and the person signing such form affirms under penalty for false swearing the accuracy of the information provided therein.

(3) When any developed property within the City has the utilities shut-off due to vacancy, the street maintenance fee shall be waived for the duration of the vacancy as described in subsection (6) of this section.

(4) When any multi-occupied developed property within the City has one or more vacancies as described in subsection (6) of this section, the responsible party may request, in writing, a waiver of a portion of the street maintenance fee applicable to the vacant units.

(5) When a change of use occurs, a vacancy has

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been filled, or a property is developed, it is the responsible party's responsibility to inform the City of any change so the proper street maintenance fees may be assessed. If the responsible party does not inform the City of any change, the City shall cancel the vacancy waiver and charge the responsible party as per subsection (6) of this section.

(6) For purposes of this section, a unit of property is vacant when it has been continuously unoccupied and unused for at least 30 days. Fees shall be waived in accordance with this section only while the property remains vacant. The waiver duration is for six months. After six months, the responsible party must re-apply for the waiver if the property continues to be unoccupied and unused. The responsible party has 30 days to re-apply for the vacancy waiver after the expiration of the six month waiver. Any occupancy or use of the property terminates the waiver. As a penalty for not reporting a change in property vacancy, the City may charge any property two times the appropriate street maintenance fee, that would have been due without the vacancy waiver for prior billing periods, upon determining by whatever means that the property did not qualify for waiver of charges during the relevant time. The decision of the Finance Director under subsections (1, 2) and (6) of this section shall be final. (Ord. 10-01 § 2).

## **15.20.080 Administrative Provisions and Appeals.**

(1) The Public Works Director shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this chapter and to determine the appropriate charges thereunder. The responsible party for an occupied unit may request reconsideration of the Public Works Director's determination of the amount of the fee by submission of a written application to the Public Works Director. The application shall be submitted in sufficient detail to enable the

Public Works Director to render a decision.

(2) Within 30 days of the submission of a complete application requesting reconsideration of the amount of the street maintenance fee to be charged to an occupied unit, the Public Works Director shall render a decision on the application. The decision shall be written and shall include findings of fact and conclusions for the particular aspects of the decision, based upon applicable criteria, which may include a land use decision that modifies the minimum required vehicle parking for an occupied unit. A copy of the decision shall be mailed to the person submitting the request. The Public Works Director shall maintain a collection of such decisions. Decisions of the Public Works Director, which affect the amount of fee to be charged to a property, shall be forwarded to the Finance Director. Except as provided under subsection (4) of this section, the decision of the Public Works Director is final.

(3) For the purpose of reviewing the fee, the Public Works Director may determine that the land use category is proper and that the fee charged is appropriate. However, if the decision of the Public Works Director results in a change in the category of land use, the Public Works Director shall, for the purpose of establishing the fee, assign a new use category, determine the appropriate fee for the category, and notify the Finance Director so that the appropriate change may be made in the applicable fee to be charged in the future. No back charges or refunds are required. The decision of the Public Works Director, under this subsection (3) only, may be appealed.

(4) Council may form a subcommittee consisting of two Council members, or appoint a committee of disinterested citizens, hereinafter known as the Appeal Committee, to address any appeals to the Public Works Director's decisions. A responsible party who disputes the determination of the Public Works Director as to

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use category or number of required parking spaces may file a written appeal with the Appeal Committee. All appeals must be submitted within 10 days from the date of the Public Works Director's decision, together with a filing fee in an amount set by Council by resolution. The application for appeal shall specify the reasons for the appeal and shall provide sufficient information for the Appeal Committee to render a decision. No other appeals shall be permitted.

(5) The Appeal Committee shall schedule a review of each appeal and shall notify the appellant not less than 10 days prior thereto of the date of such review. The Appeal Committee shall conduct a hearing to determine whether there is substantial evidence in the record to support the interpretation given by the Public Works Director and may continue the hearing for purposes of gathering additional information bearing on the issue. The Appeal Committee shall render an initial oral decision and shall adopt a final written decision together with appropriate findings in support thereof. The decision of the Appeal Committee shall be for the purpose of establishing the fee and limited to whether the appellant has been assigned to the appropriate use category, or whether the appropriate minimum vehicle parking space requirement or number of fueling positions has been correctly identified. If the Appeal Committee should determine that for the purpose of establishing the fee, a different use category should be assigned, or that the minimum parking space requirement should be revised, it shall so order, provided no refund of prior street maintenance fees shall be given. Only where the Committee decision results in a change in use category and/or change in the minimum parking space requirement will the filing fee on the appeal be refunded. The Appeal Committee decision shall be final. (Ord. 10-01 § 2).

## **15.20.090 Administrative Policies.**

(1) The following policies shall apply to the

operation and scope of this chapter:

(a) Street maintenance fees imposed under this chapter shall apply to all occupied units, occupied units owned and/or occupied by local, state and federal governments, as well as property which may be entitled to exemption from or deferral of ad valorem property taxation.

(b) Publicly owned park land, open spaces and greenways shall not be subject to the street maintenance fee unless public off-street parking designed to accommodate the use of such areas is provided.

(c) Areas used for commercial farming or forestry operations shall be billed according to the use of any structures on the site. Where a site is used exclusively for farming or forestry and not for residential or commercial uses, the site shall not be subject to the street maintenance fee. Where there are different seasonal uses of structures on farm or forest land, the use category shall be determined by examining the use for the longest portion of the year. Where more than one use is made of a farming or forestry site, then each use shall be examined separately and combination of use categories shall be used to determine the street maintenance fee.

(d) Areas encompassing railroad and public right-of-way shall not be subject to the street maintenance fee.

(e) Railroad property containing structures, such as maintenance areas, non-rolling storage areas and areas used for the transfer of rail transported goods to non-rail transport shall be subject to street maintenance fees.

(f) For newly developed properties, the fees imposed under this chapter shall become due and payable from and after the date when the developed property is occupied and connected to the public water or sanitary sewer system.

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(2) The Public Works Director is authorized and directed to review the operation of this chapter and, where appropriate, recommend changes thereto in the form of administrative policies for adoption of the City Council by resolution. Administrative policies are intended to provide guidance to property owners, subject to this chapter, as to its meaning or operation, consistent with policies expressed herein. Policies adopted by the Council shall be given full force and effect, and unless clearly inconsistent with this chapter shall apply uniformly throughout the City.

(3) If an occupied unit of nonresidential property is used for more than one use with different minimum parking requirements, the street maintenance fee shall be based on the required parking for the total of the various uses.

(4) The determination or assignment of a use category and minimum number of parking spaces under the provisions of this chapter are strictly for the purpose of establishing a fee and are not statutory land use decisions. (Ord. 10-01 § 2).

## **15.20.100 Penalty.**

In addition to any other remedy, violation of any provision of this chapter shall be a Class A Civil Infraction. Each day of delinquency in paying the street maintenance fee constitutes a separate violation.

## **15.20.110 Severability.**

(1) In the event any section, subsection, paragraph, sentence or phrase of this chapter or any administrative policy adopted herein is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the chapter shall continue to be effective. If a court of competent jurisdiction

determines that this chapter imposes a tax or charge, which is therefore unlawful as to certain but not all affected properties, then as to those certain properties, an exception or exceptions from the imposition of the street maintenance fee shall thereby be created and the remainder of the chapter and the fees imposed thereunder shall continue to apply to the remaining properties without interruption.

(2) Nothing contained herein shall be construed as limiting the City's authority to levy special assessments in connection with public improvements pursuant to applicable law. (Ord. 03-10). ■

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### Chapter 15.20 STREET MAINTENANCE FEE.

#### Sections:

- 15.20.010** Creation and Purpose.
- 15.20.020** Definitions.
- 15.20.030** Administrative Officers Designated.
- 15.20.040** Street Maintenance Fees Allocated to the Street Maintenance Fee Fund.
- 15.20.050** Determination of Street Maintenance Fee.
- 15.20.060** Determination of Amount, Billing and Collection of Fee.
- 15.20.070** Waiver of Fees in Case of Vacancy.
- 15.20.080** Administrative Provisions and Appeals.
- 15.20.090** Administrative Policies.
- 15.20.100** Penalty.
- 15.20.110** Severability.
- 15.20.010** Creation and Purpose.

A street maintenance fee is created and imposed for the purpose of maintenance of City streets. The street maintenance fee shall be paid by the responsible party for each occupied unit of real property. The purposes of the street maintenance fee are to charge for the service the City provides in maintaining public streets and to ensure that maintenance occurs in a timely fashion, thereby reducing increased costs that result when maintenance is deferred.

#### **15.20.020** Definitions.

As used in this chapter, the following shall mean:

(1) Public Works Director. The Public Works Director or the Public Works Director's designee.

(2) Developed property or developed use. A parcel or legal portion of real property, on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, landscaping and outside storage.

(3) Finance Director. The Finance & Information Services Director or designee.

(4) Residential Property. Property that is used primarily for personal domestic accommodation, including single family, multi-family residential property and group homes, but not including hotels and motels.

(5) Nonresidential Property. Property that is not primarily used for personal domestic accommodation. Nonresidential property includes industrial, commercial, institutional, hotel and motel, and other nonresidential uses.

(6) Street Functional Classification. Street classifications as described in the Tigard Transportation System Plan.

a. Arterials are defined as streets having regional level connectivity. These streets link major commercial, residential, industrial and institutional areas.

b. Collectors are defined by citywide or district wide connectivity. These streets provide both access and circulation within and between residential and commercial/industrial areas.

c. Neighborhood routes are defined as streets that provide connections within the neighborhood and between neighborhoods. These streets provide connectivity to collectors or arterials.

d. Local commercial/industrial streets are those streets within the City that are not designated as arterials or collectors and whose

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primary function is serving traffic to and from commercial and/or industrial (i.e., nonresidential) uses.

e. Local streets are any streets within the City that are not designated as arterials, collectors, neighborhood routes or identified as commercial/industrial streets. These streets have the sole function of providing access to immediately adjacent land.

(7) Parking Space Requirement. The minimum off-street vehicle parking requirement as stated in the Minimum and Maximum Off-Street Vehicle and Bicycle Parking Requirements in the Tigard Community Development Code.

(8) Pavement Management Program (PMP). An annual program of corrective and preventative maintenance on City of Tigard streets funded by the street maintenance fee (SMF). The program helps to extend the life of the pavement structure by various means such as, pavement overlaying, slurry sealing, or complete removal and replacement of asphalt.

(9) Occupied Unit. Any structure or any portion of any structure occupied for residential, commercial, industrial, or other purposes. For example, in a multifamily residential development, each dwelling unit shall be considered a separate occupied unit when occupied, and each retail outlet in a shopping mall shall be considered a separate occupied unit. An occupied unit may include more than one structure if all structures are part of the same dwelling unit or commercial or industrial operation. For example an industrial site with several structures that form an integrated manufacturing process operated by a single manufacturer constitutes one occupied unit. Property that is undeveloped or, if developed, is not in current use is not considered an occupied unit.

(10) Responsible Party. The person or persons who by occupancy or contractual arrangement are responsible to pay for utility and other services provided to an occupied unit. Unless another party has agreed in writing to pay and a copy of the writing is filed with the City, the person(s) paying the City's water and/or sewer bill for an occupied unit shall be deemed the responsible party as to that occupied unit. For any occupied unit not otherwise required to pay a City utility bill, "responsible party" shall mean the person or persons legally entitled to occupancy of the occupied unit, unless another responsible party has agreed in writing to pay and a copy of the writing is filed with the City. Any person who has agreed in writing to pay is considered the responsible person if a copy of the writing is filed with the City.

(11) Street Maintenance. Any action to maintain City streets, including repair, renewal, resurfacing, replacement and reconstruction. Street maintenance does not include the construction of new streets or street lighting. Street maintenance shall include resurfacing of existing streets, repair or replacement of curb and gutter where they exist, repair or replacement of the entire existing street structural section, repair or replacement of existing street shoulders, pavement markers, striping and other street markings, repair or replacement of existing channelization devices, adjustment of existing utilities to match finish grades, and any other related work within the existing streets. It includes repair or restoration of existing storm drainage systems within existing streets, but does not include installation of new drainage systems. It includes right-of-way maintenance on the City's arterial and collector streets, which covers maintenance and enhancement of planting strips, medians and areas between sidewalks and property lines on these street to prevent the uncontrolled growth of weeds and other undesirable vegetation in these areas. It does not include repair or replacement of existing

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sidewalks. (Ord. 10-01 § 2).

### **15.20.030 Administrative Officers Designated.**

(1) Except as provided in subsections (2) and (3) of this section, the Public Works Director shall be responsible for the administration of this chapter. The Public Works Director shall be responsible for developing administrative procedures for the chapter, administration of fees, and for the purposes of establishing the fee for a specific occupied unit, the consideration and assignment of categories of use, and parking space requirements subject to appeal in accordance with this chapter.

(2) The Public Works Director shall be responsible for developing and maintaining street maintenance programs for the maintenance of City streets and, subject to City Budget Committee review and City Council approval, allocation and expenditure of budget resources for street system maintenance in accordance with this chapter.

(3) The Finance Director shall be responsible for the collection and calculation of fees and the appeals process under this chapter. (Ord. 10-01 § 2).

### **15.20.040 Street Maintenance Fees Allocated to the Street Maintenance Fee Fund.**

(1) All street maintenance fees received shall be deposited to the street maintenance fee fund or other fund dedicated to the operation and maintenance of the City street system. The street maintenance fee fund shall be used for street maintenance. Other revenue sources may also be used for street maintenance. Amounts in the street maintenance fee fund may be invested by the Finance Director in accordance with State law. Earnings from such investments shall be dedicated

to the street maintenance fee fund.

(2) The street maintenance fee fund shall not be used for other governmental or proprietary purposes of the City, except to pay for an equitable share of the City's overhead costs including accounting, management and other costs related to management and operation of the street maintenance program. Engineering design, pavement evaluation, construction management, and other related costs, including project advertisements for bid, in the implementation of the street maintenance projects shall also be considered as being used for street maintenance. (Ord. 10-01 § 2).

### **15.20.050 Determination of Street Maintenance Fee.**

(1) The street maintenance fee shall be established based on the following:

(a) The City's five-year maintenance and reconstruction plan for corrective and preventative maintenance of the City's street infrastructure.

(b) The average annual cost based on the five-year maintenance and reconstruction plan with costs allocated as follows:

(i) Arterial maintenance costs allocated 62% to nonresidential uses and 38% to residential uses.

(ii) Local commercial/industrial street maintenance costs allocated 100% to nonresidential uses.

(iii) Collector maintenance costs allocated 50% to residential uses and 50% to nonresidential uses.

(iv) Neighborhood routes and local street maintenance costs allocated 100% to

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residential uses.

(c) For residential property, the fee shall be charged on a per unit basis.

(d) For nonresidential property other than gasoline stations, the fee shall be based on the minimum number of vehicle parking spaces as stated in the Minimum and Maximum Off-Street Vehicle and Bicycle Parking Requirements in the Tigard Community Development Code for each occupied unit, provided, however, that the maximum number of parking spaces for purposes of calculating the street maintenance fee shall be 250.

i. In that nonresidential property with fewer than six required spaces shall constitute a tier with a 50% reduction of the total fee amount.

ii. In recognition that religious institutions have minimum parking space requirements that are relatively large in comparison to the actual use of those spaces, the total fee for each religious institution shall be reduced by 50%.

(e) The street maintenance fee for gasoline stations shall be based on the number of fueling positions.

(2) The street maintenance fee rates shall be established by Council resolution.

(3) Beginning July 1, 2010, the fee for the Pavement Management Program will be implemented in three phases. The second phase will be effective on April 1, 2011 and the third will be effective on January 1, 2012. The street surface portion of the PMP will be phased in evenly over all three phases. The right-of-way portion of the PMP will be phased in evenly to residential customers over the last two phases.

(4) The street maintenance fee will be adjusted according to an annual index that is calculated based on a two-year rolling average of the combination of the following indices:

(a) The Oregon Composite Construction Cost index reflecting the cost of materials (weighted 65%).

(b) The U.S. Bureau of Labor Statistics Employment cost Index for Private Industry Workers, by Occupational Group and Industry, Construction Group reflecting the cost of Labor (weighted 35%).

(c) A floor of two percent and a ceiling of seven percent has been established based on a composite of both indices listed above.

(5) The indices will be applied in the second and third period of the three-part phasing and every year thereafter.

(6) The program shall be reviewed annually as part of the City's budget process.

(7) Following each review of the program, the Finance Director shall review the revenue received from the new rates after a full year of collection to determine if the annual revenues meet the annual funding level set from the updated five-year street maintenance plan. The Finance Director shall report the findings of that review to City Council and may make recommendations on any potential fee increases or decreases based on that review. Any unspent funds will be placed in a reserve fund. (Ord. 10-01 § 2).

### **15.20.060 Determination of Amount, Billing and Collection of Fee.**

(1) For the purpose of establishing the fee, the minimum required number of parking spaces or the number of fueling positions for each

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occupied unit of nonresidential property shall be determined by the Public Works Director. For uses not explicitly listed in the Tigard Development Code as to required parking, the Public Works Director shall assign the use to the similar category with the most similar impact on the transportation system, considering relevant information such as:

- (a) The size of the site and the building;
- (b) The number of employees;
- (c) Other developed sites with similar use.

(2) The Public Works Director shall establish the amount of street maintenance fee payable for each unit of nonresidential property and shall inform the Finance Director of the amount. The amount payable shall be re-determined if there is a change in use or development. All redeterminations based on a change in use or development shall be prospective only. The Finance Director shall charge the per-unit street maintenance fee to the responsible party for each occupied unit of residential property.

(3) The street maintenance fee shall be billed to and collected from the responsible party for each occupied unit. Billings shall be included as part of the water and sewer bill for occupied units utilizing City water and/or sewer, and billed and collected separately for those occupied units not utilizing City water and/or sewer. All such bills shall be rendered regularly by the Finance Director and shall become due and payable upon receipt.

(4) Collections from utility customers will be applied first to interest and penalties, then proportionately among the various charges for utility services and street maintenance.

(5) An account is delinquent if the street maintenance fee is not paid by the due date shown on the utility bill. The City may follow the procedures for collection of delinquent accounts set forth in Sections 12.03.030 and/or 12.03.040, including termination of water and/or sanitary sewer service. (Ord. 10-01 § 2).

### 15.20.070 Waiver of Fees in Case of Vacancy.

(1) When any developed property within the City becomes vacant as described in subsections (6) of this section, upon written application and approval by the Finance Director, the street maintenance fee shall thereafter not be billed and shall not be a charge against the property until such time as the property is no longer vacant.

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(2) The Finance Director is authorized to cause an investigation of any property for which an application for determination of vacancy is submitted to verify any of the information contained in the application. The Finance Director is further authorized to develop and use a standard form of application, provided it shall contain a space for verification of the information and the person signing such form affirms under penalty for false swearing the accuracy of the information provided therein.

(3) When any developed property within the City has the utilities shut-off due to vacancy, the street maintenance fee shall be waived for the duration of the vacancy as described in subsection (6) of this section.

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(4) When any multi-occupied developed property within the City has one or more vacancies as described in subsection (6) of this section, the responsible party may request, in writing, a waiver of a portion of the street maintenance fee applicable to the vacant units.

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(5) When a change of use occurs, a vacancy has

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~~been filled, or a property is developed, it is the responsible party's responsibility to inform the City of any change so the proper street maintenance fees may be assessed. If the responsible party does not inform the City of any change, the City shall cancel the vacancy waiver and charge the responsible party as per subsection (6) of this section.~~

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~~(6) For purposes of this section, a unit of property is vacant when it has been continuously unoccupied and unused for at least 30 days. Fees shall be waived in accordance with this section only while the property remains vacant. The waiver duration is for six months. After six months, the responsible party must re-apply for the waiver if the property continues to be unoccupied and unused. The responsible party has 30 days to re-apply for the vacancy waiver after the expiration of the six month waiver. Any occupancy or use of the property terminates the waiver. As a penalty for not reporting a change in property vacancy, the City may charge any property two times the appropriate street maintenance fee, that would have been due without the vacancy waiver for prior billing periods, upon determining by whatever means that the property did not qualify for waiver of charges during the relevant time. The decision of the Finance Director under subsections (1, 2) and (6) of this section shall be final. (Ord. 10-01 § 2).~~

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### **15.20.080 Administrative Provisions and Appeals.**

(1) The Public Works Director shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this chapter and to determine the appropriate charges thereunder. The responsible party for an occupied unit may request reconsideration of the Public Works Director's determination of the amount of the fee by submission of a written application to the Public Works Director. The application shall be submitted in sufficient detail to enable the Public Works Director to render a decision.

(2) Within 30 days of the submission of a complete application requesting reconsideration of the amount of the street maintenance fee to be charged to an occupied unit, the Public Works Director shall render a decision on the application. The decision shall be written and shall include findings of fact and conclusions for the particular aspects of the decision, based upon applicable criteria, which may include a land use decision that modifies the minimum required vehicle parking for an occupied unit. A copy of the decision shall be mailed to the person submitting the request. The Public Works Director shall maintain a collection of such decisions. Decisions of the Public Works Director, which affect the amount of fee to be charged to a property, shall be forwarded to the Finance Director. Except as provided under subsection (4) of this section, the decision of the Public Works Director is final.

(3) For the purpose of reviewing the fee, the Public Works Director may determine that the land use category is proper and that the fee charged is appropriate. However, if the decision of the Public Works Director results in a change in the category of land use, the Public Works Director shall, for the purpose of establishing the fee, assign a new use category, determine the appropriate fee for the category, and notify the Finance Director so that the appropriate change

may be made in the applicable fee to be charged in the future. No back charges or refunds are required. The decision of the Public Works Director, under this subsection (3) only, may be appealed.

(4) Council may form a subcommittee consisting of two Council members, or appoint a committee of disinterested citizens, hereinafter known as the Appeal Committee, to address any appeals to the Public Works Director's decisions. A responsible party who disputes the determination of the Public Works Director as to use category or number of required parking spaces may file a written appeal with the Appeal Committee. All appeals must be submitted within 10 days from the date of the Public Works Director's decision, together with a filing fee in an amount set by Council by resolution. The application for appeal shall specify the reasons for the appeal and shall provide sufficient information for the Appeal Committee to render a decision. No other appeals shall be permitted.

(5) The Appeal Committee shall schedule a review of each appeal and shall notify the appellant not less than 10 days prior thereto of the date of such review. The Appeal Committee shall conduct a hearing to determine whether there is substantial evidence in the record to support the interpretation given by the Public Works Director and may continue the hearing for purposes of gathering additional information bearing on the issue. The Appeal Committee shall render an initial oral decision and shall adopt a final written decision together with appropriate findings in support thereof. The decision of the Appeal Committee shall be for the purpose of establishing the fee and limited to whether the appellant has been assigned to the appropriate use category, or whether the appropriate minimum vehicle parking space requirement or number of fueling positions has been correctly identified. If the Appeal Committee should determine that for the purpose of establishing the fee, a different use category

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should be assigned, or that the minimum parking space requirement should be revised, it shall so order, provided no refund of prior street maintenance fees shall be given. Only where the Committee decision results in a change in use category and/or change in the minimum parking space requirement will the filing fee on the appeal be refunded. The Appeal Committee decision shall be final. (Ord. 10-01 § 2).

### **15.20.090 Administrative Policies.**

(1) The following policies shall apply to the operation and scope of this chapter:

(a) Street maintenance fees imposed under this chapter shall apply to all occupied units, occupied units owned and/or occupied by local, state and federal governments, as well as property which may be entitled to exemption from or deferral of ad valorem property taxation.

(b) Publicly owned park land, open spaces and greenways shall not be subject to the street maintenance fee unless public off-street parking designed to accommodate the use of such areas is provided.

(c) Areas used for commercial farming or forestry operations shall be billed according to the use of any structures on the site. Where a site is used exclusively for farming or forestry and not for residential or commercial uses, the site shall not be subject to the street maintenance fee. Where there are different seasonal uses of structures on farm or forest land, the use category shall be determined by examining the use for the longest portion of the year. Where more than one use is made of a farming or forestry site, then each use shall be examined separately and combination of use categories shall be used to determine the street maintenance fee.

(d) Areas encompassing railroad and public right-of-way shall not be subject to the

street maintenance fee.

(e) Railroad property containing structures, such as maintenance areas, non-rolling storage areas and areas used for the transfer of rail transported goods to non-rail transport shall be subject to street maintenance fees.

(f) For newly developed properties, the fees imposed under this chapter shall become due and payable from and after the date when the developed property is occupied and connected to the public water or sanitary sewer system.

(2) The Public Works Director is authorized and directed to review the operation of this chapter and, where appropriate, recommend changes thereto in the form of administrative policies for adoption of the City Council by resolution. Administrative policies are intended to provide guidance to property owners, subject to this chapter, as to its meaning or operation, consistent with policies expressed herein. Policies adopted by the Council shall be given full force and effect, and unless clearly inconsistent with this chapter shall apply uniformly throughout the City.

(3) If an occupied unit of nonresidential property is used for more than one use with different minimum parking requirements, the street maintenance fee shall be based on the required parking for the total of the various uses.

(4) The determination or assignment of a use category and minimum number of parking spaces under the provisions of this chapter are strictly for the purpose of establishing a fee and are not statutory land use decisions. (Ord. 10-01 § 2).

## TIGARD MUNICIPAL CODE

### **15.20.100 Penalty.**

In addition to any other remedy, violation of any provision of this chapter shall be a Class A Civil Infraction. Each day of delinquency in paying the street maintenance fee constitutes a separate violation.

### **15.20.110 Severability.**

(1) In the event any section, subsection, paragraph, sentence or phrase of this chapter or any administrative policy adopted herein is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the chapter shall continue to be effective. If a court of competent jurisdiction determines that this chapter imposes a tax or charge, which is therefore unlawful as to certain but not all affected properties, then as to those certain properties, an exception or exceptions from the imposition of the street maintenance fee shall thereby be created and the remainder of the chapter and the fees imposed thereunder shall continue to apply to the remaining properties without interruption.

(2) Nothing contained herein shall be construed as limiting the City's authority to levy special assessments in connection with public improvements pursuant to applicable law. (Ord. 03-10). ■

**AIS-30**

**Item #: 6.**

**Business Meeting**

**Date: 07/13/2010**

**Length (in minutes):** 15 Minutes

**Agenda Title:** Update on Burnham Street and Capital Improvement Program

**Prepared By:** Kathy Mollusky, Public Works

**Item Type:** Update, Discussion, Direct Staff      **Meeting Type:** Council Business Meeting - Main

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**Information**

**ISSUE**

No action is required. The Council is being asked to receive an update on the Burnham Street Improvement project and CIP projects that will be constructed this summer and fall.

**STAFF RECOMMENDATION / ACTION REQUEST**

Council accept the briefing and ask questions or comment on the status of the projects.

**KEY FACTS AND INFORMATION SUMMARY**

The New Burnham Street project update:

- Main Street waterline tie-in
- Curbs are being installed
- Water quality swale being constructed

**OTHER ALTERNATIVES**

None.

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

2. Implement Downtown Urban Renewal

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

Regular update. Last update May 11, 2010.

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**Attachments**

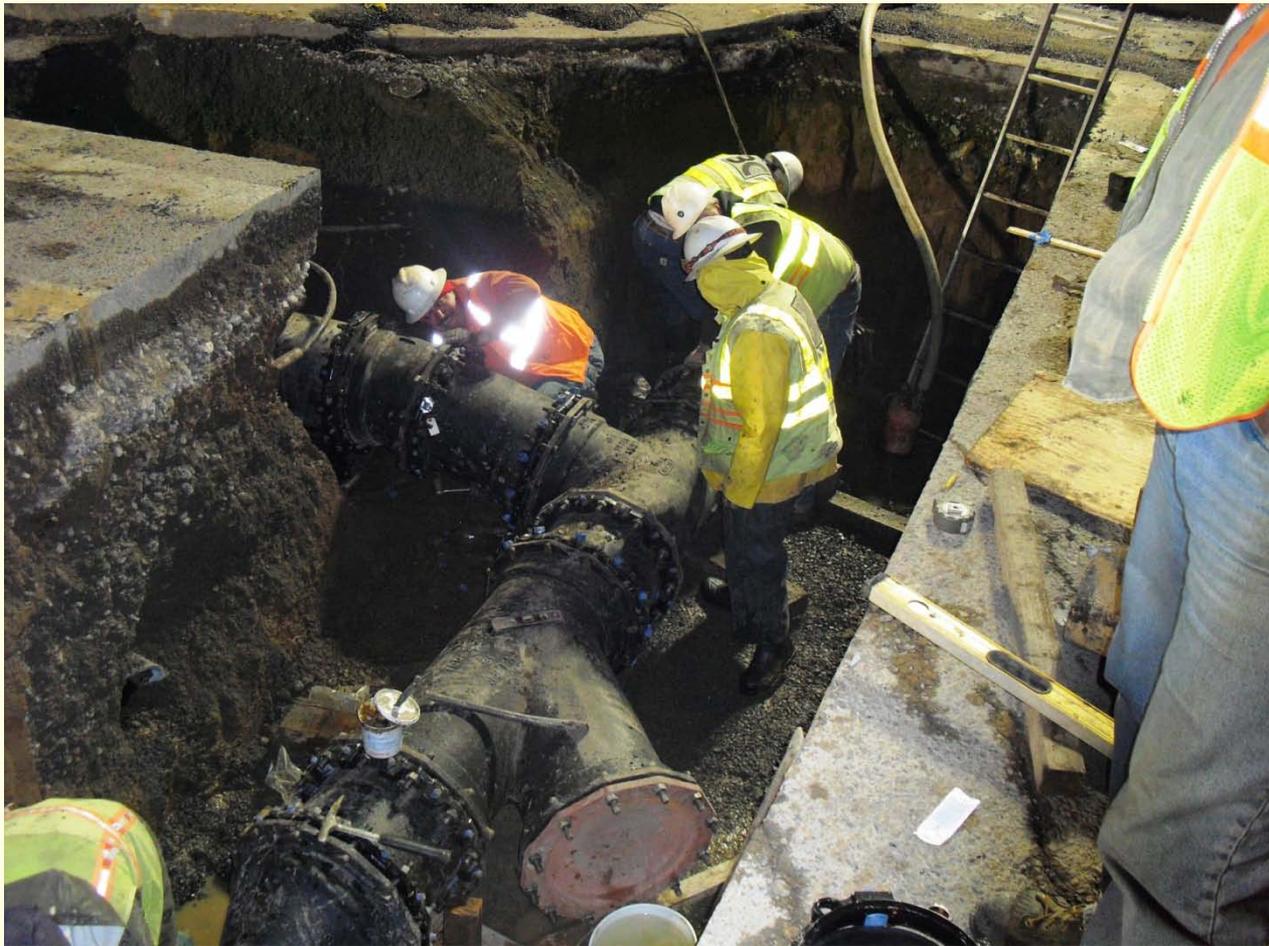
Burnham 7/13

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# Construction Update

City Council Meeting  
July 13, 2010

# Main St Waterline Tie-In



# Every Day is a Power Struggle



# Digging up Burnham



# Rocking and Rolling



# Curbing Your Enthusiasm



# Roadside Water Quality Swale



# WQ Planter... Good Form



# Inspector Thor on the Job



Keeping it  
Real.....Green  
that Is!

# Turning the Corner



# Looking Back on Main



# Looking Forward



# Concept to Design...coming soon!



**AIS-82**

**Item #: 9.**

**Business Meeting**

**Date: 07/13/2010**

**Length (in minutes):** 15 Minutes

**Agenda Title:** End - Exec Session City Manager Pre-Review Discussion

**Prepared By:** Sandy Zodrow, Administration

**Item Type:** Update, Discussion, Direct Staff      **Meeting Type:** Executive Session - End of Mtg.

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**Information**

**ISSUE**

Pre-review discussion of Council and Staff appraisals of City Manager

**STAFF RECOMMENDATION / ACTION REQUEST**

**KEY FACTS AND INFORMATION SUMMARY**

**OTHER ALTERNATIVES**

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

Not applicable

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