

Agenda revised 4/20/2011; Proclamation (Item 7) was added and material replaced in Item 4.D.
Agenda was renumbered.



City of Tigard Tigard Business Meeting - Agenda

TIGARD CITY COUNCIL and LCRB

MEETING DATE AND TIME: April 26, 2011 - 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

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

VIEW LIVE VIDEO STREAMING ONLINE:

<http://www.tvctv.org/government-programming/government-meetings/tigard>

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.



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6:30 PM

1. STUDY SESSION

- REVISIONS TO CITY WIDE PERSONNEL POLICIES

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to conduct deliberations on labor negotiations, and real property negotiations, under ORS 192.660(2) (d) and (e). 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. Executive Sessions are closed to the public.

7:30 PM

2. BUSINESS MEETING

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Council Communications & Liaison Reports
- E. Call to Council and Staff for Non-Agenda Items

3. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- A. Follow-up to Previous Citizen Communication
- B. Citizen Communication – Sign Up Sheet

4. CONSENT AGENDA: (Tigard City Council 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. Motion to:

- A. Approve City Council Meeting Minutes:
1. March 8, 2011
 2. March 22, 2011
- B. Receive and File -
- 2010 Police Department Annual Report
- C. CONSIDER A RESOLUTION SUPPORTING THE SUBMISSION OF A GRANT APPLICATION TO PARTIALLY FUND THE SUMMERLAKE PARK REPLACEMENT
- D. CONSIDER A RESOLUTION APPOINTING DAVID BROWN, GORDON KUNKLE, AND GARY ROMANS TO THE PARK AND RECREATION ADVISORY BOARD (PRAB)
- 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.
5. PROCLAIM MAY 15-21, 2011 AS EMS WEEK
6. PROCLAIM MAY 1-7 BE KIND TO ANIMALS WEEK
7. PROCLAIM MAY 1-7 NATIONAL DRINKING WATER WEEK
8. DISCUSS 2011 OREGON LEGISLATIVE SESSION AND ITS IMPACT ON TIGARD'S LEGISLATIVE PRIORITIES
9. RECEIVE HIGH-CAPACITY TRANSIT LAND USE PLAN UPDATE
10. RECEIVE BRIEFING ON FOUR CAPITAL IMPROVEMENT PLAN PROJECTS
11. COUNCIL LIAISON REPORTS
12. NON AGENDA ITEMS
13. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. 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. Executive Sessions are closed to the public.
14. ADJOURNMENT

AIS-449

Item #:

Business Meeting

Date: 04/26/2011

Length (in minutes): 15 Minutes

Agenda Title: Revisions to City Wide Personnel Policies

Submitted By: Sandy Zodrow
City Management

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Business Mtg - Study Sess.

ISSUE

Should the City Council adopt the proposed revisions to the City Wide Personnel Policies

STAFF RECOMMENDATION / ACTION REQUEST

Adopt the proposed revisions to the City Wide Personnel Policies

KEY FACTS AND INFORMATION SUMMARY

Periodically the City Wide Personnel Policies need to be updated and revised to reflect changes in employment law and/or changes in city operations. The Human Resources Division has completed a review of the City Wide Personnel Policies and with the assistance of the City Attorney, has updated all of the Personnel Policies to comply with recent changes in state and federal employment law. Executive Staff has also reviewed these policies and made some additional changes based on current city operations and practices. Human Resources has also added several new policies as required by recent state and federal employment law mandates.

The following is a list of those personnel policies being updated/added:

- 1) Code of Ethics - updated to reflect changes in Oregon Government Ethics and Standard Practices law as it applies to public employees
- 2) EEO/Non-Discrimination/Harassment Policy - updated by City Attorney
- 3) Recruitment & Selection - adds Veterans Preference section as required by recent State Law
- 4) Background Checks - updated to reflect current city practices
- 5) Training & Education - updated to reflect current city practices
- 6) Electronic Communications - updated to reflect current city practices and new technology issues such as social media
- 7) Driving and Vehicle Operation - updated to address current risk management and insurance practices
- 8) Use of City Property & Information - updated to reflect city practice and records retention requirements
- 9) Family and Medical Leaves of Absence - updated to reflect recent changes in state and federal FMLA laws
- 10) Crime Victims Leave - new State of Oregon law and required employer obligations
- 11) Domestic Violence Victims Leave - new State of Oregon law and required employer obligations
- 12) Military Leave - additional new employer requirements to comply with state and federal military leave laws

The purpose of this agenda item is to brief the Council on these changes. These new and updated policies will be subsequently scheduled for formal approval on a future City Council consent agenda.

OTHER ALTERNATIVES

Not applicable

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Not applicable - administrative policies

DATES OF PREVIOUS COUNCIL CONSIDERATION

None

Attachments

AIS Final Attachs PP

31.0 CODE OF ETHICS

City employees have a special responsibility to act on behalf of the public good and to ensure that the public's trust in government is respected. Public service requires a continual effort on behalf of employees to guard against conduct that is not only illegal but also conduct that could appear inappropriate or a conflict of interest to a reasonable observer even if the conduct is not against the law. Just because an action is legal doesn't necessarily mean it is right or good. Conduct which is or could appear dishonest, inappropriate, appear to enrich the employee, their families or their businesses, or to be a conflict of interest to an observer will undermine the public trust and is prohibited. Each employee is expected to report any actual or potential conflict of interest to their supervisor. Examples of conduct which are prohibited include but are not limited to:

- No employee may use the employee's employment in any way to obtain financial gain or avoid financial detriment for the employee's household or family or any business with which the employee or member of the employee's household or family are associated;
- No employee may use information received because of city employment for private gain if that information is confidential or normally not available to the general public or has not otherwise been dispersed by the city;
- No employee may solicit private business from other employees for personal gain while on duty, while wearing a uniform or insignia that identifies them as city employees, while in a city vehicle, or while on city premises.
- Employees may not solicit or receive a promise of future employment with the understanding that the promise will influence the employee's official action;
- Employees may not take any action on behalf of the city, the effect of which would be to the employee's private financial gain or loss, without first notifying the employee's department director in writing of the potential conflict of interest;
- City employees shall not serve on city policy boards or committees except as specifically provided by ordinance or as required to perform as part of their official City duties.
- City employees may not use city time to participate in matters of personal interest.
- When giving testimony unrelated to their assigned city responsibilities, city employees will identify themselves as private citizens and not use information or facts that have come to them by virtue of their employment and are not subject to disclosure to the public.

The code of ethics is intended to convey the general expectations of what is considered to be appropriate conduct for a city employee. If a situation occurs where it is difficult to determine the proper course of action, the matter should be discussed openly with the immediate supervisor, and if necessary, with the department director for advice and consultation.

All city of Tigard employees are considered public officials and are subject to the State of Oregon's Government Standards and Practices (ethics) laws. The city will comply with these and all applicable laws and regulations and expects its directors, managers, supervisors, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, city employees are encouraged to not accept personal gifts. State law does provide certain guidelines for the receipt of gifts as a public employee and the City of Tigard requires its employees

to comply with those standards. Pursuant to ORS (Oregon Revised Statutes) Chapter 244, Government Standards and Practices, the following restrictions apply to the acceptance of gifts or gratuities:

- City employees may receive food, lodging and travel when participating in an event which is related to the employee's representation of the City and when the employee is appearing in his/her official capacity. Food and/or beverages consumed by the employee in the presence of the purchaser or provider is acceptable.
- Gifts of entertainment are subject to a \$50 annual gift limit.
- Unsolicited awards for professional achievement may be accepted.
- Unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item, with a resale value reasonably expected to be less than \$25 may be accepted.
- Honorarium with a value less than \$50 may be accepted.
- These rules also apply to relatives or members of the household of City employees.
- These rules also apply to business with which the City employee or a relative of the City employee is associated.
- Employees and their relatives and members of their household may not accept discounts which are not extended to others who are not public officials.
- Employees shall not accept any special favors, gifts, or gratuities resulting from or related to employment with the city unless otherwise specified in this policy. In this regard, the appearance of impropriety can be as damaging as actual impropriety and is equally to be avoided.
- Soliciting or receiving a pledge or promise of future employment in return for official action is not allowed.

Any person who observes unlawful or improper action(s) by a city employee is expected to report it. The matter should be reported to the employee's immediate supervisor. If the supervisor appears to be involved in the improper action, the report can be made to the department director, City Manager, or Human Resources.

Some employees may own property in the city resulting in the employee having to interact with the city regarding the employee's non-employment interests. Other situations, such as traffic violations or parking tickets, may arise in which the employee as an individual has to communicate with the city as an individual outside the employment context. Being an employee does not affect the employee's relationship with the city in the non-employment context in any manner. A person who is an employee shall be treated the same as any other person in these situations, and employees shall not seek special treatment from the city. An employee may not use the person's status as an employee or information obtained as an employee to gain an advantage that non-employees could not obtain. An employee may not use on-the-job time in the employee's dealings with the city in non-employment matters. For example, an employee who needs a city permit must not submit an application, discuss the permit with the department issuing the permit, or take any other action related to the permit while on the job during working hours. A person who is at lunch or other recognized break is not considered "on the job".

In the event an employee seeks a permit or otherwise interacts with the city on personal business, and the employee may be in a position to take action in the employee's official capacity or the employee's department is likely to be involved, the employee shall inform the employee's supervisor immediately in writing or email. The supervisor shall take steps to ensure that the employee is screened from participation in any official process related to the employee's personal business and that the employee has no access to information that non-employees would not have access to. Screening shall include a requirement that there be no communication with the affected employee that would not occur if the person involved were not an employee.

33. 0 Equal Employment Opportunity/Non-Discrimination/ Harassment Policy

We believe that equal opportunity for employees is central to the growth and success of the City. It is our policy to provide equal opportunities to all qualified persons without regard to race, color, religion, sex, age, national origin, sexual orientation, physical or mental disability, veteran or marital status or any other protected status or activity in accordance with applicable law. We strive to make employment decisions based on our evaluation of an individual's qualifications, ability and contribution to the success of the City. It is the responsibility of all employees, managers and supervisors to understand and comply with these policies. Supervisors have the additional responsibility to support the City's commitment to compliance with all aspects of our equal employment opportunity obligations and to enforce our policy.

Policy against Harassment

We also believe that all employees have a right to work in an environment where the dignity of each individual is respected. We prohibit harassment of employees, regardless of working relationships and supervisory status. Specifically forbidden is harassment related to an individual's race, religion, color, sex, national origin, marital or veteran status, age, physical or mental disability or other legally protected basis. For these purposes, the term "harassment" includes unwelcome verbal, graphic, or physical conduct of such a nature ***which has the purpose or effect of creating an offensive work environment or reasonably interfering with an employee's work performance.*** This prohibition against harassment also applies to off-duty, off-premises conduct if that conduct has an adverse effect on an employee's work environment.

Sexual and gender-based harassment may include but is not limited to the following:

- Negative or offensive comments, jokes or suggestions about another employee's gender or sexuality;
- Using slang, names or labels such as "honey", "boy", "girl", that others find offensive;
- Obscene or lewd sexual comments, jokes, suggestions, or innuendoes;
- Unwanted sexual advances, propositions or requests for dates
- Unwelcome visual conduct, such as leering or making sexual gestures
- Making offensive verbal comments about an individual's body or life style
- Unwelcome touching, impeding or blocking movements
- Making offensive comments about a person's gender or sexual orientation

- An employee talking about their sex life
- Using City computers, fax machines or other communication systems to access, send, store or receive materials of a sexual nature
- Transmitting, displaying or exposing other City employees to offensive sexual images or comments through personal communication systems, such as personal cell phones or other social networking sites
- Swearing or profane language
- Making derogatory comments about gays or lesbians
- Spreading rumors or discussing a co-worker's sex life
- Displaying sexually suggestive objects, pictures, cartoons, or posters.

- Engaging in any other verbal, graphic or physical conduct of a sexual or gender based nature that creates an offensive work environment or interferes with another employee's work performance.
- **Racial, ethnic, age, religious, disability-related or other prohibited harassment the nature of which may include the following:**
 1. Making racial slurs or ethnic comments
 2. Telling racial or ethnic jokes
 3. Making derogatory comments about a person's physical or mental limitations
 4. Mimicking someone with physical or mental limitations
 5. Promoting your religious beliefs to someone who finds it offensive
 6. Making derogatory age-based comments
 7. Displaying racist symbols
 8. Using City communication systems to send, receive, store or access material that is racially, ethnically or religiously offensive material
 9. Displaying cartoons, printed material or other objects which are racially or ethnically offensive
 10. Criticizing or making fun of another person's religious beliefs
 11. Transmitting, displaying or exposing other City employees to offensive comments or images of a racial, ethnic or religious nature through personal communication systems, such as personnel cell phones or other social networking sites
 12. Engaging in any other verbal, graphic or physical conduct of a racial, ethnic, religious, age, disability or other prohibited nature that creates an offensive work environment or interferes with another employee's work

All employees should assume that any conduct of this nature will offend another employee and should refrain from engaging in such conduct. Harassment of employees by temporary agency employees, vendors, suppliers, citizens and other non-employees that creates an offensive work environment or interferes with an employee's ability to perform their job is also a violation of this policy. Likewise, harassment of nonemployees by City employees is also strictly prohibited.

In addition, no one should suggest or threaten that an employee's cooperation, tolerance or objections to conduct of this nature will have any effect on that employee's employment. The City strictly prohibits supervisors or managers from conditioning employment or making employment

decisions based on an employee tolerance of or resistance to harassment. This type of conduct is considered a serious violation of our policy.

Reporting Policy

If an employee feels that they are being harassed by another employee, they should immediately notify their supervisor, Department Director or a representative of the Human Resources Division. They are welcome to report the conduct they feel is offensive directly to any of these individuals. There is no chain of command. If someone is being harassed by their supervisor, they should report the harassment to either their Department Director or the Human Resources Division. Again, employees may report directly to the Human Resources Division. This type of conduct should be reported whenever it creates an offensive work environment or interferes with an employee's work. If an employee experiences harassment by a non-employee, such as a temporary agency employee, a supplier or a citizen, which creates an offensive work environment or interferes with their work or they become aware of any other employee experiencing such harassment, such harassment should be reported to the Human Resources Division or their Department Director.

All complaints of harassment will be investigated as promptly as possible and corrective action will be taken in accordance with this Policy. Complaints of harassment that are reported will be treated with as much confidentiality as the City determines is practical, while permitting the City to conduct a thorough investigation. Where harassment is found, the City's goal will be to restore an appropriate and respectful work environment as soon as possible.

The City's ability to resolve these kinds of problems is dependent on each employee's cooperation in reporting incidents, which create an offensive or hostile work environment for them. Notification of the problem is essential to the City. The City cannot help resolve a harassment problem unless it knows about it. Employees should bring all conduct that violates this policy to the attention of any of the individuals listed above in enough detail that the City can recognize the problem and take appropriate steps to correct the problems.

If the City finds that an employee has violated City policy, appropriate disciplinary action up to and including discharge will be taken. In addition, other corrective action, such as individualized training and other steps, may be taken as the City determines appropriate.

Retaliation

It is also important for employees to remember that the City respects the rights of its employees to raise harassment and discrimination concerns and to participate in investigations. The City does not allow supervisors, managers, employees or others to retaliate against employees who report harassment or discrimination, cooperate with investigations, testify in harassment proceedings or assist in enforcement of our harassment policy.

"Retaliation" is broadly construed and means any adverse action against an employee for opposing harassment or discrimination. Employees should bring complaints of retaliation to the attention of their Department Director or the Human Resources Division.

If the City finds that an employee has violated City policy, appropriate disciplinary action up to and including immediate discharge will be taken. In addition, other corrective action, such as individualized training and other steps, may be taken as we determine appropriate.

Disability Accommodation

The City abides by the Americans with Disabilities Act and other applicable disability discrimination laws. This means that the City prohibits discrimination against disabled applicants and employees, and will also comply with reasonable accommodation obligations. The City cannot respond to workplace obstacles if it does not know they exist. Consequently, if employees believe that workplace modifications or other assistance to accommodate their disability is needed, they should contact the Human Resources Division to discuss it.

Not every physical or mental limitation qualifies as a disability. If an employee advises the City of a condition that they believe requires accommodation, the City will analyze the medical condition to determine whether it constitutes a disability. If it does, the City will discuss the condition with the employee and/or medical provider to determine what, if any, accommodations may be appropriate, in accordance with the City's legal obligations.

All employees seeking accommodation are expected to cooperate with the City's request for medical confirmation of the condition they believe constitutes a disability and requests for medical confirmation of the current, precise limitations on their ability to perform their job duties.

If, for any reason, an accommodation is made that they employee feels is not effective, they should notify their Department Director who is responsible for notifying the Human Resources Division.

37.0 RECRUITMENT AND SELECTION

The City of Tigard seeks to ensure that each position is filled by an employee whose experience, training and skills make him/her the best match for the duties of the position. Further, the City seeks to assure fair treatment of all applicants and all employees in recruitment, selection and placement without regard to age, sex, marital status, race, creed, color, national origin, sexual orientation, mental or physical disability, or any other protected group status as defined by federal, state or local law. It is the policy of the City of Tigard to not accept, retain, or respond to unsolicited resumes or applications.

Job Announcements

Recruitment announcements shall be posted by position for the length of the application period. Position vacancies may also be advertised in the appropriate labor market. In keeping with the city's commitment to equal employment opportunities, an effort will be made to announce position vacancies with resources likely to provide qualified, protected-class applicants. Positions may be opened internally (for City of Tigard regular and temporary (non-agency) employees only), or externally (for city employees, volunteers and non-employees), at the discretion of the department director and as prescribed in applicable labor agreements. Internal postings shall be announced at least five (5) working days, unless otherwise specified in collective bargaining agreements. External

announcements shall be announced as determined by the Human Resources Director and hiring department director. Previously certified lists of qualified candidates may be used to fill a vacancy as specified by these rules and in accordance with posting requirements of bargaining agreements. Deadlines for job openings may be extended by reopening the position, with or without additional advertisement, if, in the view of the Human Resources Director, insufficient applications from qualified persons are received.

At the discretion of the Human Resources Director, job announcements may be posted for individual positions or to establish a pool of qualified candidates for anticipated vacancies. Exceptions to the recruitment and posting requirements may be made for department director and assistant city manager vacancies at the discretion of the Human Resources Director.

Applications

Human Resources will prescribe the application form(s) to be used for each recruitment that fairly test and determine the qualifications, fitness and ability of a candidate to perform the duties of the class for which they seek appointment.

Disqualification of Applicants

The Human Resources Director may disqualify an applicant from the selection process, refuse an applicant the opportunity to take an examination, and remove his/her name from a hiring list for reasons including, but not limited to:

1. Failure to meet the standard published requirements for the class for which application is made.
2. Failure to furnish true statements of material facts.
3. Practice or attempted practice of fraud or deception in connection with filing of an application.
4. Failure of an applicant, after notification, to be promptly present at the time and place designated for any portion of an examination.
5. The applicant has used, or attempted to use, political pressure or bribery to secure an advantage in testing or appointment.
6. The applicant has been convicted of a crime directly related to the requirements and performance of the position.
7. The applicant is a previous City employee who was terminated from City service or who resigned or retired in a manner in violation of City policy.
8. The applicant has refused to submit to required screening or examination requirements for the position.
9. The applicant is unfit or unable to perform the duties of the position based upon standards established by the City.
10. The applicant has otherwise violated policy, procedures, rules or regulations relating to the application process.
11. The applicant has failed to respond to an employment offer made by the City.

Veterans Preference

Eligible veterans shall be granted veteran's preference in conformance with Oregon Revised Statutes. Candidates for Veteran's Preference shall submit their Certificate of Release or Discharge from Active Duty (Federal form DD 214 or 215), with his/her employment application, as proof of eligibility for preference. Disabled veterans may also submit a copy of his/her veteran's disability preference letter from the United State Department of Veterans Affairs.

Offers of Employment

When a final selection has been made for the vacancy to be filled, the hiring department director or supervisor shall issue a written conditional offer of employment to the chosen candidate. Such offer shall state the position being offered, salary, starting date and any other conditions of employment. In addition, the offer shall notify the candidate that employment is contingent upon passing a background check and when appropriate, a pre-employment drug screen and a pre-employment physical and/or psychological examination.

41.0 BACKGROUND CHECKS

Background checks are conducted to ensure the continuing safety of our workforce and citizens, and the security of city resources. It is the policy of the City of Tigard to conduct and/or request driving, criminal, civil, financial and/or other background records and checks appropriate to the position on final external applicants for city positions, including job classifications whose duties require a security clearance to operate within a Police or Court System. At the discretion of the department director, record investigations may be also be conducted on final internal applicants for, and current employees in, appropriate job classifications including but not limited to positions that work with vulnerable customers (children, elderly and the disabled), have direct and unauthenticated access to the City's network resources, financial operations and/or those positions requiring security clearances to operate within a Police or Court System. Department directors may also request record investigations on volunteers and persons hired through temporary employment agencies or as independent contractors. The Human Resources Division will coordinate all background and investigations, except for Police Department positions.

All City employees are required to report all criminal convictions and injunctions or restraining orders filed against them to their supervisor and the Human Resources Division immediately. Failure to do so may result in discipline up to and including termination.

Method and Timing

All job applicants will be advised in writing that an appropriate background/record investigation is requested on the final candidate. All final candidates must sign a waiver permitting access to their records. The final candidates will be notified in writing that the job offer is contingent upon passing

the background check. The same process will be followed for in-house applicants and current incumbents for the job classifications specified by the department director.

If there will be a significant delay before the record investigation is complete, the applicant may begin working, but only under direct supervision and with written notification that employment may be terminated if a record is revealed that would justify doing so.

Use of the record and a third party investigator may trigger reporting requirements under the Fair Credit Reporting Act (FCRA). These include providing the applicant or employee with a notice of the decision not to hire or other employment action, a copy of the report, and a copy of his/her FCRA rights before any adverse action is taken.

Background checks and records are confidential and will be kept in the Human Resources Division, except for those records retained within the Tigard Police Department. Appropriate background information will be shared with the hiring authority and/or department director when that information is needed to make the evaluation described below. Unauthorized access to or disclosure of these records is subject to discipline, up to and including termination.

Process if a Record Exists

Human Resources will notify the department director of any record on an applicant, and the decision concerning application selection will rest with the department director. In cases concerning a current employee, the decision will also rest with the department director. The department director will evaluate:

1. Whether the city's interests justify termination of employment or disqualification of the applicant based on the background record;
2. Whether the applicant/incumbent disclosed the information on the employment application;
3. The nature and gravity of the offense and whether it indicates a propensity to cause harm to other employees or citizens in the community;
4. The time that has passed since the conviction or completion of sentence;
5. Whether the individual completed treatment or rehabilitation;
6. The relationship between the nature of the offense and the job in question

47.0 TRAINING& EDUCATION

Purpose

The City recognizes the value of allowing employees to participate in conferences, seminars, training, college courses, and meetings that will enhance the employee's ability to provide a high level of public service. City officials and employees should exercise good judgment, regard for economy, and recognition of proper use of public monies when selecting training, meetings, courses, conferences, etc. in connection with city business.

Attendance at training, meetings, courses, etc. must be approved in advance by the department director. Any travel related expenses incurred during training will be processed according to the City's Travel Policy

Policy Statement

Training, education, and travel expenses must have a public purpose and serve the public interest. All training, education, and travel expenses must be reasonable and necessary to conducting city business. Persons traveling on city business are expected to be prudent and only incur costs they normally would incur if traveling on their own expense. Travel expenses solely for the benefit of an individual are not allowable. The city will not pay travel costs for persons not employed by the city unless the person 1) incurs the cost as a member of the City Council or a committee, or 2) has traveled at the specific request of the city, or 3) is serving as a volunteer to a city program, or 4) is providing services under a contract requiring such payment, or 5) is approved by the City Manager.

General Guidelines

The term "training" as used in these policies is intended to include conferences, seminars, workshops or other professional development programs of a similar nature. The term "college courses" is used to describe coursework taken through an accredited college, university and/or business or technical school.

The Training & Education policies are intended to apply only to programs that:

- a) Enhance the employee's job performance, and
- b) Serve as a beneficial retention tool in keeping high quality employees
- c) Are required for certification or licensing
- d) Are required for the position

Training programs, not college courses, are intended for career development purposes. Supervisors need to be very clear regarding the expectations they may create regarding such things as future job opportunities with employees when reimbursing for training that is related to career development.

Applicable collective bargaining agreements must be consulted for language specific to training and/or educational reimbursement policies.

The Training Plan

All department directors requesting funding for any college course and/or training for their staff shall prepare a written departmental Training Plan as part of their annual budget submittal, which must include an explanation of the following:

- a) The requested funding or college courses and training for their department
- b) A clear justification for each requested amount
- c) An explanation of how these expenditures relate to the employee's career development plans and/or performance goals

- d) A prioritization of these requested expenditures in the event not all requests are approved

The Training Plan will be submitted to the City Manager for review and final approval. Until the Training Plan has been approved by the City Manager, requests for training and/or college courses will not be authorized. Once the department Training Plan has been approved, all training and/or college courses approved for staff participation will follow the plan description.

Supervisors should discuss training and/or college course work goals with the employee in their regular performance evaluation session and they should be specifically detailed in their written evaluation form.

College Courses

The term “college courses” is used to describe coursework taken through or on-line from an accredited college, university, and/or business or technical school.

The city does not intend to pay employees to obtain college degrees. Rather, it will reimburse for individual college courses only. The course must be related to the current job that the employee holds, a personal training plan or a career development plan approved by the department director.

Mandatory college courses, which are job-related, shall have tuition, books and hours attended reimbursed by the City in accordance with the appropriate policies and procedures. College courses that are not mandatory, but are job related, will have only tuition, books, and related materials (to be retained by the city) reimbursed by the City, again in accordance with the appropriate policies and procedures. Non-mandatory college courses that are not job related shall have none of the above reimbursed for by the city. In those instances where the city reimburses for some or all of the expenses, employees must document satisfactory completion of the course.

To be eligible for reimbursement of non-mandatory college courses that are job related as described above, employees must receive a grade of “C” or better, or “Passing” for the course and provide written evidence of that to their supervisor. If the employee does not receive a passing grade for the course, they will not be reimbursed.

The City will provide tuition reimbursement for college coursework not to exceed the tuition level established by the State of Oregon Higher Education Department for State colleges/universities. Department directors need to explore less costly college courses available at other institutions before finalizing their Training Plans.

Prior to an employee participating in a college course, which may include reimbursement by the city, the employee will be required to sign a written authorization to have any costs reimbursed by the city deducted from their paycheck, should they fail to comply with the reimbursement guidelines.

The following reimbursement guidelines shall be enforced when an employee separates from the city service for any reason.

- Within one year of the completion date of the class, 100% of the amount of reimbursement will be deducted from the employee's final paycheck.
- Between one and two years after the completion date of the class, 50% of the amount of the reimbursement will be deducted from the employee's final paycheck.
- After two (2) years from the completion date, no amount will be deducted.

If the reimbursement amount owed is more than the final paycheck, the employee must pay off the remaining amount. Failure to re-pay the amount owed to the city will result in the outstanding amount being turned over to a collection agency.

Department directors are responsible for monitoring these reimbursement requirements.

Training

The term "training" as used in this policy is intended to include conferences, seminars, workshops, one day courses at an educational facility or on-line, or other professional development programs of a similar nature.

The following guidelines apply to training reimbursement:

- a) Department directors need to evaluate the value of the proposed training and whether that is the best way to acquire the information for the City.
- b) All training must be tied to the department's Training Plan.
- c) When appropriate, employees may be asked to share/present information they have received from their training to others in the department.
- d) Participants must complete an evaluation summary form regarding the training program available from Human Resources after attendance at training. This form will be placed in the employee's personnel file.
- e) The department director may authorize the payment of expenses for voluntary training as the deem appropriate providing the training is beneficial to the department and/or City operations.
- f) All arrangements for training will be made in the most cost and time efficient manner as possible.
- g) Only expenses for the employee will be paid for.
- h) All books and materials paid for by the City of Tigard will become the property of the City.

Dues and Memberships

Payment for all or a portion of dues and memberships in professional organizations will be dependent on the employee's position, assignments, and the benefit to the department and the City, as determined by the department director.

49.0 ELECTRONIC COMMUNICATION

It is the city's goal to enhance both external and internal communication through the use of various electronic communication tools. All electronic communication tools purchased by the city are the property of the City of Tigard. Employees should have no expectation of privacy in connection with the transmission, receipt, or storage of information in these electronic communication devices. Any

personally owned electronic communication devices an employee uses for city business are also governed by this policy. The city follows the standards and practices set by the Oregon Government Ethics Commission.

Telephones/Voice Mail

The ability to make outgoing and receive incoming telephone calls is an essential element of the City of Tigard's ability to provide service to the public. The city's telephones and voice mail system are intended to be used only for official business. The City may track incoming and outgoing telephone call numbers and the length of the telephone call. All calls, including allowed personal telephone calls, may be subject to tracking of the phone number of the incoming or outgoing call and the length of the call.

The city believes, however, there are occasions when employees may use telephones for personal purposes without such usage being at odds with the policy. It is normal practice by both public and private employers to permit employees to use business telephones to talk to family members, make medical appointments, schedule service technicians, confer with children's schools, and take care of any of a variety of other matters which can only be accomplished during "regular" work hours. The city believes it is less disruptive to permit employees to make such personal calls at their workstation than to require an employee to take a break or leave from work to take care of personal matters, however care should be taken to keep calls from disturbing coworkers in nearby workstations.

Personal telephone calls made during working hours from city telephones should, of course, be brief and infrequent. Personal long distance calls, even if the employee reimburses the city for the cost, may not be made on city telephones. If it is necessary for an employee to make personal long distance calls while at work, such calls must be made with the employee's personal calling card or by placing a collect call.

Cellular Telephones, Personal Digital Assistants (PDA's) and Smartphones

The city may provide cellular phones, PDA's and Smartphones to their employees specifically to facilitate the carrying out of official business. The city's cellular phones, PDA's and Smartphones are not for the convenience or personal use of employees. This policy also applies to all City of Tigard employees and their use of personal cellular telephones, PDA's, and Smartphones during work hours. The city also recognizes that there are certain positions that should be given the option of receiving a monthly stipend to obtain a personal cellular phone, PDA or Smartphone to be used for City business. The four components of this section include: (a) use of city cellular phones (b) use of personal cellular phones (c) use of PDA's and Smartphones, and (d) personal cellular phone, PDA and Smartphone stipends.

(a) Use of City Cellular Phones

The instances when an employee may use a city cellular phone for personal purposes are limited. An example of an occasion when an employee's personal use of a city cellular phone would not violate Oregon Government Ethics Commission guidelines would be to contact a spouse or childcare provider to advise that the employee is going to be late getting home or picking up children for a reason directly related to official duties such as a meeting which ran later than

expected or a last minute change of schedule. Another permitted personal use of a city cellular phone by an employee would be receiving an incoming call regarding a family emergency. Employee will not be required to reimburse the city when the cellular telephone call follows these guidelines; that is, the personal call is directly related to official duties.

Except as described above, a city employee cannot make a personal cellular call even if he or she intends to reimburse the city at a higher rate than that generally available to the public.

(b) Use of Personal Cellular Phones

It is the city's goal for employees to perform their duties in a productive manner without the interference of personal cellular telephone calls. Employees may not activate or use personal cellular telephones during normal work hours or in staff work areas. Use of personal cellular telephones is permitted during an employee's personal time (rest and meal periods as referenced in Citywide Personnel Policy No. 45.0, Job Attendance) and outside the workplace.

Exceptions may be made to this policy on a limited basis based on an employee's need and with approval of the department director. Employees requesting an exception to this policy must submit their request to their department director for approval.

Employees who violate any citywide personnel policy are subject to disciplinary action, up to and including termination.

(c) Use of Personal Digital Assistants (PDA and Smartphones)

This policy applies to all employees who use either a personal PDA or Smartphone or a city purchased PDA or Smartphone when conducting city business. PDA's include wireless devices that may have phone and internet capability. Smartphones include traditional telephone functionality and additional features found on a PDA or desktop PC.

Department directors are responsible for determining if it is in the best interest of the city to equip an employee with a city funded PDA or Smartphone. The city recognizes the benefit of having a complete schedule that includes both city and personal appointments. Therefore, posting and synchronizing of personal appointments between a city computer and a personal PDA or Smartphone is permitted in order to provide a complete view of an employee's schedule if the department director has authorized the use of a personal PDA.

All smartphones and PDA's which contain sensitive city information, data, or has applications that could access sensitive data should be locked and need to be unlocked using authentication or password to access the device. Most PDA's and smartphones have the ability to request a code before accessing the device, and this level of security should be enabled if there exists sensitive data on the device or the device could access sensitive data through an application. If possible the data should also be password protected in case the device is lost or stolen.

In the event of a lost or broken PDA or Smartphone purchased with city funds, the Department director will determine if the loss occurred as a result of employee negligence when deciding whether the city will purchase a replacement PDA or Smartphone. In the

event of a lost or broken PDA or Smartphone purchased with personal funds, the city will follow Citywide Personnel Policy, Personal Property.

E-mail

E-mail is a communication tool provided to city employees to assist them in the performance of their job duties. Personal use of the city's e-mail system is not allowed.

The city's e-mail system may not be used:

- to access an employee's personal Internet e-mail account;
- to send e-mail anonymously or under someone else's name without authorization;
- to support charitable, religious, or political activities or causes (other than City approved activities); and
- to support other activities that are not related to the direct conduct of city business.

Users understand the city monitors material created, stored, sent, or received on its computer network.

Employee Responsibility

If an employee receives an inappropriate e-mail, he or she must immediately respond to the sender with a copy of the city's warning message, found in I:\citywide\EMAIL-WARNING.doc.

"The City of Tigard considers your enclosed e-mail to be offensive and an inappropriate use of city equipment. Please do not send the City of Tigard this type of material again. Should I receive similar material in the future I will forward it to Tigard's System Administrator who may contact and file a complaint with your Internet Service Provider and/or your Postmaster."

A copy of the response, including the original sender's name and e-mail address, must be sent to the employee's supervisor. This is to show the supervisor the employee made a good faith effort to dissuade the sender from sending inappropriate material. It also provides the employee protection if inappropriate materials are found in the employee's mailbox or hard drive.

If an employee receives a personal e-mail, he or she must immediately respond to the sender with a message notifying the sender the employee may not receive personal e-mail at the city. An example is available at I:\citywide\personale-mail.doc.

"The City of Tigard does not permit personal use of their e-mail system. Please direct all your correspondence to my home e-mail address. Thank you."

Computers/Internet/E-mail

This policy applies to all City of Tigard employees and their use of city computers, the electronic mail (e-mail) system and the Internet.

It is the city's goal to enhance both external and internal communication through the use of various electronic communication tools. All electronic communication tools purchased by the city are the property of the City of Tigard. Any personally owned electronic communication devices an employee uses for city business are also governed by this policy. Employees should have no expectation of privacy in connection with the transmission, receipt, or storage of information in

these electronic devices. Any individuals using this system are subject to monitoring and all individuals using the system without authority or in excess of their authority are subject to having all their activities on this system monitored, recorded and examined by an authorized person, including law enforcement, as system personnel deem appropriate. Any material so recorded may be disclosed as appropriate without prior notice to the employees who may have generated, sent or received the material.

Personal Use

In general, employees may not use computers owned by the city for personal purposes. The City of Tigard's computer system is for authorized users only. There are some circumstances where the city believes the use of computers for personal purposes does not violate the Oregon Government Ethics Commission guidelines. For example, an allowable use would be the preparation of application materials for a different position within the city or term papers for a city-sponsored class. The personal use of city computers, with the exception of e-mail and the Internet, is permitted with the department director's approval:

- during an employee's lunch period,
- one hour before their normal work schedule begins,
- one hour after their normal work schedule ends, and
- the time between the end of the employee's "work shift" and the beginning of an evening meeting that the city requires the employee to attend.

Personal use of the e-mail system and the Internet is not allowed at any time except as described under Internet Access.

No personal use of city computers is allowed on an employee's day off unless the use is related to an educational purpose that is consistent with the city's policies and has been pre-approved by the employee's department director.

Personal use of the computer system may not interfere with the employee's work, another employee's work or have an undue impact on the network. Playing games on the city's computers is not allowed. Sending large attachments (greater than two megabytes) to multiple people, distributing hoaxes, and spamming are examples of e-mail usage that could affect employee time or system capacity.

Employees should have no expectation of privacy in connection with the transmission, receipt or storage of information, even if the computer is for approved personal use.

Internet Access

The city has equipped their computers and some PDAs with access to the Internet in order to have access to information and to provide information to the public. Personal use of the Internet is only allowed a) with the department director's approval, or b) to access city sponsored benefit sites or c) to schedule medical appointments for the employee or their immediate family. No access to any investment, deferred compensation or retirement benefit sites or accounts is allowed. The city reserves the right to monitor approved personal use of the internet as appropriate under the law.

City equipment may not be used at any time to access inappropriate sites or to transmit or receive inappropriate information. Pornography, hate groups, and off shore gambling are examples of inappropriate sites and accessing these sites is a misuse of city property.

The city recognizes that occasionally, while in pursuit of valid city business, an employee may inadvertently follow an Internet link that leads to an inappropriate web page. If this occurs, it is not necessary for the employee to respond to the owner of the page, but the employee must immediately notify his or her supervisor of what happened. Copies of e-mail and accessed web pages remain in the system for a period of time and the city may retrieve e-mail and web site histories. It is for the employee's own protection that any anomalies are documented.

Information Sharing

Employees are not allowed to use a code, access a file, or retrieve any stored information, other than where authorized, unless there has been prior clearance by an authorized supervisor. City property or information that is confidential and/or proprietary cannot be shared with individuals outside of the city without prior clearance from a department director. Any employee who leaves employment with the city is prohibited from taking or copying any city property or information unless specifically authorized in writing by their department director.

Information Technology Access Policy

Information technology includes but is not limited to all individual computers, computing and electronic communications devices and services, telecommunication devices, e-mail, networks, telephones (including cellular), voice mail, fax transmissions, video, multimedia, applications and instructional materials.

Access rights to information/data stored on city-owned equipment will be given on an as-needed basis. Only those rights needed to accomplish tasks related to their job function will be granted. Authorized users of the city's computer network include city employees and other individuals who are contracted to help support the city systems. Information/data and systems may only be used by authorized individuals to accomplish tasks related to their jobs. Any other use is strictly prohibited.

Data of a confidential nature must be protected and must not be disclosed without authorization. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

City of Tigard Information Technology staff is granted access to information technology resources in order to facilitate their job activities. However, by using these resources, staff agrees to abide by all relevant City of Tigard policies and procedures, as well as all current federal, state, and local laws. These include but are not limited to personnel policies and procedures related to harassment, plagiarism, commercial use, security, unethical conduct, and laws prohibiting theft, copyright and licensing infringement, unlawful intrusions, and data privacy laws.

Information Technology staff is responsible for reviewing, understanding, and complying with all policies, procedures and laws related to access, acceptable use, and security of the City of Tigard information technology resources.

The City of Tigard recognizes the importance of preserving the privacy of users and data stored in information technology systems. Staff and 3rd party contractors must honor this principle by neither

seeking to obtain unauthorized access to information technology systems, nor permitting or assisting any others in doing the same. Furthermore, staff and 3rd party contractors must not make or attempt to make any deliberate, unauthorized changes to data on an Information Technology system. Staff must not intercept or attempt to intercept or access data communications not intended for that staff member, for example, by “promiscuous” network monitoring, running network sniffers, or otherwise tapping phone or network lines.

There may be occasions when users’ information/data will need to be accessed without the users’ permission. When these occasions arise the Information Technology staff member must obtain written permission from the department director or City Manager prior accessing the information/data. Staff must not conceal their identity when using Information Technology systems, except when the option of anonymous access is explicitly authorized. Staff is also prohibited from masquerading as or impersonating others or otherwise using a false identity.

Without specific authorization, Staff may not remove or modify any City of Tigard owned or administered equipment or data from Information Technology systems.

Off Site Information Technology Equipment and Data Use Policy

Information technology equipment and data includes but is not limited to all individual computers, computing and telecommunication devices, telephones, all city records, and instructional materials.

Employees are required to obtain permission from their supervisor prior to taking computer equipment off site. Department directors are responsible for knowing who within their respective departments has possession of and the location of all information technology equipment taken off site.

If the equipment has been kept off site for more than one month, and the equipment has been used on the internet and/or files loaded or any external devices attached to the computer equipment, it shall not be reconnected to the city’s network without first being examined by Information Technology staff.

Employees are responsible for taking reasonable precautions against theft or damage to the computer equipment. Data of a confidential nature must be protected and must not be disclosed without authorization. Confidential data or information should be transferred using a secure device that requires authentication to access and if possible the data should also be encrypted. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

Software installations are to be performed by Information Technology staff only. Only software owned by the city and approved by the Information Technology Division shall be installed on city computers. Installation of personal software on any city-owned equipment is expressly prohibited.

Computer equipment may not be used to download, copy, or store any copyrighted software, publications, music, video, or other content without permission from the copyright holder. The City allows for music CD’s to be played from the DVD/CD player, but the music may not be copied to

the computer from the CD. Music may not be copied to the computer from any other source including the internet.

Any theft or damage to computer equipment is to be reported immediately to the Information Technology Division and your supervisor.

When computer equipment is returned to the city, the user is required to notify his supervisor, and to send a Help Desk ticket to Information Technology Division notifying them of the change of status of the computer equipment.

Working on a Non-City Computer

Using a personal electronic device such as a PDA, iPhone or a netbook, to access City electronic communication and documents for work may make the personal electronic device subject to a records search. Personal electronic devices should not be used for working directly on City documents without approval from your department director.

A thumb drive also known as a flash drive, jump drive, pen drive or memory stick should not be used to transport electronic communication and documents for work on personal electronic devices as this may make the personal electronic device and thumb drive subject to a records search.

No personal thumb drives should be used on City computers without approval from IT. Sending electronic communications or documents to a personal email account or other online account may make the email account or other online account subject to a records search.

Virtual Private Network (VPN)

When using the City's VPN, a secure internet connection which connects outside computers to the city's network securely), no electronic work communication or documents should be downloaded to a personal device. If documents are downloaded to a personal device, this may subject the personal device to a records request search. If work needs to be done on a local device outside of work, a City device should be borrowed or approval from your department director.

Even if an employee follows all city policies and does not download any documents to their device (PC, smartphone, PDA and any other electronic device) used to access the city's network or information, the employee's device may still be subject to a records search to confirm that no data had been downloaded to the device.

Social Media (Facebook, Twitter, Texts or other social networks)

1. City of Tigard employees must follow the City's personnel policies when posting to blogs, wikis or any other form of user-generated media on behalf of the city. Information posted is public information.
2. Employees must obtain approval from their director to post on social websites on behalf of the city.
3. Messages sent or received via social networking sites may fall under the Public Records law. Check with Records for records retention requirements.

4. Follow copyright, fair use and public disclosure laws.
5. Employee may not provide or post confidential information. Permission must be obtained from the appropriate person or department before publishing information.
6. Clients, staff or suppliers may not be referenced without their approval.
7. Employees will not use City equipment or time to post personal items or access Web 2.0 sites for personal use.
8. Employee must respect their audience and City policies when posting on behalf of the city. Employees may not use ethnic slurs, personal insults, obscenity, or engage in any conduct that violates City policies and/or would not be acceptable in the City's workplace.
9. Employees must be cognizant of their association with the City of Tigard in online social networks. They should ensure their profile and related content is consistent with City policies, and presents themselves and the City appropriately.
10. Inappropriate postings or content may subject the employee to disciplinary action, up to and including termination.

Laws and Licenses Compliance

Users are required to comply with all software licenses, copyright laws, Oregon Government Ethics Commission guidelines, city policies, and state and federal laws when using the city's computers, sending or receiving e-mail or accessing or downloading information from the Internet.

Unauthorized duplication of copyrighted computer software violates the law and is contrary to the city's standards of conduct. Employees will not engage in nor make or use unauthorized software copies under any circumstances. Legally acquired software in sufficient quantities for all computers will be provided by the city's Information Technology Division to meet the legitimate software needs for city work. The city and its employees will comply with all license and purchase terms regulating the use of any software acquired or used.

Because copyright infringement is an unlawful act, the city will maintain strong internal controls to prevent the making or using of unauthorized software copies. Compliance with software licenses and copyright laws is required. Failure to comply with these standards shall be grounds for disciplinary action, up to and including termination.

System Security

All employees have a responsibility to take reasonable precautions to protect the city's computer system. Reasonable precautions include, but are not limited to, updating anti-virus software when requested by the Information Technology Division (IT), not allowing unauthorized access to the computer system, and safeguarding the employee's password.

If an employee becomes aware of a virus or the threat of a virus, the employee should immediately contact IT with the information. Information Technology will evaluate the risk and, if warranted, notify all employees of the precautions that need to be taken.

E-mail as a Public Record

Under Oregon's public records law, most electronic mail messages created for business purposes are public records. Although some messages may not fall under the definition of public record, it is safest to assume all messages created could be considered public record. The only privacy an employee can expect is that afforded through disclosure exemptions. The privacy afforded government employees

using government e-mail systems is minimal and an employee should have no expectation of privacy. E-mail that does not meet the definition of a public record may still have to be released as part of litigation.

Public access and exemption from disclosure

E-mail, like other forms of public records, must be made available to any member of the public upon request unless it falls within one of the specific exemptions described in the public records statute. A person need not demonstrate a "legitimate" need for public records to be entitled to inspect them.

The city requires that all public records requests be made in writing. The form for the request is available to the public on the city's website. Please check with your supervisor, or the City Records Division, if you have a question on whether an electronic mail message should be provided to the public.

Retention and Disposition

The retention of records stored in electronic records systems, including e-mail systems, is governed by the city's retention schedule. There isn't one retention period that encompasses all e-mail. E-mail is only a method of communication so employees must evaluate each message to determine where it fits into the city's retention schedule. The city has adopted Oregon Administrative Rule 166-200, "City General Records Retention Schedule." The schedule is available on-line at http://arcweb.sos.state.or.us/rules/OARS_100/OAR_166/166_200.html. If you have a question about the retention of a message, please contact the City Records Division.

An e-mail mailbox should not be used for long-term storage. If an e-mail falls within the definition of a public record it should be kept with the appropriate file. Retention may be in a paper file or in the city's information management system (Laserfiche.) Printed messages are to include any attachments and all header information, i.e., time and date, routing information, etc. It is the responsibility of the holder of the official record to make sure the file is updated. For example:

- An updated record's policy is e-mailed to all employees. It is the responsibility of the person sending the e-mail to keep the record copy.
- A citizen calls and leaves a detailed message regarding a pending file; the receptionist forwards the message through the e-mail system. It is the responsibility of the person receiving the message to add the message to the file.
- E-mail related to a current project or issue may be retained on the system as a reference tool. Once the project is completed or the issue resolved the employee should verify all relevant e-mail is in the file and then delete the e-mail from their e-mail box.

Policy Compliance

Employees who violate the *Computer Use, Electronic Mail and Internet Policy* may have e-mail access and Internet privileges suspended as well as be subject to disciplinary action, up to and including termination of employment.

53.0 DRIVING AND VEHICLE OPERATION

The operation of vehicles and equipment is necessary in conducting the day-to-day business of the city. Driving and the use of vehicles for city business includes regular vehicles for operation on streets as well as operation of special-use vehicles such as construction and excavation equipment designed to operate primarily off-road but driven on public roads to a job site.

The purpose of this policy is to record the city's guidelines and policies governing driver authorization, reporting of collisions, investigation procedures and the safe operation of vehicles, both city owned, personally owned or any vehicle or equipment, which are used for official city business or while on City assignment with another agency.

Use of City Owned Vehicles and Equipment or any Vehicle or Equipment Used While on City Assignment.

City vehicles and equipment or any vehicle and equipment used while on City assignment are used only in the performance of official city-authorized business; however, personnel whose work assignment is primarily in the field may utilize their assigned vehicle during meal and rest periods for personal business as approved by the employee's supervisor. Employees doing so must conduct themselves in a manner that does not bring discredit upon the city or incur additional costs for fuel or vehicle maintenance.

The following additional guidelines for the use of a city owned vehicle/equipment or any vehicle and equipment used while on City assignment shall apply:

- Any out-of-pocket expenses such as fuel, emergency repairs, parking or tolls shall be reimbursed upon presentation of receipts;
- No reimbursement will be made for parking fines or any other charge levied for violation of a motor vehicle law;
- Family members or other non-city employees may be transported in personal or other non-City vehicles except when the vehicle is being operated for City business. In such cases, an employee must receive authorization by the department director or must be regularly assigned a vehicle as a provision of an employment contract;
- Temporary employees, contractors or volunteers are prohibited from driving a city vehicle without the specific authorization of the department director, verification of appropriate motor vehicle license and driving record approval by Risk Management.

Use of Personally Owned Vehicles

Employees are encouraged to use city pool vehicles when appropriate however, the use of personal vehicles to conduct city authorized business is allowed under the terms of this section and city policies. When the city allows use of a privately owned vehicle it must be a conventional, at least four-wheel vehicle, and be in safe mechanical condition that is adequate to provide safe transport for the road and weather conditions. Vehicle/equipment must conform to State of Oregon requirements. Vehicle registration and insurance must be current. No reimbursement will be made for parking fines or any other charge levied for violation of a motor vehicle law.

Employee's must file and keep current personal insurance information with Risk Management before a personal vehicle can be used for city authorized business. Employees driving their personally owned vehicle will provide proof of personal auto liability insurance with liability limits of at least \$100,000/\$300,000/\$50,000 per occurrence. This personal auto insurance is primary in the event of a liability loss. The city is not responsible for the physical damage to the personally owned vehicle so employees should also have their own collision and comprehensive insurance coverage.

Personally owned vehicle usage that meets the preceding requirements is reimbursed at the federal mileage rate. Mileage reimbursement for the use of a privately owned vehicle is considered full payment (including deductibles, depreciation, insurance, maintenance, fuel and operating costs) for its use.

Driver Authorization and Review

In the event a work assignment requires the use of a city owned vehicle or any vehicle for city authorized business, the employee is required to be qualified and possess the appropriate class of license for the type of vehicle used. The employee shall immediately report any limitation on his/her ability to safely operate the vehicle or any change in his/her licensing status to the employee's supervisor or department director.

The city requires periodic review of employee's driving records and requires review of applicant's driving records to ensure that people entrusted with the operation of vehicles are legally permitted to do so by the state; that they demonstrate by their driving record that they are safe drivers; and that the city is able to insure the person.

- ❑ Initial authorization to drive. When a position is being filled for which duties and responsibilities include driving, the driving record will be evaluated according to the city's Risk Management procedure addressing driver's record review standards. Applicants must be at least 18 years of age and have a valid driver's license. Job offers are contingent upon a successful driving record check, conducted by Risk Management, which meets city's standards.
- ❑ Driver Responsibilities. Those authorized to drive have the responsibility to do so safely while following defensive driving principles, Oregon laws and city regulations. Drivers operate vehicles safely in order to prevent collisions and injuries in spite of unsafe driving by others or adverse driving conditions. Drivers must have a valid driver's license, appropriate for the vehicle being operated, and it must be in the employee's possession at all times while operating a vehicle on official city authorized business. Drivers must immediately report any changes to their driver's record to their supervisor.
- ❑ Ongoing Driver Authorization. The city conducts periodic review of motor vehicle driving records of all employees entrusted with the operation of vehicles for city authorized business. The courts use the "negligent entrustment" doctrine to determine city liability when there is a collision resulting in property damage, injury or death. This doctrine can place responsibility for driver error, recklessness and incompetence on the City as the employer when a driver has a suspended/expired license or a poor motor vehicle driving record and is allowed to drive for City authorized business.

Collision Reporting and Review

Collisions are incidents or events that involve city owned vehicles and equipment, a personally owned vehicle or any vehicle or equipment that is being used for official city authorized business or City authorized assignment with another agency resulting in property damage, injury or death.

Whenever a collision occurs involving a city owned vehicle, piece of equipment, a personal vehicle or any vehicle or equipment that is being used for official city authorized business the collision must be reported immediately to the employee's supervisor, and, if within the city limits, to the Tigard Police Department.

Further information and procedures related to this policy are contained in the City of Tigard's Risk Management Manual.

Penalties for Violations of Driving and Vehicle Operation Policy

In order to maintain a safe and productive work environment, a violation of this policy will be considered a very serious case of misconduct and subject to disciplinary action up to and including termination.

Further information and procedures related to this policy are contained in the city's Risk Management Manual.

54.0 USE OF CITY PROPERTY AND INFORMATION

All city property and information is to be used solely for job related purposes. Use of such property or information for personal purposes is strictly prohibited unless specifically authorized by city policy or the department director. Employees should not have any expectation of privacy in the use of city property or any information contained therein at any time. For purposes of this policy, city property includes all equipment, information, materials and facilities owned by the City of Tigard. Examples include software, electronic equipment, information systems (including but not limited to computers, cellular telephones, fax machines, copiers, voice mail, e-mail), all communications and information stored in the city's information systems and electronic equipment, passwords, codes and keys to gain access to such equipment, buildings, motor vehicles, lockers, desks, etc.

The city reserves the right to access all city property and may-monitor use of such property. The city reserves the right to review and/or disclose all information contained in such property at any time and for any purpose.

Employees are strictly prohibited from using any city property to solicit other individuals for any purposes or to send messages which may be interpreted as harassing, discriminatory, obscene, or defamatory. The city's anti-harassment policy fully applies to employees in this use of city property.

Employees shall not use a code, access a file, or retrieve any stored information, other than where authorized, unless there has been prior clearance by an authorized supervisor. City property or information that is confidential and/or proprietary information cannot be shared with individuals outside of the city without prior clearance from an authorized city representative. Any employee who leaves employment with the city is prohibited from taking or copying any city property or information unless specifically authorized by their department director.

Public Records

Public records, as defined in Oregon Revised Statute 192.005(5), “includes, but is not limited to a document, book, paper, photograph, file, sound recording, or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use.” If city business is being discussed via Internet chat rooms or by instant messaging or other forms of electronic communication the information most likely falls under Public Records law and retention requirements apply.

City of Tigard employees are responsible for managing public records in their custody, which includes identifying public records and retaining records in compliance the city’s retention schedule. Employees are prohibited from releasing original files to any non-city employee without written authorization from the employee’s department head. The written authorization is to be submitted to the City Records Division as documentation of the release of the records and to meet retention requirements. The city has adopted Oregon Administrative Rule 166-200, “City General Records Retention Schedule.” The schedule is available on-line at http://arcweb.sos.state.or.us/rules/OARS_100/OAR_166/166_200.html. If employees have a question about records retention or how to transfer records to the city’s central archives, they should check with their supervisor or the City Records Division. Employees should be aware that unlawful destruction of any public record, regardless of medium or physical format, may be considered a crime. ORS 162.305 reads, “ A person commits the crime of tampering with public records if, without lawful authority, the person knowingly destroys, mutilates, conceals, removes, makes a false entry in or falsely alters any public record, including records relating to the Oregon State Lottery”

It is also the policy of the City of Tigard to protect the personal information of employees and customers, for example names in combination with social security numbers, driver’s license or identification cards; passport numbers; or financial information. This is in compliance with Oregon Revised Statute 646A.600 – 646A.628, the Oregon Identify Theft Protection Act (OITPA) and the Fair and Accurate Credit Transactions (FACT) Act of 2003, and Federal Trade Commission Rules as adopted by City Council Resolution No. 08-66 regarding the Information Security Program for the City of Tigard. Each department is required to identify records that may be protected and have a policy in place for protecting the records and notifying customers if there is a breach in security. Such policies must be approved by the department director.

The City Records Division maintains a Records Management Manual, which is the resource for City of Tigard employees regarding current rules, regulations, and guidelines for managing the city's records.

Employees who violate this policy are subject to disciplinary action, up to and including termination of employment. The City also may report any violations of this Policy that it considers to be a criminal violation to the appropriate authorities.

56.0 FAMILY AND MEDICAL LEAVES OF ABSENCE

This policy is established to comply with both the Oregon and Federal Family and Medical Leave Acts which entitle eligible employees job-protected leave for family and medical reasons. The intent of this policy and the law is to allow city employees to balance their work and family life by taking reasonable, paid and/or unpaid leave of absences for the reasons specified in these rules and regulations.

The City's family and medical leave policy combines benefits required by the federal Family and Medical Leave Act (FMLA) and state law (OFLA).

Eligibility

An employee must have been employed by the city for at least 180 days for an average of 25 hours of work per week during the previous 180 days. Exception: The hourly prerequisite does not apply to parental leave.

An employee must have worked an average of 20 hours per week for the City for at least 180 calendar days immediately preceding the date the employee takes Oregon Military Family Leave (OMFLA).

Qualifying Reasons

- **Parental Leave:** Leave to care for a child born to or placed for adoption or foster care with the employee. Under OFLA, an employee who uses 12 work weeks of parental leave is entitled to take up to 12 additional workweeks of sick child leave.
- **Family Member Leave:** To care for a family member (spouse, child, parent, and in Oregon, same-sex domestic partner, grandparent, grandchild, parent-in-law, or a parent or child of an employee's same sex domestic partner) with a serious health condition or for a child requiring home care due to illness extending longer than three (3) days. (This type of leave is often referred to as "Serious Health Condition Leave.") Please refer to "Certification of Health Care Provider" – US Department of Labor Form WH-380 – for the definition of a serious health condition.
- **Employee Leave:** To recover from or seek treatment for a serious health condition of the employee when the employee is unable to perform at least one essential function of his/her

regular position. Serious health conditions include on-the-job injuries (FMLA only), pregnancy-related disabilities, and prenatal care. (This type of leave is often referred to as "Serious Health Condition Leave").

- **Military Caregiver Leave (FMLA Only):** To care for a covered family member (spouse, child, parent, or next of kin) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that the injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating (FMLA only).
- **Qualifying Exigency Military Leave (FMLA Only):** For any qualifying exigency arising out of the fact that the employee's family member (spouse, child, or parent) is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation (FMLA only).

Under Oregon law, employees may also request family and medical leave for:

- **Sick Child Leave:** To care for a minor child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. If "Sick Child Leave" is requested to care for a child who does not have a serious health condition, the City has the right to deny the employee's request for leave when another family member is willing and able to care for the child. "Sick Child Leave" does not include care of a grandchild.

Duration of Leave

- Twelve work weeks (480 hours during a rolling 12-month period computed from the date the employee first uses OFLA/FMLA leave. Leave time is pro-rated for employees working between 25 and 39 hours a week.
- Taking leave on an intermittent basis or on a reduced work schedule may be permitted by the City if necessary to take care of a seriously ill covered family member or because of the employee's own health condition. In either case, documentation by a medical professional is necessary. Leave of this nature must be approved in advance by the City and employees must make a reasonable effort to minimize disruption in the work unit. Intermittent leave will be calculated on an hourly basis which computes to 480 hours per year. Leave time is pro-rated for employees working between 25 and 39 hours a week.
- Parental leave must be taken within 12 months after the birth/placement of a child. Leave may be taken non-consecutively, but if more than two (2) non-consecutive leaves are taken within the 12-month period, the employee must receive prior authorization from Human Resources.
- Under the Oregon Family Leave law (OFLA), employees who take parental leave are also entitled to an additional 12 weeks of family leave to care for a sick child only if the full 12 weeks of parental leave has been exhausted during the parental leave year. Employees not using the full 12 weeks of parental leave are only entitled to the balance of their 12 week entitlement for the purposes of sick-child or any other type of OFLA leave.
- Female employees who must take leave because of a pregnancy-related disability which prevents the employee from performing any available job duties as documented by the employee's treating physician or health care provider, may take an additional 12 weeks for other purposes approved under the law.
- An eligible employee who is the spouse, child, parent, or next of kin of a covered service member shall be entitled to a total of 26 work weeks (1,040 hours) of leave during a 12-month

period to care for the injured service member (FMLA only). Leave time is pro-rated for employees working between 25 and 39 hours a week.

- An eligible employee may take up to 12 work weeks of FMLA leave for any qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on active duty (or has been notified of impending call or order to active duty) in the Armed Forces in support of a contingency operation.

General Provisions

- **Notice**

When leave is anticipated, written notice must be provided at least 30 calendar days prior to the start of leave. "Anticipated" refers to an employee having knowledge at least 30 calendar days in advance. Failure to comply with providing proper notice will result in delaying the leave until proper notice is received.

When leave is unexpected, verbal notice must be provided to the supervisor or Human Resources within 24 hours of the leave commencement plus written notice must be forwarded to Human Resources within three (3) days after returning to work.

An employee must notify their supervisor if they have been off work for more than three (3) calendar days due to a family or medical-related event as defined in "Qualifying Purposes". Employees should contact Human Resources for additional information regarding their OFLA/FMLA rights.

Employees are responsible and must provide sufficient information for the City to determine if the leave may qualify for family medical leave protection and the anticipated timing and duration of the leave. Employees must also inform the City if the request leave is for a reason for which FMLA and/or OFLA leave was previously taken or certified.

The consequences for failing to provide adequate notice for OFLA-only leave are that the City may reduce the period of unused OFLA by the number of days the employee took without notice (not to exceed three weeks per leave year).

Employees must make reasonable efforts to schedule treatment for serious health conditions and/or leave for planned treatment in a manner that does not unduly disrupt business operations.

- **Rolling 12-Month Leave Period**

The leave calculation year for family medical leave is 12-months measured backward from the first day family leave is taken by the employee. Each time the employee uses family leave, the employee's remaining entitlement would be the balance of the 12 work weeks which has not been used during the immediately preceding 12 months.

- **Paid and Other Leave to Run Concurrently**

The City requires the substitution of accumulated sick leave (for SEIU and TPOA members) or Medical Leave (for Management/Supervisory/Confidential Group employees participating in the PTO Program) prior to or during the duration of FMLA/OFLA leave as provided by applicable City policies, bargaining agreements, State laws, and/or Federal laws.

After sick leave or Medical Leave has been exhausted, employees are required to use any other applicable, accumulated paid time (i.e., vacation, management leave, floating holiday, appointment leave, PTO, etc.) as provided by applicable City policies, bargaining agreements, state laws, and/or federal laws during their leave of absence before being placed on unpaid leave status. If requested by the employees, earned time (i.e., compensatory time and M2 time) is eligible to be used during approved FMLA/OFLA unless otherwise stipulated by applicable City policies, bargaining agreements, state laws, and/or federal laws.

Sometimes more than one type of leave may apply to a situation. Where allowed by federal and/or state law, leaves will run concurrently. This means that worker's compensation leave (FMLA only), leave for a non-industrial injury or illness (including paid leave such as sick leave), Medical Leave Bank (MLB) and/or Paid Time Off (PTO) for Management, Supervisory & Confidential Group employees participating in the Paid Time Off Program, leave as a reasonable accommodation for a qualified individual with a disability, paid vacation used for a family leave qualifying reason, and federal family and medical leave (FMLA) as well as state family and medical leave (OFLA) may all run concurrently and be counted against the employee's annual family and medical leave entitlement. All applicable leave will be governed by City policies, bargaining agreements, State laws, and/or Federal laws.

Leave granted under state worker's compensation laws will be treated in accordance with the above laws and will run concurrently with FMLA. It will only run concurrently with OFLA leave if the employee's workers' compensation claim is denied or the employee rejects a light-duty offer.

In many circumstances, FMLA leave runs concurrently OFLA leave.

Medical Certification

- The City requires a timely and complete written verification from the treating physician or health care provider at least 30 days prior to the start of the leave for an anticipated serious health condition relating to the employee. A completed and signed "Certification of Health Care Provider for Employee's Serious Health Condition" (US Department of Labor Form WH-380-E) or documentation that provides the same information as required on Form WH-380-E will be considered acceptable written verification from the treating physician or health care provider. In cases where the serious health condition is unanticipated, the employee will be required to provide the certification within 15 days of the request for leave. The City may require returning employees to provide a fitness-for-duty certification prior to the employee's return to work.

- The City has the right to solicit a second and third opinion, and periodic re-certifications supporting the need for leave. Any out-of-pocket expenses will be at the City's expense. Under Oregon law, employees who use sick child leave on all or any part of three (3) separate days in a 12-month leave period may be required to provide medical documentation from the child's doctor to verify that the child was ill and required home care for all subsequent uses of sick child leave in the 12-month period.
- When taking leave for a seriously ill family member, employees are required to complete and submit the "Certification for Health Care Provider for Family Member's Serious Health Condition" (US Department of Labor Form WH-380-F).
- The consequences for failing to provide a timely, sufficient, and complete written verification supporting the need for the absence(s) are that the leave may be delayed or denied and not be protected by family medical leave laws.

Certification of Spousal/Domestic Partner Deployment, Qualifying Exigency, and Military Caregiver Leave

- An employee requesting Qualifying Exigency Leave is required to complete a [Certification of Qualifying Exigency for Military Leave](#) (Department of Labor form WH-384) including written documentation confirming the military member's call to active duty within 15 days of the request.
- The City requires certification from an authorized health care provider of the covered service member in order to take leave to care for the covered service member within 15 days of the request. Department of Labor WH-385, an "Invitational Travel Order" (ITO), or an "Invitational Travel Authorization" (ITA) are acceptable forms of documentation. Contact Human Resources for information.
- Failure to provide a timely, complete, and sufficient certification may result in denial or delay of continuation of leave.

Intermittent/Reduced Schedule Leave When Medically Necessary

- In situations where intermittent or reduced schedule leave is available and foreseeable, employees may be temporarily transferred to available alternative positions that better accommodate intermittent or reduced schedule leave. Any such transfer covered by OFLA will be with the employee's consent.

Reinstatement

- The City will make every effort to reinstate the employee in their former position.
- If reinstatement to the employee's former position is not possible due to the unanticipated elimination of the position during the time of the employee's absence, the employee will be reinstated to an equivalent position if one exists. If the employee is covered by a collective bargaining agreement, reinstatement will comply with the terms of the agreement.
- The right of reinstatement is also subject to federal and state law regarding disability and workers' compensation.

Continuation of Benefits

- During approved FMLA/OFLA leave, the City will maintain an employee's health coverage under the City's group health plan on the same terms as if the employee had continued to work. The City will recover premiums paid on behalf of the employee who does not return to work for reasons other than a serious health condition of the employee or family member, or other circumstances beyond the control of the employee.
- Employees who exhaust their paid leave banks while on approved FMLA/OFLA will have the option of continuing other City-paid and voluntary benefits during their leave and the method in which they chose to pay the applicable premiums. Failure to reimburse the City for any premiums paid on the employee's behalf during his/her approved absence will result in retroactive cancellation of the impacted benefit.

Status Report and Call-In

- While on family medical leave, employees must provide the City with periodic reports of status and intent to return to work. Employees should make arrangements with their supervisor to ensure compliance to this provision.

Working for Another Employer

- The City's policy prohibits employees on a paid or unpaid leave of absence, including a family medical leave of absence, from working for another employer, without prior written authorization.

66.0 CRIME VICTIMS' LEAVE

This policy is established to comply with Oregon Revised Statutes which grants certain crime victims and their immediate family members the right to take protected leave from work to attend criminal proceedings.

Employee Eligibility

To be eligible for Crime Victims' Leave, an employee must have worked an average of 25 hours per week for at least 180 days immediately before the leave begins. The employee or an immediate family member must have been a crime victim who has "suffered financial, social, psychological, or physical harm as the result of a personal felony." Under Oregon law, immediate family is defined as spouse, domestic partner, father, mother, sibling, child, stepchild, or grandparent.

Amount of Leave

There is no specific time limit on the amount of Crime Victims' Leave an employee may take. However, the City may limit the leave if the employee's absence creates an undue hardship, meaning a "significant difficulty and expense," taking into consideration the size of the business and any critical need for the employee. The City will evaluate the duration on a case-by-case basis and will

make every effort to comply with the employee's request for leave. If the City determines the employee's leave will result in an undue hardship, the employee should notify the prosecuting attorney who is then required to notify the court. The court must then take the employee's work schedule into consideration when scheduling the criminal proceeding.

Leave With or Without Pay

Crime Victims' Leave is unpaid leave. However, as permitted by the law, the City of Tigard will allow employees to use any accrued vacation/PTO, floating holiday, or compensatory leave. Employees will be required to use all applicable paid leave before requesting leave without pay. Employees may not use sick leave/MLB for Crime Victims' Leave.

Employee's Responsibilities

The law requires that the employee provide the City with reasonable notice of intention to use Crime Victims' Leave. The City requires the employee to notify Human Resources of the need for Crime Victims' Leave at least 15 calendar days in advance of the beginning of the leave. However, in the event the employee was unaware of the need for leave 15 days prior to the leave beginning, the employee must notify Human Resources as soon as possible but no later than 1 work day before the first day of the absence. The employee must also provide copies of the scheduled criminal proceedings that the employee receives from the court or a law enforcement agency. The employee will also provide Human Resources with documentation of any schedule changes. The City will treat such documentation as confidential records.

City Responsibilities

Upon notification of the need for leave, Human Resources will verify that the request for leave falls under the Crime Victims' Leave policy as described in this Personnel Policy. Depending on the circumstances, Crime Victims' Leave may overlap with other types of unpaid leave including Family and Medical Leave and Domestic Violence Victims' Leave. All documents provided by the employee supporting the eligibility for Crime Victims' Leave will be forwarded to Human Resources where they will be retained in a confidential file. After verification and an analysis of whether the employee meets the necessary requirements, the supervisor will be notified of the employee's qualification for the leave.

Timesheets

Human Resources will instruct the supervisor to submit a Personnel Action form as well as how to note such leave on the employee's timesheet.

67.0 DOMESTIC VIOLENCE VICTIMS' LEAVE

This policy is established to comply with Oregon Revised Statutes which grants employees who are victims of domestic violence, sexual assault, or stalking the right to take protected leave from work for a reasonable period of time to seek assistance. The law applies to victims as well as parents, guardians of minor children, or dependents who are victims.

Employee Eligibility

To be eligible for Domestic Violence Victims' Leave, an employee must: (1) have worked an average of 25 hours per week for at least 180 days immediately before the leave begins; (2) be a victim of domestic violence, sexual assault, or stalking or be a parent or guardian of a minor child or dependent who is a victim; and (3) the leave must be for an authorized purpose. An "authorized purpose" includes seeking legal or law enforcement assistance or remedies; seeking medical treatment for or recovering from injuries; obtaining counseling or services from a victim services provider; or relocating or taking steps to secure a safe home for the employee, minor child, or dependent.

Amount of Leave

There is no specific time limit on the amount of Domestic Violence Victims' Leave an employee may take. However, the City may limit the leave if the employee's absence creates an undue hardship, meaning a "significant difficulty and expense," taking into consideration the size of the business and any critical need for the employee. The City will evaluate the duration on a case-by-case basis and will make every effort to comply with the employee's request for leave.

Leave With or Without Pay

Domestic Violence Victims' Leave is unpaid leave. However, as permitted by the law, the City of Tigard will allow employees to use any accrued vacation/PTO, floating holiday, or compensatory leave. Employees will be required to use all applicable paid leave before requesting leave without pay. Employees may not use sick leave for Domestic Violence Victims' Leave. An employee who as a result of the domestic violence incident is sick, injured, or experiencing a mental health issue that would normally be considered appropriate use of sick leave is eligible to use accrued sick leave or MLB (if applicable). Human Resources is available to assist in determining the appropriate use of leave time.

Employee's Responsibilities

The law requires that the employee provide the City with reasonable notice of intention to use Domestic Violence Victims' Leave. The City requires the employee to notify Human Resources of the need for Domestic Violence Victims' Leave at least 15 calendar days in advance of the beginning of the leave. We understand, however, that instances of violence are usually not predictable and some requests may be made with little notice. The employee may be asked to provide verification to support the need for leave. The following items are acceptable forms of verification:

- An employee's written statement that the employee or employee's family member is a victim and needs assistance; and
- A police report or other document from law enforcement indicating the employee or employee's family member is a victim; or
- A court order providing protection to the victim; or
- Documentation from a healthcare provider, advocate, clergy, or attorney.

The City will treat this information as confidential records.

City's Responsibilities

Upon notification of the request for leave by the employee, Human Resources will make every attempt to verify the need for leave falls under the Domestic Violence Victims' Leave policy as described in this Personnel Policy. Any documentation pertaining to Domestic Violence Victims' Leave including the fact the employee requested or obtained leave will be kept confidential and will not be released without the employee's express authorization or as may be required by law. Depending on the circumstances, Domestic Violence Victims' Leave may overlap with other types of unpaid leave including Family and Medical Leave and Crime Victims' Leave. All documents provided by the employee supporting the eligibility for Domestic Violence Victims' Leave will be forwarded to Human Resources where they will be retained in a confidential file with restricted access. After verification and an analysis of whether the employee meets the necessary requirements, the supervisor will be notified of the employee's qualification for the leave.

Timesheets

Human Resources will instruct the supervisor to submit a Personnel Action form as well as how to note such leave on the employee's timesheet.

Safety Accommodation

The City will provide a reasonable safety accommodation when requested by an employee who is a victim of domestic violence, sexual assault, or stalking when such request does not result in an undue hardship. A request for a safety accommodation will be considered on a case by case basis. The employee will be expected to participate in an interactive evaluation process with Human Resources to identify the underlying safety concern, address the specific accommodation, and discuss possible solutions.

Discrimination/Retaliation

The City will not tolerate any discrimination or retaliation against an employee requesting or using Domestic Violence Victims' Leave.

68.0 MILITARY LEAVE

The City of Tigard is obligated to provide military leave and reinstatement rights for employees in accordance with applicable federal and state laws and regulations.

Employee Eligibility

Employees who leave employment in "other than a temporary position" for the purposes of military training, service, or examination in the U.S. Armed Forces, National Guard, or Reserves will be granted a leave of absence for the period of the military service, training, or examination.

Amount of Leave

- An employee may be absent for up to five (5) years (cumulative or consecutive) for military duty and retain reemployment rights.
- The following leaves do not count toward the cumulative five (5) year limit:
 - Periodic and special Reserve training;
 - Voluntary or involuntary service performed by Reserve and National Guard members in time of emergency when Reserve Component members are being recalled; and
 - Service that is performed if the person is unable to obtain orders releasing them prior to the expiration of the five (5) year period and which was of no fault of their own.
- There is no time limit on the amount of time reservists spend in training.

Leave With or Without Pay

Leave will generally be unpaid. However, as permitted by law, City policies, and/or bargaining agreements, employees will be permitted to substitute accrued vacation/PTO, floating holiday, or compensatory time.

Employee's Responsibilities

- An employee must give advance written or verbal notice to the City for any military service or training within five (5) business days of receiving official notice of an impending call or order to active duty or of a leave from deployment. The only circumstance in which advance notice is not required is “if the giving of such notice is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable”. Examples include a classified recall of military personnel or when the employee cannot give notice due to failure of the phone system, mail system, or other means of delivering notice.
- Employees must notify their supervisor of their desire to use paid leave and if so the order in which the leave will be designated. Failure to notify the supervisor will result in unpaid leave.
- Veterans and reservists returning from active duty must notify the City within 90 days of release from duty.
- Reservists and guardsmen returning from training must inform the City of the completion of their training obligations and report back at the “next regularly” scheduled working period. Verbal or written notification to the employee’s supervisor will be acceptable forms of communication.

City's Responsibilities

Legitimate requests for military leave will be granted by the City and an employee shall be considered on leave of absence for the period of military service.

Coordination with Other Leaves of Absences

- During a period of military conflict, an employee who is a spouse of a member of the Armed Forces of the United States, the National Guard, or the military reserve forces, who has been notified of: a) an impending call or order to active duty; or b) impending leave from deployment is entitled to a total of 14 days of unpaid leave per deployment before deployment and/or during leave from deployment.
- Military family leave counts against an employee's general OFLA leave entitlement.
- See Citywide Personnel Policies – Family and Medical Leaves of Absence for more details.

AIS-489

Item #: 4. A.

Business Meeting

Date: 04/26/2011

Length (in minutes): Consent Item

Agenda Title: Approve City Council Meeting Minutes

Submitted By: Carol Krager
City Management

Item Type: Motion Requested

Meeting Type:

Consent Agenda -
Approve Minutes

ISSUE

STAFF RECOMMENDATION / ACTION REQUEST

Approve minutes as proposed.

KEY FACTS AND INFORMATION SUMMARY

Minutes will be attached to this Agenda Item Summary statement when final drafts are ready to submit to the City Council.

OTHER ALTERNATIVES

Amend draft minutes.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

March 8, 2011 Minutes

March 22, 2011 Minutes



City of Tigard Tigard Business Meeting – Minutes

TIGARD CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: March 8, 2011 - 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

- STUDY SESSION

Councilor Buehner called the meeting to order at 6:30 p.m.

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen		✓
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

Staff present: City Manager Prosser, Assistant City Manager Newton, City Recorder Wheatley Assistant Community Development Director Hartnett, City Attorney Ramis, Finance Confidential Executive Assistant Lutz,

A. Review Resolution 08-47 that Establishes a Process to Form Ad-Hoc, Limited-Duration Citizen Advisory Committees

Associate Planner Caines reviewed this agenda item. Resolution No. 08-47, which amended the process to form and appoint limited-duration, ad-hoc citizen advisory committees (CAC), called for a review and evaluation of the revised process. She reviewed the experience of the new, two-step process that has been used since 2008. Staff members advise the process is working well except for one issue. Staff recommends that a one-step process be available when a citizen advisory committee can be formed from the membership of a long-standing committee (i.e., Planning Commission or Transportation Advisory Committee).

Discussion followed on the process, with clarification by staff regarding how Committee members are recruited and selected. Councilor Wilson suggested that sometimes it might be better to have a random selection of citizens to serve on a committee rather than make up the members of individuals representing certain interest groups. During discussion, Assistant Community Development Director Hartnett noted that some committees' have requirements for membership from certain fields. At other times, effort is made to bring polarizing interests to the table so that as the matter moves forward and eventually comes to the City Council, the Council knows that those interests have been heard. Councilor Wilson agreed there are times when soliciting membership from interest groups is appropriate.

TIGARD CITY COUNCIL MEETING MINUTES – March 8, 2011

The nature of citizen advisory committees was discussed and how they have been formed and utilized in recent history. At times an existing standing committee is asked to serve as the short-term citizen advisory committee on a particular project.

Council President Buehner commented that the new process appears to be working. Councilor Wilson said he agrees, except for those instances where special interest group representation is not needed. In response to Councilor Woodard, Councilor Wilson said there have been occasional issues with individuals who were disruptive; therefore, it is important to vet membership carefully. He added that training and familiarizing the membership with the city's code of conduct is also helpful. Assistant Community Development Director Hartnett shared that sometimes the city receives more applications than there are vacancies for standing committees. Staff will look at these applications for the short-term committees because these individuals have shown interest in volunteering.

Staff will bring forward a proposed resolution for Council consideration at a future business meeting.

B. Review of 2012 Community Event Funding Requests

City Council reviewed the list of community event funding requests and determined its recommendation that will go forward to the Budget Committee. Finance Confidential Executive Assistant Lutz reviewed this agenda item with the City Council.

Finance Confidential Executive Assistant Lutz advised that the Chamber of Commerce's Tigard Area Visitor Center requested \$13,000 under the social services grant applications. This is characterized more as a community event, so City Manager Prosser suggested the application be moved to the community event grant process. One application received for an event grant was moved to social services subcommittee review (Compassion Tigard Clinic).

Councilor Henderson did not participate in this discussion as he is affiliated with one of the applicants, the Tigard Area Farmer's Market.

City Manager Prosser referred to past practice of allocating .5 percent of the General Fund for community event funding. This year, the total requests of the requests received is \$4,000 more than what is available. This .5 percent allocation can be adjusted if the City Council so determines.

City Council and staff reviewed the applications received with Council consensus to recommend to the Budget Committee funding in the amounts as noted below:

	Amt. recommended by City Council
Broadway Rose Theatre \$10,000 Funding by agreement with the City of Tigard (Resolution)	\$10,000
Festival of Balloons \$10,000 funding by agreement with the City of Tigard (Resolution) \$65,000 in kind	\$19,000
Tigard 4 th of July \$7,500 funding by agreement with the City of Tigard (Resolution)	\$13,000

TIGARD CITY COUNCIL MEETING MINUTES – March 8, 2011

Atfalati Recreation District – Southside Little League	\$2,919
City of Tigard Dog Park	400
Tigard Area Farmer’s Market	8,500
Tigard Chamber Visitor Center	12,000
Tigard High Graduation Party	2,000
Tigard Historical Association	1,500
Tigard Safety Town	4,000
Tualatin Riverkeepers	3,000
Tualatin Valley Community Band	2,000

C. Administrative Items – City Manager Prosser and City Council reviewed the following.

- Council Calendar
 - 3/15/2011 - Council Workshop Meeting CANCELLED!
 - 3/22/2011 - Council Business Meeting
 - 3/29/2011 - Council to Meet with Tualatin Valley Fire and Rescue Board (dinner at 5:30 p.m.); meeting at 6 p.m., at TVF&R new headquarters, 11945 SW 70th Avenue, Tigard. TVF&R will prepare the agenda and requested Tigard Council suggestions for agenda items.
 - 4/7/2011 - Pacific Highway/Hall/Greenburg/Main Completion Celebration - Liberty Park, 3:30 p.m.
 - 4/7/2011 - Meet the City Council - Tigard Chamber of Commerce, 1234 SW Main Street, 6-7 p.m.

- Youth Advisory Council Presentation – City Recorder Wheatley advised the students are present to give a report to the City Council during the business meeting. Several of them also are performing in a concert this evening. Council President Buehner and Council members conferred briefly and determined the Youth Advisory Council presentation would occur immediately after the Flag Salute so the students can leave for their concert.

- City Manager Prosser advised that the Executive Staff has discussed the City Council goals for this calendar year. The staff’s recommended work plan on the 2011 City Council goals was distributed. Staff members who have goals would like to come to the City Council to give an update on goal progress at a workshop meeting to bring some things to the City Council’s attention for the goal(s) their department is working on and to have an exchange with the City Council on the timeline and activities planned.

- EXECUTIVE SESSION: Not held.

TIGARD CITY COUNCIL MEETING MINUTES – March 8, 2011

1. BUSINESS MEETING



A. Call to Order: Council President Buehner called the Tigard City Council and Local Contract Review Board meeting to order at 7:31 p.m.

B. Roll Call

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen		✓
Councilor President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

C. Pledge of Allegiance

Agenda Item No. 5 was heard out of order at this time by the City Council:



UPDATE OF TIGARD YOUTH ADVISORY COUNCIL ACTIVITIES:

Present from the Tigard Youth Advisory Council (TYAC): Allison Burke, President; Narin Luangrath, Vice President, Nellie Johnson, Secretary.

Ms. Burke and Mr. Luangrath presented their report, which is highlighted in their PowerPoint presentation on file with the packet information.

The TYAC worked on the following events last year:

- Adopt a Family – Thanksgiving
- Christmas for Kids
- Adopt a Family – Christmas
- Family Movie Night

The TYAC’s goals for the coming year include:

- Recruit members
- Become more involved in the community by attending City Council meetings and plan more family events
- Volunteer in the community

Future TYAC activities include:

- Volunteer Day – Oregon Humane Society
- Park Cleanup
- Adopt-A-Road
- Good Neighbor Center Dinner
- Bike Safety Fair

D. Council Communications & Liaison Reports: None

TIGARD CITY COUNCIL MEETING MINUTES – March 8, 2011

E. Call to Council and Staff for Non-Agenda Items: None



2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication: None
- B. Tigard High School Student Envoy Tracie Tran updated the City Council on activities at Tigard High School. A copy of her report is on file with the meeting materials.
- C. Tigard Area Chamber of Commerce Executive Director Debi Mollahan updated the City Council on activities at the Chamber. A copy of her report is on file with the meeting materials.
- D. Citizen Communication – Sign Up Sheet: None



Council President Buehner reviewed the Consent Agenda items listed:

3. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board)

- A. Approve City Council Meeting Minutes
 - 1. January 18, 2011
 - 2. February 8, 2011
- B. Receive and File:
 - 1. Council Calendar
 - 2. Council Tentative Agenda for Future Meeting Topics
- C. Local Contract Review Board – both as LCRB and as City Council
 - 1. Award Contract for City Attorney Services to Jordan, Schrader, Ramis PC
 - 2. Award Contract for Franchise Attorney Services to Beery Elsner & Hammond LLP
 - 3. Award Contract for Prosecutorial Services to Larry J. Blake, Jr.
 - 4. Award Contract for Labor Attorney and Employment Law Services to Bullard, Smith, Jernstedt & Wilson
 - 5. Award Contract for Real Estate Legal Services to Jordan, Schrader, Ramis PC

Motion by Councilor Wilson, seconded by Councilor Henderson, to approve the Consent Agenda.

The motion passed by a unanimous vote of City Council present:

	Yes	No	Absent
Mayor Dirksen			Absent
Council President Wilson	✓		
Councilor Buehner	✓		
Councilor Henderson	✓		
Councilor Woodard	✓		

TIGARD CITY COUNCIL MEETING MINUTES – March 8, 2011



4. ~~LOCAL CONTRACT REVIEW BOARD: AWARD PURCHASE AGREEMENT FOR REPLACEMENT OF THE IN-CAR VIDEO SYSTEM FOR PATROL VEHICLES TO CDW/PANASONIC~~

This item was rescheduled to the April 12, 2011 Tigard City Council Business Meeting.

5. UPDATE OF TIGARD YOUTH ADVISORY COUNCIL ACTIVITIES (see above; this item was heard out of order)
6. QUASI-JUDICIAL PUBLIC HEARING TO CONSIDER VACATION OF RIGHT OF WAY ON BURNHAM STREET ADJACENT TO MASTSUMOTO PROPERTY - VACATION (VAC) 2010-00001

The following is the notice of the hearing:

The Tigard City Council will hold a public hearing on Tuesday, March 8, 2011, at 7:30 PM at the Tigard City Hall, Town Hall Room, 13125 SW Hall Boulevard, Tigard, Oregon 97223 to consider the proposed vacation of approximately 114 square feet of unimproved public right-of-way adjacent to the Matsumoto property located at 8770 SW Burnham Street. A portion of the Burnham Street right-of-way has been realigned to accommodate the construction of street improvements and as a result, is no longer in an area that will be improved and is proposed to be vacated.

This vacation was initiated by the City Council on January 25, 2011. Any interested person may appear and be heard for or against the proposed vacation of said Burnham Street Public Right-of-Way Vacation. Any written objections or remonstrances shall be filed with the City Recorder by 7:30 PM on March 8, 2011.

- a. Open Public Hearing – Council President Buehner opened the public hearing.
- b. Statement by City Attorney Regarding Procedure – City Attorney Ramis reviewed the hearing procedures.
- c. Declarations or Challenges  The following questions were asked of City Council:
 - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits? None reported.
 - Have all members familiarized themselves with the application? Yes; all indicated they were familiar with the application.
 - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council? There were no challenges.
- d. Staff Report: Community Development Staff

Associate Planner Caines presented the staff report; the agenda item summary is on file with the meeting material.
- e. Public Testimony 

TIGARD CITY COUNCIL MEETING MINUTES – March 8, 2011

There was no public testimony.

- f. Staff Recommendation – Associate Planner Caines advised staff recommends that the City Council approve the vacation of the right of way.
- g. Close Public Hearing --  Council President Buehner closed the public hearing.
- h. Council Discussion and Consideration: Ordinance No. 11-01

Councilor Wilson noted this area was quite small and referred to the City’s cost to process this right-of-way vacation and asked if the property owners have a use for this property. Associate Planner Caines said the property owners are using this area for landscaping. Engineering Manager McMillan reported that this vacation of 114 square feet is insignificant as far as value and use; however, during the process of acquiring right of way and easements, this was part of the negotiations. The property owners’ access was impacted with the Burnham Street project making their driveway a right-in/right-out only. They also are sharing a driveway now with the Frontier business. This vacation was one of the items requested by the property owners along with some action on another parcel of property that will be before the City Council later.

Motion by Councilor Wilson, seconded by Councilor Henderson, to approved Ordinance No. 11-01.

ORDINANCE NO. 11-01 - AN ORDINANCE VACATING APPROXIMATELY 114 SQUARE FEET OF PUBLIC RIGHT OF WAY ALONG SW BURNHAM STREET IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON (VAC2010-00001)

	Yes	No	Absent
Mayor Dirksen			
Council President Wilson	✓		
Councilor Buehner	✓		
Councilor Henderson	✓		
Councilor Woodard	✓		



7. STATUS REPORT ON PROGRESS OF GREENWAY TRAIL SYSTEM MASTER PLAN

Trail System Master Plan Citizen Advisory Committee Members present: Scott Bernhard, DC, John Buscek, Dave Lienberger, Eric Lindstrom, and Paul Whitney.

Project Planner Roberts presented the staff report. The development of the City’s first-ever Greenway Trail System Master Plan (GTSMP) has been underway since July 2010 and is scheduled to wrap up in April 2011. Financed by an Oregon Department of Transportation (ODOT) grant, this project includes a combined citizen and technical committee who have been working with a three-firm consultant team (Kittelson & Associates, Alta Planning + Design, and Mason, Bruce & Girard) gathering information and conducting research to guide the new master plan.

TIGARD CITY COUNCIL MEETING MINUTES – March 8, 2011

Tonight, members of the Trail System Master Plan Citizen Advisory Committee shared their views and impressions with Council on development of the Trail System Master Plan, and answered questions from the City Council. On April 19, 2011 the project's consultant team will give a more technical presentation to Council.



CAC member Eric Lindstrom advised the development of the Plan was well organized, managed and attended. The consultant did a good job. The consultant was able to assemble well-constructed, reliable information to help assess most effective and desirable routes. The trails offer all kinds of benefits, not just for transportation. Besides connectivity, these trails represent an educational opportunity and a way for citizenry to connect more deeply with their environment. When a community relates in a positive manner to the environment, there is less need for the recourse of law and more positive participation for making land use decisions. Mr. Lindstrom said the educational benefit was subtle. He suggested the Planning staff be asked to come up with more ways to manage the connection of citizens with these trails. He referred to the presentation earlier in the evening by the Youth Advisory Council members, and it came to him that these trails are being planned for them, the youth. He suggested that a focus group be formed with high school students to determine what might help them connect more regularly with use of these trails.

CAC member Dave Leinberger said he has lived in Tigard for 18 years. He previously lived by the High School and enjoyed Cook Park. He now lives near Genesis Loop and enjoys the trails there. He noted that the City needs connectivity with the trails throughout the community to access the parks. Mr. Leinberger noted he now has to drive to the parks but he would like to be able to access them through a trail system. He rides WES to his workplace in Wilsonville and noted it is treacherous to ride his bike to catch the WES because the trails are not lit. Connecting the trails to the WES would be an advantage. He acknowledged there are bike lanes on streets, but noted his preference to ride a bicycle on a trail away from motor vehicles.



CAC member Scott Bernhard noted he has served on the Tigard Parks and Recreation Board for the last eight years. He referred to the PRAB's focus over the last number of years on acquiring land to add to the park system. An evaluation process was developed and one of the criteria was to identify how a parcel of land connected to the existing trail system. The mandate to have a greenway trail system goes way back in the City's history and referenced documents calling for a trail system in the early 1970's forward. Many things have come to fruition. He noted there has been a consistent call from the citizens for connectivity of a trail system. There are a lot of loops that need to be achieved. Some of the recent professional assistance has provided multiple options for closing some of the loops to further trail system connectivity. There are challenges ahead but, he said, the longer he has been involved in planning for parks and trails, he has learned that not only are they aesthetically valuable, they are important for transportation and to get the public out to feel, see and touch what we have before us. Mr. Bernhard asked for the continued support of the City Council.



CAC member John Buscek referred to the lack of connectivity between parks in the community. He spoke in support of the work underway to develop a plan for a greenway trail system master plan.



CAC member Paul Whitney advised he lives on Bull Mountain. He referred to the Aspen Ridge development and at the time this was built he had advocated connectivity through sidewalks and trails, but

TIGARD CITY COUNCIL MEETING MINUTES – March 8, 2011

felt he did not make much headway. He supports the work being done now for a greenway trail system master plan. He said he sees there is a priority to connect the Library, Cook Park and Tualatin because of all the activities that occur at these locations. He spoke to connections to the Fanno Creek Trail. Mr. Whitney also noted the need to protect wetlands and provide additional signage to mark the trails. He said there is an issue to be resolved regarding a trail through the City of Durham.



Councilor Wilson asked Mr. Whitney to identify the trail connection at the City of Durham, which loops from Durham Park to the Clean Water Services property. Mr. Whitney said CWS does not want a trail on their property. The proposed trail would cross Fanno Creek three times. Mr. Whitney spoke about three property owners that should be approached about right of way or purchase of property for a trail.



Councilor Wilson commented that Summerlake Park shows a connection to the west, which would be easy to do since the City owns that property. The trail ends at Barrows Road (Beaverton/Tualatin Hills Park and Recreation District) where Summercreek meanders through a densely populated area. This trail could also form a link to the power line trail at a relatively flat grade. He wondered if there has been coordination with the Tualatin Hills Park and Recreation District and if there are trails planned in that area. Mr. Bernard responded that part of the connectivity in the Tigard Master Plan is to connect to regional trails outside of our district. The most focus has been on the inter-connection with the City, but he agreed that trails should be connected to jurisdictions such as Metro, TTNLP, Westside trails, etc. Councilor Wilson said there is a temporary bridge at Barrows Road, which will eventually go away. Barrows might be a good link to the power line trail eventually. Project Planner Roberts said the power line trail was identified in the THPRD bond measure that passed a couple of years ago. There are firm plans to infill gaps in the THPRD portion of the power line trail in two years, which will include extending the existing power line trail across the “football” between Beaverton and Tigard and connecting at the City limits at Barrows Road. The trail would continue to the Nature Center, a distance of six miles from the City limits. This will be a great recreational opportunity for Tigard residents.



Project Planner Roberts said there is a \$300,000 Master Plan Study that will commence soon that will include looking at linkages to local trail systems and neighborhoods. The City of Tigard will have a seat at the table and the hope is that this will lead to future projects that will result in Tigard building part of our trail.



Councilor Woodard agreed with Mr. Lindstrom’s comments about the importance of the trails, connectivity, and planning for the future (the kids today). Councilor Woodard said he attended an Economic Development Planning meeting last week where the discussion was on the planning efforts for those of all ages. The parents today represent the youth and added that we are all “kids at heart” as we enjoy nature, exercise and walking the trails. He said he appreciates the connectivity of the pathways. At the same time, he cautioned that he must look at how this will look in the future and has questions/concerns.



Councilor Woodard referred to the earlier comment about lighting and security. He said he lived in California and shared that there was a trail (bikeway) system along the American River in Sacramento. On this trail there were solar-powered 911 emergency telephones. He personally was able to get medical help to

TIGARD CITY COUNCIL MEETING MINUTES – March 8, 2011

an injured biker because of the availability of these telephones. He noted he likes being able to utilize solar-power and “green” applications for lighting and security. He acknowledged that everything hinges on funding/costs. Mr. Leinberger said security has come up in discussions. In the complete report from the consultants, there are references to signage that would help people know where the next trail segment is located, identification of parking for trail access, and lighting, etc. Other comments from individuals included the need for bathrooms and places to get a drink of water along the trails. Councilor Woodard urged that discussions continue on these types of things for later consideration.



Councilor Henderson commented on the trail connectivity, noting that some sections are more difficult than others. He said it appears to him that it would be the will of the people that this would happen. He asked if there were other groups that are looking at trails now; i.e., schools. He wants to make sure that all interested people are being utilized. Project Manager Roberts said there is a volunteer coordinator in the Public Works Department who does planning along trails and natural area restoration. Recently the Woodard Park to Grant Avenue segment was the subject of a presentation in Salem where Tigard staff sought grant funding. The project will include restoring this section of the trail, which has degraded since it has been used for industrial, storage and parking. The path contains a lot of non-native vegetation. As part of the Woodard Park/Grant Avenue project, the City will perform a lot of restoration along the creek and within the natural area. The City is also seeking to buy property downstream that will be a large restoration project.



To further follow up on Councilor Henderson’s comment, Mr. Lindstrom said the City is probably utilizing its resources well; however, they can always be utilized more. He said we need to be very creating to find funding and to accomplish the work, which begins with planning. He suggested another look should be taken to determine if there is a way to get deeper participation from groups that are already supporting; i.e., Trees for All. There is a strong core of volunteers that might be expanded and organized to focus on connectivity. He said he believes Tigard is in an enviable position and can complete its connectedness as far as the overall Fanno Creek Trail before anyone else. He noted the consultant report shows two options for the trail – one option would be quicker, but not necessarily the best option. It might be worth pursuing this option to get the initial connectivity and then gather data and look for additional grants. There are a lot of opportunities, both politically and from the standpoint of personnel.



Mr. Bernhard said the more the trails are used, the more demographics will begin to generate. Initially, there might be a soft trail, but if traffic warrants, it will progress to a different type of trail structure. He said environmental concerns might impact where we think where a trail should be located. He said you have to start somewhere and once a connectivity plan is in place, we can build by including special interest groups who begin to use the trails. As time goes on, we will be able to determine how we need to change – we’ll learn as we go.



Mr. Whitney also responded to Councilor Henderson’s comment about involving more of the community and said the idea of trail connectivity has been around for a long time in the Portland area. He referred to other trails in the region.

TIGARD CITY COUNCIL MEETING MINUTES – March 8, 2011

Discussion followed on the number of other trail projects throughout the region. The City of Portland has done a lot of work to develop trails and we can learn from them by studying their master plans that have been in place for some time now.



Councilor Henderson said as the price of fuel continues to go up, he believes there will be more people in the workforce who will want to find other means of transportation. Mr. Whitney said there are incentives such as grants available for trails that qualify as a means of transportation.



Council President Buehner referenced the recent successful parks bond measure and the acquisition of property next to Fowler Middle School. She said it seems that the voters are interested in developing connectivity throughout the community. Mr. Bernard said there is a loop to the Fowler property that is shown as one of the options. Feasibility of the routes has been studied. There are many different types of trails within the Fowler woods, which are soft trails because of the environmental sensitivity. The study will lead us towards a potential connection with Summerlake. A lot of planning must occur to provide a trail system for the long run.

Mr. Lindstrom said the Fowler property is unique, with seven eco-systems and an adjacent creek that occasionally has otter. Some might want fewer trails in the area; however, there are work-arounds to those kinds of problems. Education is needed and finding ways to leverage enough benefit out of the access to offset any damage. Soft trails are good, but they are not well defined. A well-defined trail will automatically take some of the people out of the woods because they will stay on the trail. He acknowledged it is about achieving a balance for these prime areas.



Mr. Bernard said that as time goes on, the plan will be altered. Many things will be achieved through trial and error. He said the Summerlake Trail will present a lot of challenges but, in time, it can be accomplished.



Council President Buehner noted a shortage of trails on the area of Bull Mountain where she lives. She said there is a Metro property on Fern Street. There is a partial trail that goes halfway up the hill. It would be great to have soft trails in the area and the greenways might be considered for hiking trails. Mr. Lindstrom responded there are safety issues to be considered for this area because of the ground instability.



Mr. Whitney said he lives on another area of Bull Mountain where there are no parks or trails. He urged that these resources be looked at as a whole.



In response to Councilor Wilson, Project Planner Roberts said on April 19 the consultant team will make a presentation to the City Council and Planning Commission and ask for the Council's and Commission's ideas/opinions on a proposed project list that will include work scope and rough cost estimates.

TIGARD CITY COUNCIL MEETING MINUTES – March 8, 2011

- 8. COUNCIL LIAISON REPORTS
- 9. NON AGENDA ITEMS
- 10. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. 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. Executive Sessions are closed to the public.



11. ADJOURNMENT – 8:53 p.m.

Motion by Councilor Woodard, seconded by Councilor Wilson, to adjourn.

The motion passed by a unanimous vote of City Council present:

	Yes	No	Absent
Mayor Dirksen			
Council President Wilson	✓		
Councilor Buehner	✓		
Councilor Henderson	✓		
Councilor Woodard	✓		

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

TIGARD CITY COUNCIL MEETING MINUTES – March 8, 2011



Tigard Business Meeting – Minutes

TIGARD CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: March 22, 2011 - 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

Mayor Dirksen called the meeting to order at 6:31 p.m.

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson		✓
Councilor Woodard	✓	

Staff Present: City Manager Prosser, Associate Planner Caines, Assistant Community Development Director Hartnett, City Attorney Ramis, City Recorder Wheatley

- **STUDY SESSION**

- A. Update City Council on the Tree Board's Upcoming Tree Replacement Fund Recommendation

Associate Planner Caines presented the staff report. The Tree Board provides oversight of the implementation of the Urban Forestry Master Plan. One of the Board's current goals is to investigate possible funding mechanisms to help support an ongoing urban forest enhancement program.

The Tree Replacement Fund is important to achieving this goal. The Board proposes to address future use of the Fund in two phases. Phase 1 will focus on renaming the existing fund (Urban Forestry Fund) and identifying allowed expenditures. Phase 2 will identify how the fund will be used to achieve other goals and objectives of the Urban Forestry Master Plan. Phase 2 will also address use of fees collected in the future and identify other funding sources.

The Council received a draft resolution that proposes how the funds are to be spent.

TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW BOARD MINUTES – March 22, 2011

Section 2 states that the funds are limited to only those tree planting and three years of early establishment activities. Exhibit A describes these activities in more detail such as planning, site preparation, planting, irrigation, pruning, and pest/disease control. Exhibit A also clarifies that funds can be used to plant trees on private property. These uses reflect a consensus review of members of both the Tree Board and the Urban Forestry Code Revision Citizen Advisory Committee.

The Tree Board is meeting on March 23 and will have a final discussion about the proposed resolution. This will allow any recommendations made by Council tonight to be addressed prior to Council's formal consideration of the resolution.

City Manager Prosser advised there is wording in Exhibit A of the Resolution that might be more restrictive than the Tree Board intended. The wording: "These funds shall be available for city use to pay for the labor and materials necessary to complete only those activities listed below for tree planting site planning, tree planting site preparation, tree planting and three years of early tree establishment after planting whether on public or private property within the city limits of Tigard." City Manager Prosser said that by calling out labor and materials, this might not include equipment and administrative overhead, and the city policy charges all of the funds putting costs back the cost center. City Manager Prosser said it is not clear whether the Tree Board meant for this to be as restrictive as it is written. Associate Planner Caines said this is something staff could discuss with the Tree Board on March 23. Mayor Dirksen said that as long as expenditures are limited to the costs associated with doing the tree planting, he thought this was their intent. Associate Planner Caines confirmed the Mayor's statement and advised it was the concern of the CAC and the Tree Board that the funds not be spent on anything more than tree replacement.

Mayor Dirksen commented that the current provisions seem to be too restrictive. It has led to frustration from the development community who paid into the fund when their money does not get used because an opportunity does not arise.

Councilor Woodard noted a concern with the Phase 2 portion of the proposed resolution. He noted ongoing need for maintenance of trees and the future costs and said he was concerned about being able to sustain the program. He asked about the three-year commitment as outlined in the resolution. He said he would be more comfortable with the language if the scope was specified to better define what is needed to sustain the program. Council President Buehner pointed out that the city requires developers to remain responsible for these mitigation trees for three years. Mayor Dirksen agreed that the requirement in Phase 2 follows the same practice for trees the city plants; holding ourselves to the same standards. Associate Planner Caines clarified that Phase 2 has not been decided at this point. Staff/Tree Board will be seeking more long-term funding possibly through fees collected from development and other sources. The Tree Board will be examining this over the next year.

TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW BOARD MINUTES – March 22, 2011

During discussion with Councilor Woodard, City Manager Prosser clarified that the proposed resolution does not set out a fee increase as the wording is that “the average cost to plant the tree shall be no more than 10 percent greater than the fee.” This would establish a limit on the cost. Councilor Woodard said that if that was the case then he does not have a concern; however, he still has an issue with the three-year establishment commitment. City Manager Prosser said this provision is for the basic care of the plant for the first three years that it is in the ground. Councilor Woodard reiterated that his concern is the open-ended nature of the costs. Assistant Community Development Director Hartnett reviewed the city’s standard practices, which would be to either put in a temporary, inexpensive irrigation system or use tree-establishment bags.

Council President Buehner said she thinks the city should hold itself to the same standards that it expects from the private sector. Councilor Woodard said he agrees to the principle; however, he would like to have boundaries on what the costs might be. Mayor Dirksen said his understanding was that the proposal sets forth what would be done with the tree replacement fund and if the fund was not adequate, there would be no mandate to use funds from another source unless the City Council took action. Councilor Woodard said if this is the case, then he was comfortable with the proposal.

City Council met in Executive Session. City Manager Prosser read the following statement:

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss labor negotiations and potential litigation under ORS 192.660(2) (d) and (h). 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. Executive Sessions are closed to the public.

City Council reconvened the Study Session and reviewed the City Council calendar:

B. Administrative Items

- Council Calendar
 - 3/29/2011 - Council to Meet with Tualatin Valley fire and Rescue Board (dinner at 5:30 p.m.); meeting at 6 pm., at TVF&R new headquarters, 11945 SW 70th Avenue, Tigard, Oregon. Agenda items include:
 - Burnham Street Update – Public Works Director Koellermeier
 - Infrastructure Changes – City Manager Prosser and Public Works Director Koellermeier
 - Office of Consolidated Emergency Management Update – TVF&R
 - 4/7/2011 - Pacific Highway/Hall/Greenburg/Main Completion Celebration - Liberty Park, 3 p.m.

**TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW
BOARD MINUTES – March 22, 2011**

- o 4/7/2011 - Meet the City Council - Tigard Chamber of Commerce, 1234 SW Main Street, 6-7 p.m.
- o 4/12/2011 - Regular Meeting: 6:30 p.m. Study Session; 7:30 p.m. Business Meeting
- o 4/18/2011 - Budget Committee Meeting: 6:30 p.m., Public Works Auditorium
- o 4/19/2011 - Workshop Meeting: 6:30 p.m.
- o 4/25/2011 - Budget Committee Meeting: 6:30 p.m., Public Works Auditorium
- o 4/26/2011 - Regular Meeting: 6:30 p.m. Study Session; 7:30 p.m. Business Meeting



1. BUSINESS MEETING

- A. Call to Order: Mayor Dirksen called the meeting to order at 7:31 p.m.
- B. Roll Call

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson		✓
Councilor Woodard	✓	

- C. Pledge of Allegiance
- D. Council Communications & Liaison Reports: Councilor Woodard to give two reports.
- E. Call to Council and Staff for Non-Agenda Items



2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication: None
- B. Citizen Communication – Sign Up Sheet

Pavel Goberman distributed his written remarks to the City Council and reviewed his concerns during his testimony. He referenced issues he has with the Oregon State Bar and his support of the U.S. Constitution. Mayor Dirksen suggested Mr. Goberman contact the Oregon Attorney General’s office with his allegations; however, Mr. Goberman disagreed over whether the Attorney General would be of any assistance.

**TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW
BOARD MINUTES – March 22, 2011**

Robert Cavalier addressed the City Council regarding his concern about people smoking on gas station properties. He recently witnessed someone smoking about 14 feet from a propane tank located at a gas station. He said he hoped Tigard would consider abolishing smoking on gas station properties. Discussion followed. Council President Buehner said she thought this was governed by state law and suggested Mr. Cavalier contact a legislative representative. City Attorney Ramis advised he has not reviewed the statutes but agreed with Council President Buehner that state statutes are applicable. City Manager Prosser also suggested that Mr. Cavalier contact the State Fire Marshal.



Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board)
 - A. Approve City Council Meeting Minutes
 1. February 1, 2011
 2. February 15, 2011
 - B. Approve Granting a Designated Bus Stop on Commercial Street for Yamhill County Transit Area - Resolution

RESOLUTION NO. 11-09 -- A RESOLUTION OF THE CITY COUNCIL APPROVING AN AGREEMENT WITH YAMHILL COUNTY TRANSIT AREA TO PROVIDE A DEDICATED ON-STREET BUS STOP ON COMMERCIAL STREET IN DOWNTOWN TIGARD.
 - C. Appoint Alternate Budget Committee Member Melody Graeber to the Budget to Replace Resigning Member Dena Struck - Resolution

RESOLUTION NO. 11-10 -- A RESOLUTION APPOINTING MELODY GRAEBER TO BECOME A VOTING MEMBER OF THE BUDGET COMMITTEE TO COMPLETE THE TERM VACATED BY DENA STRUCK
 - D. Local Contract Review Board:
 1. Renew Three-Year Environmental Systems Research Institute (ESRI) Geographic Information System (GIS) Enterprise Software License

Motion by Council President Buehner, seconded by Councilor Henderson, to approve the Consent Agenda.

TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW BOARD MINUTES – March 22, 2011

The motion passed by a unanimous vote of City Council present:

	Yes	No
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson		Absent
Councilor Woodard	✓	



Mayor Dirksen issued the following proclamations:

4. PROCLAMATIONS - MAYOR DIRKSEN
 - A. Proclaim April 2011 as Child Abuse Prevention Month
 - B. Proclaim April as Arbor Month in the City of Tigard
 - C. Proclaim April Earthquake and Tsunami Awareness Month

Emergency Coordinator Lueck gave a PowerPoint presentation on “Tigard’s Earthquake Preparedness Posture.” A copy of the presentation is on file with the meeting material.



5. CONSIDER A RESOLUTION GRANTING EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR FOUR NON-PROFIT, LOW-INCOME HOUSING PROJECTS

Finance Confidential Executive Assistant Lutz presented the staff report, which is on file with the meeting materials.

Tigard Municipal Code 3.50 allows certain organizations providing low-income housing to be exempted from Tigard property taxation upon application by March 1 of each year and a demonstration of compliance with certain criteria listed in the Code.

Community Partners for Affordable Housing owns and operates Greenburg Oaks, located at 11875 SW 91st Avenue in Tigard. They also own Village at Washington Square at 11157-11163 SW Hall Blvd in Tigard, the Knoll at Tigard, 12291 SW Knoll Drive, and a single family house located at 9330 SW Tangela Court in Tigard. These projects are operated as low-income housing and meet all criteria listed in the Tigard Municipal Code. Community Partners for Affordable Housing submitted four applications for exemption from 2011 property taxes on February 20, 2011, which is within the March 1 deadline. All of the properties were exempted from property

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taxation in 2010.

These applications were reviewed by staff in the City’s Community Development Department and staff determined that the requested tax exemptions are consistent with the applicable Tigard Municipal Code and also the adopted City Housing Policy.

The proposed resolution gives consent from the City of Tigard for this tax abatement. Under State law, Community Partners for Affordable Housing must receive similar approval from jurisdictions accounting for 51% (or more) of the total property taxes to be levied on these properties. This organization will also make application to the other taxing units.

Motion by Council President Buehner, seconded by Councilor Woodard, to adopt Resolution No. 11-11:

RESOLUTION NO. 11-11 -- A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR FOUR NON-PROFIT LOW-INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH)

The motion passed by a unanimous vote of City Council present:

	Yes	No
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson		Absent
Councilor Woodard	✓	



6. **BRIEFING ON THE ECONOMIC OPPORTUNITIES ANALYSIS**

Senior Planner Wyss presented the staff report. Highlights of his report are recorded in the PowerPoint presentation reviewed with the City Council. A copy of the presentation is on file with the meeting material.

The City of Tigard is conducting an Economic Opportunities Analysis (EOA) as part of the state required Periodic Review of the Comprehensive Plan. The completion of an EOA is a specific task in Tigard’s Periodic Review work program. Tigard has received grant funds from the Department of Land Conservation and Development (DLCD) for consultant assistance to complete this task.

The EOA must be developed in compliance with OAR 660, Division 9 (Goal 9), and is a technical study that compares the projected demand for industrial and other employment land to the existing supply. The process helps communities implement their local economic

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development objectives and informs implementation of economic employment development policies in the Comprehensive Plan.

The Planning Commission has acted as the advisory committee for the project, reviewing each task during the process to complete the EOA. The anticipated outcomes of the project are: 1) An understanding of the characteristics of Tigard's employment lands and their adequacy to accommodate future economic activity; 2) proposed economic development policies and action measures as a basis to plan for a supply of appropriately zoned land necessary for existing businesses to expand and to accommodate future economic activities.

The Planning Commission has completed its final review of the staff proposed draft EOA and is prepared to hold a public hearing on the document. Three different "land need" scenarios were analyzed. Each scenario identified an appropriate amount of future employment, commercial, and industrial lands to accommodate projected job growth. It is anticipated that the "land efficient" scenario is appropriate for the City of Tigard. This scenario would not require any rezoning of vacant property at this time and its selection can be based on the following preliminary findings:

- The City has a limited supply of vacant industrial and employment lands.
- The City is currently limited in its ability to expand its boundary to increase its industrial/employment land base.
- The City has a good supply of properties that meet the definition of "high redevelopment potential."
- The City's strategy is to redevelop Downtown Tigard, the Tigard Triangle, the Washington Square Regional Center, and the Pacific Highway Corridor.
- The City has a future opportunity to jump-start redevelopment with the arrival of high capacity transit.

The final step of the draft EOA was to develop implementation measures. After a review of existing Comprehensive Plan policies and recommended action measures, the proposed EOA includes some minor changes to Comprehensive Plan language to reaffirm the City's vision and to ensure compliance with state requirements. The next step is adopting the EOA as a component of Tigard's Comprehensive Plan. The following is the anticipated schedule to complete the EOA task

- April 4, 2011 - Planning Commission Public Hearing
- May 10, 2011 - City Council Public Hearing
- May 31, 2011 - End of Grant Contract and Submit to DLCD

Mayor Dirksen complimented the report and said he appreciated the additional information presented in the Executive Summary.

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7. BRIEFING ON TWO CAPITAL IMPROVEMENT PLAN PROJECTS:

- PACIFIC HIGHWAY INTERSECTION IMPROVEMENTS
- 550-FOOT ZONE IMPROVEMENTS -- TEN-MILLION-GALLON RESERVOIR IMPROVEMENTS AND TRANSFER PUMP STATION

Streets and Transportation Project Engineer McCarthy and City Engineer Kyle presented this agenda item which was highlighted with a PowerPoint presentation. A copy of the presentation is on file with the packet materials.

Pacific Highway Intersection Improvements

The City is working in conjunction with the Oregon Department of Transportation and Washington County to construct improvements at the intersections of Pacific Highway and Hall Boulevard and Pacific Highway and Main Street/Greenburg Road. Work on the improvements started about a year ago and is nearly complete. A third through-lane on Pacific Highway and new turn lanes from intersecting streets are open to motorists.

Preliminary traffic data indicates the intersection improvements were successful. Traffic back-ups have been dramatically reduced, with most vehicles moving through each of the revamped intersections in one signal cycle. The improvements have reduced travel times on Pacific Highway southbound from I-5 to Greenburg Road by about 20 percent. Northbound travel time between Walnut Street and Highway 217 has been reduced by about 30 percent in the evening rush hour and by about 60 percent midday.

550-Foot Zone Improvements

10-Million-Gallon Reservoir Improvements and Transfer Pump Station

In this project, the City will repair and retrofit an existing ten-million-gallon reservoir, abandon the existing pump station, construct a new pump station, install backup power generation to the new pump station and to the existing aquifer storage and recovery well, and construct site improvements.

The project started in 2008 and is at about 60 percent of completion. Recent tasks include the application of a protective coating to the reservoir's concrete floor. This coating will extend the life of the concrete. The "basement" of the new pump station has been excavated to a depth of about 40 feet, and the concrete work is complete. The basement will house pumps, valves, and piping for the pump station. The electrical building will be built over the pump station basement.

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8. COUNCIL LIAISON REPORTS



Councilor Woodard gave a report on Metropolitan Area Communications Commission (MACC) activities and referred to information distributed to the City Council members. On April 15, the Commission will meet with Frontier. Some of the concerns of MACC include:

- Explanation for the many assurances that Frontier made in accordance with MACC and the jurisdictions to provide competitive TV/video services to customers.
- How the proposed customer increases for services will impact customer choices for video services.
- How significant, if any, will the city franchise fee be impacted.

Councilor Woodard said it appears that Frontier is seeking 46 percent increase and if you are a new subscriber there is an immediate and significant increase with new charges. At the April 15 meeting, the Commission will strive to understand Frontier's business model. To date, there has been no increase for video services to pre-existing customers. MACC has the opportunity now to understand the franchise contractual obligations and to address concerns. Councilor Woodard said he will report to Council the results of the April 15 meeting.

Mayor Dirksen noted he appreciated the work by MACC to hold Frontier accountable to contractual obligations. Council President Buehner noted her previous concerns have been validated.

Councilor Woodard reported on recent activities by the Parks and Recreation Advisory Board activities. He noted a representative of the City Center Advisory Committee attended the meeting. He said the PRAB Chair and Vice Chair will most likely attend the next CCAC meeting. The discussions of interest for the CCAC are the 10 percent of the bond proceeds that are to be used in the city center.

The PRAB passed a Parks Bond Fund, by resolution, to track the \$17 million parks bond expenses. PRAB also made a motion (passed unanimously) to reimburse the \$1.9 million used from the System Development Charges fund to purchase the Summer Creek property. The SDC fund will be replenished for use for other projects to be evaluated and recommended to the City Council in the future.

Councilor Woodard noted the importance of meeting timelines to utilize funds from the park bond. The PRAB is doing a good job in moving forward. The PRAB will be requesting a project manager for park bond projects. The Board will also be looking at property purchases for the balance of the bond proceeds (over \$7 million).

Councilor Henderson reported on activities of the Washington County Community Development Block Grant Policy Advisory Board, who is charged to determine the best projects to fund. He said

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the Knoll at Tigard project received a good amount of funding from CDBG. Several training sessions are planned and Councilor Henderson said he will attend these to better understand the CDBG funding process. He said Washington County will be conducting a survey to determine whether there is discrimination within communities. There will be a team visiting each community in the next year to identify 20 areas where discrimination might exist. He said this is an important step toward people working together.

Mayor Dirksen said that while he is fiscally conservative and often has reservations about federal programs, he said the CDBG is a program that works very well; it serves the citizens well and has been of great benefit across the United States since its inception. He advised he learned during his recent trip to Washington D.C. that the House is recommending a considerable reduction to the CDBG funds (67 percent reduction). He said this is still being worked on and he was certain there would be a compromise that he hoped would result in less of a reduction.

9. NON AGENDA ITEMS

- Earthquake Preparedness Presentation and Proclamation (This presentation was given as noted above during Agenda Item No. 4.)
- Motion by Councilor Woodard, seconded by Councilor Henderson, to adjourn the business meeting. (9:02 p.m.)

The motion passed by a unanimous vote of City Council present:

	Yes	No
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson		Absent
Councilor Woodard	✓	

**TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW
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At 9:06 pm City Manager Prosser announced that the City Council would be going into an Executive Session and read the following:

- 10. EXECUTIVE SESSION: The Tigard City Council would go into Executive Session to discuss potential litigation under ORS 192.660 (2) (h). 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. Executive Sessions are closed to the public.

At 9:42 am Council adjourned from the Executive Session.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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**TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW
BOARD MINUTES – March 22, 2011**

AIS-473

Item #: 4. B.

Business Meeting

Date: 04/26/2011

Length (in minutes): Consent Item

Agenda Title: 2010 Police Department Annual Report

Prepared For: Alan Orr

Submitted By:

Julia Wade
Police

Item Type: Receive and File

Meeting Type:

Consent - Receive
and File

ISSUE

Should the City Council receive and file the 2010 Police Department Annual Report for 2010 as required by the Tigard Municipal Code.

STAFF RECOMMENDATION / ACTION REQUEST

Receive and file the annual report.

KEY FACTS AND INFORMATION SUMMARY

Tigard Municipal Code (TMC) 2.30.050 requires that "The Chief of Police shall provide for an annual public review and evaluation of all department goals and objectives, and progress toward their achievement." This is being presented in a report format that will also be available on the Department's web page for both the public and city council members to review. In addition to outlining the goals and objectives of the Department, the report presents crime trends and shares what the Department is doing to address those evolving trends when they are first identified.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

2010 Annual Report

Tigard Police Department
2010
ANNUAL
REPORT



TIGARD: "A PLACE TO CALL HOME" — SAFETY, SECURITY AND LIVABILITY

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A Message from the Chief of Police



Mayor Craig Dirksen
City Council Members
Craig Prosser, City Manager
Citizens of Tigard

On behalf of all members of the Tigard Police Department, I am pleased to present our 2010 Annual Report to the community. Under the City of Tigard’s municipal code, the chief of police “shall provide for an annual public review and evaluation of all department goals and objectives.” This annual report is intended to share the individual and collective efforts embarked upon in 2010 by department staff to keep Tigard “A Place to Call Home.” It has been a privilege to serve this community as chief since being sworn in November 24, 2009. I am honored to work along with our officers and support staff who are committed to the department’s mission of enhancing the livability of this community for our citizens.

In addition to the continuation of our effort to implement the concept of the *district officer*, which embraces the basic tenets of community policing, the department embarked on two other significant initiatives during 2010. The first includes participation in the citywide values team. The team’s objective is to keep the city values of “Respect and Care, Do the Right Thing and Get it Done” alive in the organization and help integrate these values in all city departments. The second initiative includes the establishment of the Chief’s Advisory Panel. This panel is composed of citizens that provide suggestions and comments so the department remains in touch with the needs of the community.

This annual report also presents data collected over the past year on calls for service, crime statistics, highlights the many activities and other additional programs that the department focused on during the year.

It is with regret that I report the crime rate in the Part I category (serious crimes), which involves person and property crimes, increased in 2010. The major reasons for those increases are related to the current economic condition and the underlying drug problems society is facing. On a more positive note, Part II crimes that can be characterized as being less violent in nature, only increased by 3 percent.

On behalf of the entire staff, I also want to thank Mayor Dirksen and the Tigard City Council for the important role they play in the success of our agency.

For more information on the Tigard Police Department, please visit our website at www.tigard-or.gov/police.

Sincerely,

A handwritten signature in black ink that reads "Alan F. Orr".

Alan F. Orr
Chief of Police

Memorial to a Fallen Officer



Chief Ralph Painter

Rainier, Oregon

July 17, 1955 – January 5, 2011

Chief Ralph Painter was shot and killed after responding to a call to a local car stereo shop where a man was attempting to take a car that did not belong to him.

Tigard Core Values: ■ Respect and Care ■ Do the Right Thing ■ Get it Done

TIGARD POLICE

ATTITUDE | LEADERSHIP | INTEGRITY | SERVICE | TEAMWORK

MISSION

The Tigard Police Department strives to create the highest level of livability possible by working with our citizens to preserve and protect life, liberty and property.

VISION

The Tigard Police Department is committed to achieving our mission by:

- Partnering with citizens and other departments
- Developing well-trained, ethical and accountable employees
- Earning public trust and confidence through our actions and values

GOALS

The goals of the Tigard Police Department are:

- To reduce crime and the fear of crime
- To assist the City of Tigard in the accomplishment of municipal goals and objectives
- To enhance the safety and security of Tigard's residents, visitors and businesses
- To preserve constitutional and civil rights, and foster good citizenship in our youth



www.tigard-or.gov/police

Commitment to District Policing

For several years, we have been developing and refining what we call the “District Officer Concept.” Essentially, this concept strives to assign the same uniformed patrol officer to the same geographic or “district” boundary each day or shift that the officer works. This adds a measure of accountability for each patrol officer for a specific area. As officers develop area-specific knowledge and create relationships with individuals within their geographic responsibility, they are more likely to demonstrate the City of Tigard values of “Respect and Care, Do the Right Thing and Get it Done.”

The concept of the district car is not a new one, but embraces the very basic tenets of community policing. Because the district officer has substantial knowledge of the area in which they work, they are empowered to more likely solve minor problems they encounter before those problems become more serious. This is not unlike the treatment for cancer being much more effective if treated at an earlier stage. This concept is also the reason the City of Tigard Police Department has devoted considerable resources to early childhood and youth programs. We believe that focusing our efforts in these areas will make the Tigard Police Department an even better place to work; a place where everyone is proud to serve.

Our patrol district team concept was designed to address three critical focus areas:

- ▶ Inconsistent citywide response times for the highest priority emergency calls where lives are at risk and police services are needed immediately due to call load peaks and valleys. When 9-1-1 call volumes are at their peak, police response times may be higher than the commonly accepted response time of four minutes to priority calls for service and better than expected when the call load is low.
- ▶ Patrol officers are not always familiar with the specific crime trends and community needs of the five districts that make up the City of Tigard based on established neighborhood boundaries. Too often, the information flow from one shift to another does not get passed along in a timely manner and other district officers do not have current data.
- ▶ Patrol officers as a whole do not have sufficient time to dedicate to proactive or specific problem-solving activities and investigative follow-up because they are responding to 9-1-1 calls during the ever-increasing peak workload times.

We are looking hard to match our police resources to the workload generated by the community as a whole. We are striving to better identify and respond to problems that are both foreseen and unanticipated. Through this refinement of how we deliver police services, it is clear that improving district assignments to a more predictable and proactive methodology will increase the district officers’ abilities to take ownership for their patrol beats and improve our community response to reported crime and the fear of crime day-to-day.

Geographic boundaries for our five districts established around current neighborhoods within the city.

- ▶ Our patrol beats were re-established from six districts to five in an effort to coordinate them with the city’s newly established Neighborhood Network program. The effort fell short of establishing a clear priority in assigning officers to specific districts which allows them to become more familiar with the areas they patrol. Although the redistricting stabilized a more balanced workload for officers, rotation to a new district hindered ownership from the crimes that occurred within one area compared to the next. Current assignment priorities will now enable the district officers in getting to know the people, both good and bad, while learning about the issues specific to those neighborhoods. Officers can now employ the many aspects of community policing toward solving the root problems. The realization of the full implementation will depend upon the availability of resources to reach staffing levels that would sustain the program.

Patrol deployment structure.

- ▶ The changes in how we deploy our district officers will allow for more coordinated and consistent shift management and closer supervision of personnel, community issues, training and administrative requirements. The new structure will allow for more balanced workloads amongst police officers and stronger accountability to ensure everyone is contributing equally, yet based on their experience levels tailored to the needs of the citizen calls for service. Additionally, officers will maintain the strong sense of responsibility for the community they serve, working as a team to accomplish the overall objectives of our city.

Revised roles and responsibilities for patrol personnel.

- ▶ Ensuring our patrol members clearly understand their roles as district officers and know what is expected of them is critical to successful deployment. The city recently reviewed and modified job descriptions for all ranks and specific operational roles falling under the patrol divisions. They have been reviewed and revised to reflect the needs of the new patrol deployment structure and the overall vision for effective community policing. The guiding principles of strong leadership, accountability, consistency and flexibility have been addressed from the chief of police to the front-line personnel.

New shift priorities to match workload needs.

- ▶ Proactive community-oriented policing requires intelligent and committed members to affect the changes we've proposed and in concert with increased emphasis during the hiring and new recruit training processes. As a result, we expect to see an enhancement in our coordinated patrol activities towards lowering crime and the fear of crime in our community. These shift priorities are expected to remain addressing the overall health, safety and lifestyle needs of our officers through better planning and effective application of their policing efforts.

This effort will be a challenge to maintain over the next couple of years with the reduction of available resources in the city's general fund. The Tigard Police Department is committed to sustaining what we have achieved so far and to continue to look at refining the program no matter what the economic climate.

Command Staff



Pictured from left to right.

Captain Jim de Sully

Captain Jim de Sully has worked in law enforcement for 24 years. He joined the Tigard Police Department as a patrol officer in 1990, promoted to sergeant in 1997, promoted to lieutenant in 2004 and promoted to captain in 2009.

Assistant Chief Mike Bell

Assistant Chief Mike Bell has worked in law enforcement for 36 years. He joined the Tigard Police Department as captain in 2004 and promoted to assistant chief in 2009.

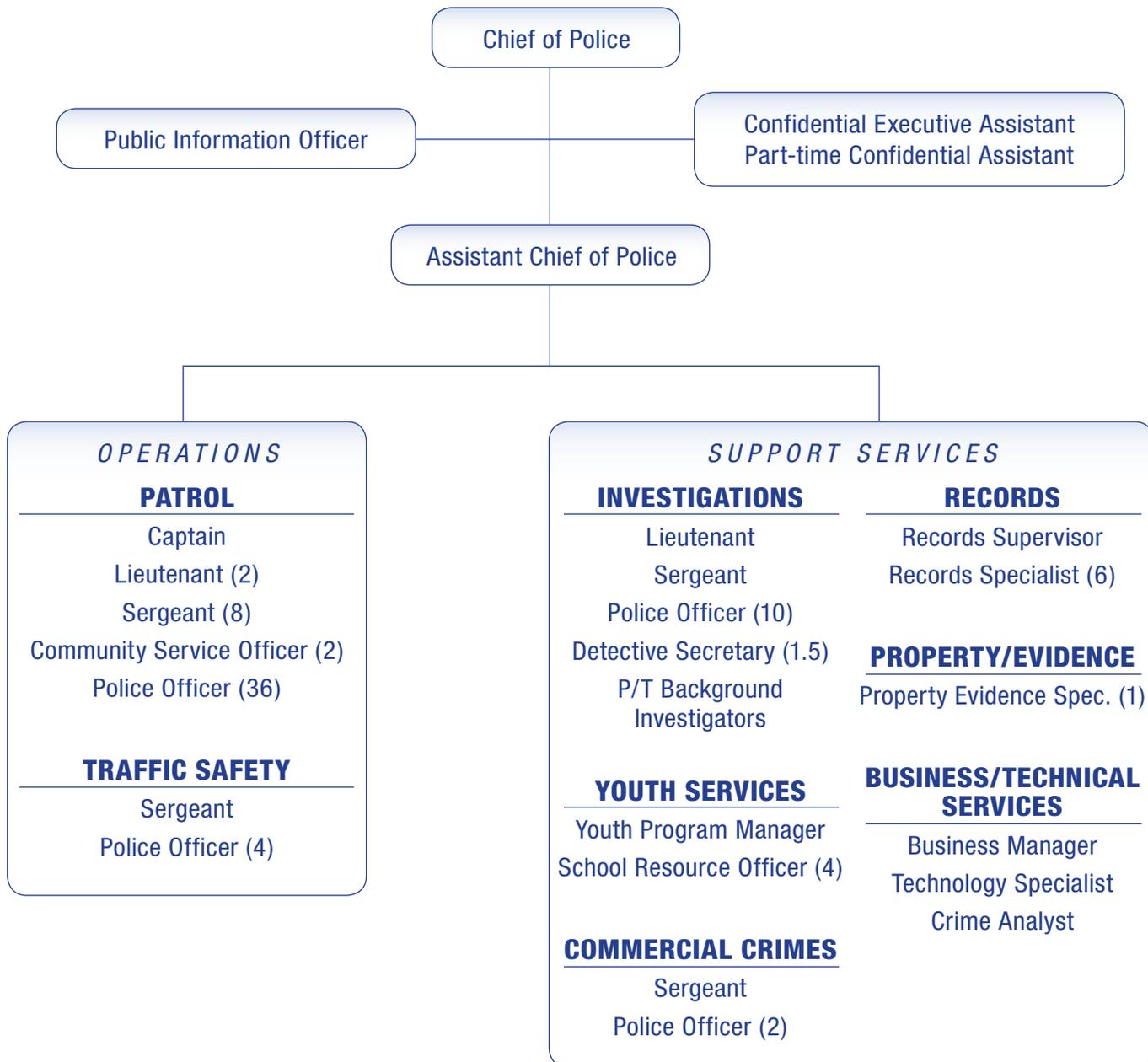
Chief of Police Alan Orr

Chief of Police Alan Orr has worked in law enforcement for 40 years. He joined the Tigard Police Department in 2002 as captain, promoted to assistant chief in 2003 and promoted to chief in 2009.

Captain Bob Rogers

Captain Bob Rogers has worked in law enforcement for 20 years. He joined the Tigard Police Department as a patrol officer in 1997, promoted to sergeant in 2000, promoted to lieutenant in 2006 and promoted to captain in 2009.

Organization Chart



Organization Descriptions

The department is organized into 10 functional units with 90.1 full-time equivalent positions (FTE); 72 sworn and 18.1 non-sworn support personnel.

Records

Records specialists are non-sworn personnel who are responsible for data entry, control, maintenance and retrieval of police reports. The records unit assists with citizen inquiries both in person and on the telephone. Six specialists and a supervisor staff the unit. Police records are available from 8 a.m. until 11 p.m. every day.

Patrol

The patrol division is the backbone of every police department. Patrol is responsible for the initial handling of all calls for service; 24-hour service requires three shifts each consisting of a supervisor and patrol officers. Personnel assigned to this section are uniformed and perform most initial investigations, enforce traffic laws and provide citizen assistance. Additionally, one canine officer is assigned to this division.

Traffic Safety Unit

This unit provides overall enforcement of traffic safety laws in Tigard. In addition, the four motorcycle officers, including a sergeant, provide motor vehicle accident investigation. The traffic unit also assists citizens with concerns regarding traffic oriented issues in Tigard via the traffic complaint form.

Detectives

The detective division is responsible for initial and follow-up investigations. Also reporting to the detective lieutenant is the detective sergeant, six detectives, three commercial crimes investigators, four school resource officers, a youth services manager and one detective administrative assistant.

School Resource Officers and Youth Services

Tigard Police currently have four school resource officers that assist within the Tigard-Tualatin School District. Three of these officers instruct D.A.R.E. throughout the six Tigard elementary schools. A youth services manager instructs the G.R.E.A.T. program and manages the Tigard Peer Court, the Police Cadet Program and after-school programs. In addition, this position organizes and operates several D.A.R.E. and G.R.E.A.T. youth camps for Tigard area kids each year.

Property/Evidence

The property and evidence technicians are non-sworn personnel with responsibility for the handling, storage, and control of all evidence and property.

Community Service Officers

Two non-sworn officers support the patrol division. The community service officers assist with motor vehicle accidents, traffic control, assist citizens with criminal reporting and a myriad of other patrol responsibilities.

Commercial Crimes Unit

This unit is a three-member team working with the business community to reduce crime before it happens by assessing risk, instituting prevention measures, and investigating cases specific to the business community.

Public Information/Crime Prevention

This non-sworn position provides information to the public and various media outlets regarding criminal and other police related activity within the City of Tigard. The same officer is also responsible for managing most of the crime prevention programming within Tigard such as Neighborhood Watch, Enhanced Safety Properties, Citizens on Patrol and Neighborhood Speed Watch. The officer also coordinates the popular Citizen's Police Academy which is provided once a year to community residents.

Business/Technical Services

This unit performs fiscal management services, management of business practices, computer hardware and software support, and crime analysis and support. The unit consists of the business manager, police technology specialist and crime analyst.



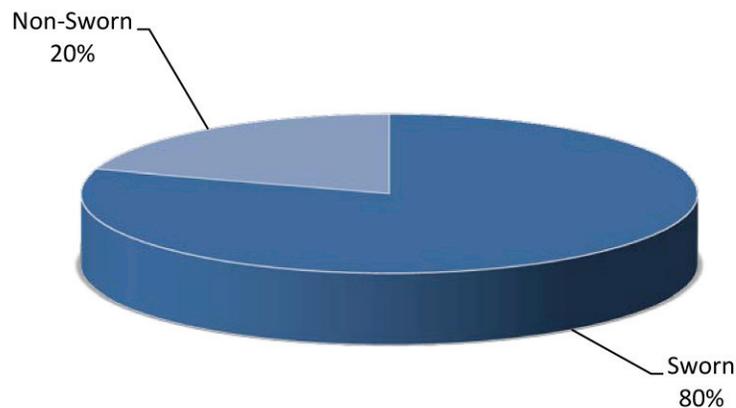
2010–11 Department Personnel

Of the 90.1 full-time equivalent positions, 72 are sworn officers that actively work in our city's neighborhoods and commercial/industrial areas, either patrolling traffic or protecting the public.

The most recent data available from the Bureau of Justice Statistics shows that on a national level for a city of comparable size, the average percentage of non-sworn personnel is 22.2 percent compared to 20 percent at the Tigard Police Department. The national average for all police departments is 31.2 percent.

FY 2010-11 Police Department Personnel

90.1 Full-Time Equivalent Positions



Budget

2010–11 Department Budget

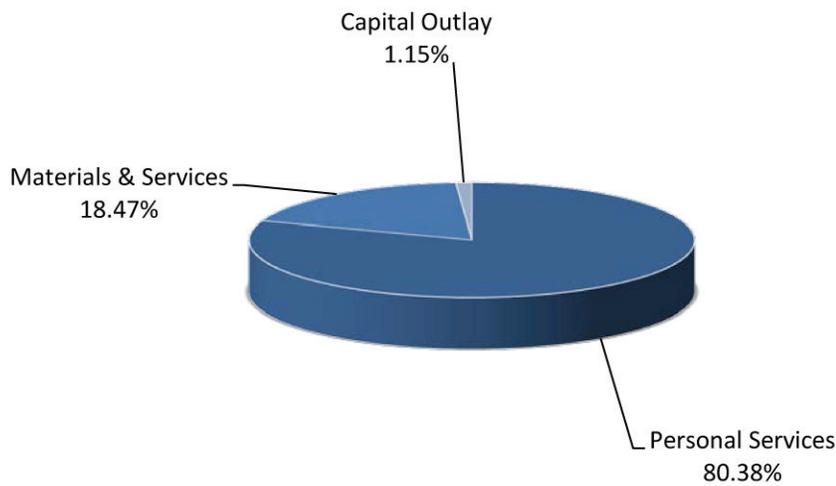
The operating budget of the Tigard Police Department can be broken down by the three major operating divisions of administration (4.75 percent), operations (54.27 percent) and support services (40.98 percent).

The department generates over \$1.5 million in revenue to offset the budget expenses, and this does not include the \$700,000 in traffic fines that are used to offset the expenses of both the Tigard Police Department and the Tigard Municipal Court. The remaining amount of the department's budget is financed from the city's general fund.

With a population of 47,460, the budget per resident is \$247 per year.

FY 2010-11 Police Department Budget

\$11,722,646 (Excludes Interdepartmental Changes)

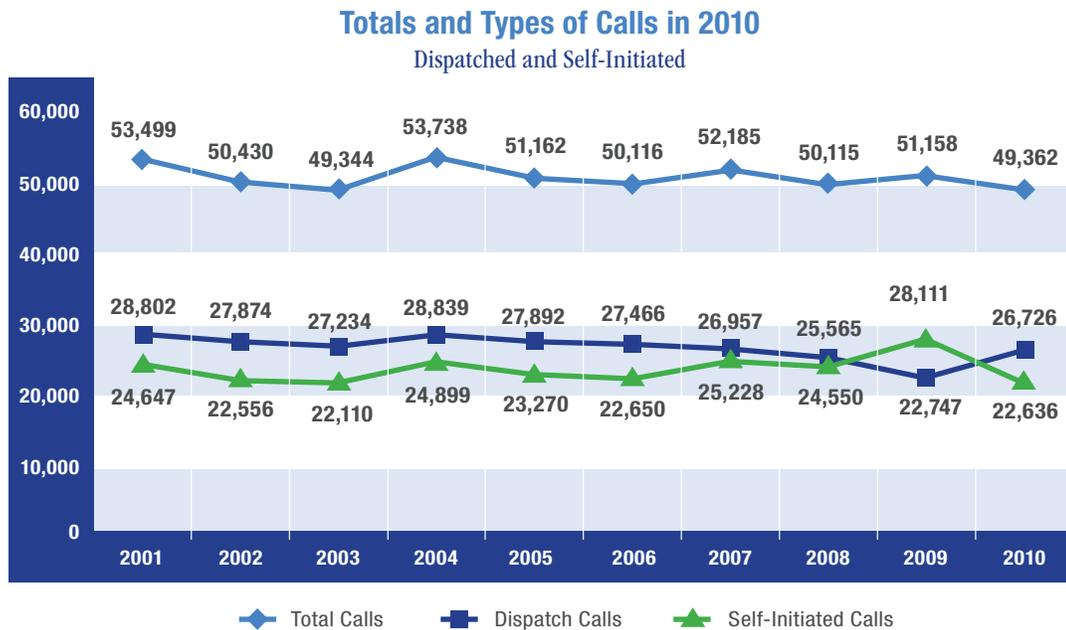


Crime Trends

Workload Analysis

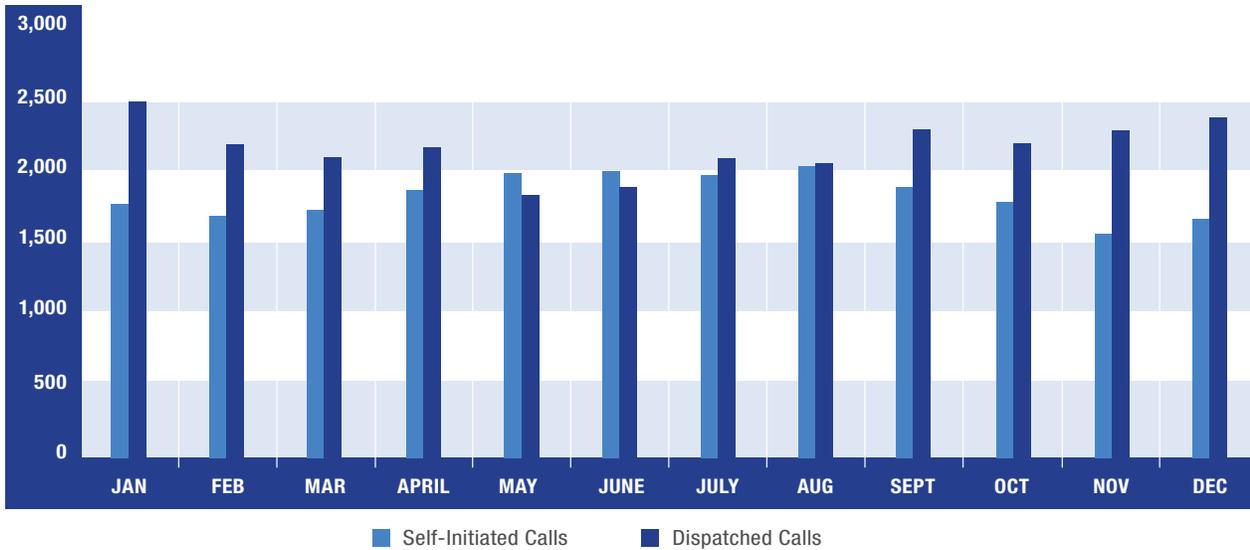
Workload is measured by the combination of calls that an officer receives from the dispatch center and the calls they self-initiate on their own. Self-initiated calls are directly affected by the total number of calls for service. For example, if an officer is busy responding to calls that have come into the dispatch center, that officer would have less time to generate self-initiated calls. The result would be a rise in dispatched calls for service (CFS) and a corresponding drop in self-initiated calls. The data for 2010 reflects this correlation. There was a small increase in the number of dispatched calls, and a decrease in self-initiated.

The total overall workload for 2010 fell by about 1,700 calls from last year, resulting in a year end number of 49,362. The dispatched calls for service increased by 17 percent while the self initiated calls decreased by 19 percent. When you see an increase in calls for service, you may see a decrease in the number of self-initiated activity as an officer's time is adjusted to handle the public requested calls. That was the case in 2010. In years past, the two types of calls just paralleled each other, but our department felt that if the dispatched calls were less, our officers should have more time to self initiate contacts, projects and deal with other types of investigations. You can see that change in expectation in the 2009 rise in self-initiated calls when our dispatched calls were lower. You can see the reversal in 2010 when the dispatched calls for service went back up. The economic downturn had little effect on the number of calls we dealt with but instead had an effect on the types of calls we dealt with.



Monthly Call Totals in 2010

Dispatched and Self-Initiated



Part I Crimes

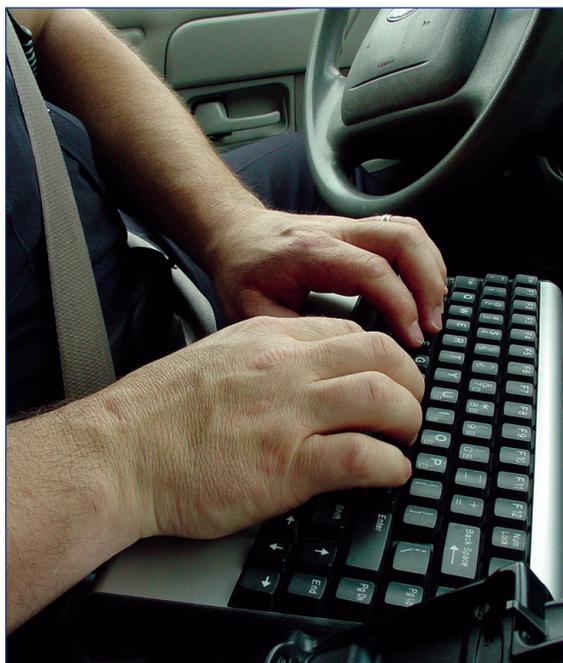
2010 Uniform Crime Reporting for Tigard Police

PART I CRIMES	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	% CHANGE FROM 2009
Homicide/Murder	1	0	0	0	1	1	0	0	1	1	0	1	100%
Forcible Rape	7	14	12	15	22	15	16	13	10	9	11	9	-18%
Arson	12	17	11	15	9	16	16	20	18	8	6	4	-33%
Aggravated Assault	56	49	63	60	43	63	59	45	59	26	13	19	46%
Robbery	43	33	35	43	31	43	32	47	48	46	38	64	68%
▶ Highway	1	6	8	13	5	8	8	3	10	10	9	20	122%
▶ Business	25	11	12	18	20	21	16	27	25	25	18	27	50%
▶ Service Station	0	0	1	2	0	0	2	0	0	0	0	1	100%
▶ Convenience Store	4	0	1	0	0	0	0	0	4	1	0	2	200%
▶ Residence	2	3	3	2	2	8	3	8	3	2	5	2	-60%
▶ Bank	5	0	1	1	3	4	2	8	1	3	1	3	200%
▶ All Other	6	13	9	7	1	2	1	1	2	5	4	3	-25%
UUMV	171	131	187	198	194	193	165	108	108	86	58	67	16%
Burglary	342	332	356	297	300	340	311	259	201	221	170	197	16%
▶ Residence	150	191	162	159	174	181	159	145	129	115	108	93	-14%
▶ Business	164	113	131	118	109	128	109	82	59	87	52	64	23%
▶ All Others	28	28	63	20	17	31	43	32	9	19	10	40	300%
Larceny	1,959	1,882	2,129	1,890	1,821	2,205	1,845	1,608	1,504	1,347	1,442	1,701	18%
PART I TOTALS	2,591	2,458	2,793	2,518	2,421	2,876	2,444	2,100	1,949	1,744	1,738	2,062	19%

Part I crimes saw a 19 percent rise overall. The biggest increase in this category is in property crimes such as robbery, burglary and larceny. There are many factors that fuel this trend. Some of those are the higher unemployment rate, rising gas costs, gold and silver prices being at all time highs on the trading market, and the drive to supply drug addiction.

In 2008 there was a rise in metal prices, and therefore, the market to access fast cash through the recycling of metal, fed a rise in burglaries where metal was the target item. In 2010, metal dealer laws changed and we started to see a decline in theft of metal, but a rise in the number of people that are approached and robbed of their wallet or purse from those seeking quick cash. In addition, the burglary reports we took were primarily storage units or garages where suspects were seeking items to sell quickly. Of the total 197 burglaries reported, 36 were storage units and six were from outside sheds. Larceny as an individual crime in the Part I category saw an 18 percent rise, for the same reasons mentioned above.

City of Tigard Total Part I

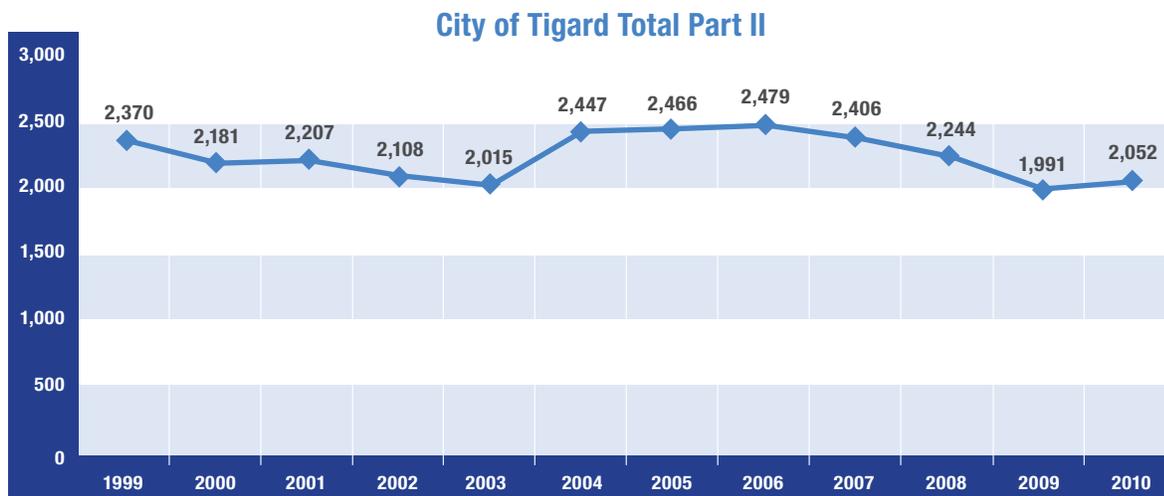


Part II Crimes

2010 Uniform Crime Reporting for Tigard Police

PART II CRIMES	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	% CHANGE FROM 2009
Simple Assault	239	188	198	188	184	185	162	176	143	116	134	116	-13%
Forgery/Counterfiet	234	239	268	203	134	246	230	152	77	72	82	70	-15%
Fraud	168	186	182	141	198	255	224	154	168	158	152	206	36%
Embezzlement	58	57	65	49	46	35	41	41	54	52	25	21	-16%
Stolen Property	35	16	12	2	6	10	7	6	6	2	19	22	16%
Vandalism	475	540	594	618	571	578	656	699	778	780	614	589	-4%
Weapons Laws	40	30	34	38	31	29	16	33	37	32	31	27	-13%
Prostitution	0	0	1	1	1	2	2	2	7	54	49	1	-98%
Sex Offenses	43	60	71	60	59	49	71	62	60	45	19	43	126%
Drug Laws	276	167	97	115	113	150	116	121	161	172	178	171	-4%
Gambling	0	0	0	0	0	0	0	0	0	0	0	0	0%
Offenses Against Family	23	24	28	35	33	50	33	44	30	20	17	13	-24%
DUII	155	86	98	178	173	173	211	190	137	150	154	134	-13%
Liquor Laws	42	25	27	31	38	29	63	107	126	66	64	77	20%
Disorderly Conduct	176	189	226	176	209	331	297	317	271	249	209	309	48%
Kidnapping	19	23	7	14	5	4	6	8	14	1	3	3	0%
All Other	186	187	177	141	119	203	187	257	221	168	136	165	21%
Curfew	34	11	26	23	17	13	62	56	35	17	11	10	-9%
Runaway	167	153	96	95	78	105	82	54	81	90	94	75	-20%
PART II TOTALS	2,370	2,181	2,207	2,108	2,015	2,447	2,466	2,479	2,406	2,244	1,997	2,052	3%

Part II crimes saw very little change, and rose only 3 percent. Even though the change was so small, the subcategories that did go up (such as fraud and stolen property) are still things that are probably driven by economic factors and drug related activities. The individual subcategory for “all other,” includes crimes such as trespass, phone harassment, stalking, littering, MIP tobacco, and animal ordinances. That subcategory was up 21 percent. A clear cause of that rise is unknown and probably just a normal trend as the numbers for that crime go up and down all the time between years. Sex offenses were significantly up, a 126 percent increase. In a 10-year look at reported sex offense crimes it isn’t really that the number suddenly spiked, but rather the 2009 year number was very low. The 2010 count is back up to within a typically-seen range.



Violent Crimes

In conjunction with the Part I crime index are the crimes categorized as violent crimes. Violent crimes include homicide, rape, aggravated assault and robbery. These crimes are the most serious crimes and involve crimes to persons.



Violent crime made a steep increase but is still below the average over the thirteen years displayed. The average is 107 cases per year. The bulk of that rise is in the area of robbery which saw a 68 percent increase in 2010. Robbery cases can range from violent shoplifters, to purse snatches, bank robbery, convenience store robbery, gas station holdups and highway robbery. Each of these starts with the desire to obtain property, or in most cases, money, by the use of force. This is another example of the desperate acts that increase when our economy is bad and drug addiction is high.

2010 Person, Property and Measure 11 Crimes

PERSON CRIMES	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	% CHANGE
Homicide	0	0	1	1	0	0	1	1	0	1	100%
Rape	12	15	22	15	16	13	10	9	18	9	-50%
Robbery	35	43	31	43	32	47	48	46	38	64	68%
Assault	63	60	43	63	59	45	59	26	12	19	58%
PERSON CRIMES TOTAL	110	118	97	122	107	105	118	82	68	93	37%
PROPERTY CRIMES	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	% CHANGE
Burglary	356	297	300	340	311	259	201	221	169	197	17%
Larceny (theft)	2,129	1,890	1,821	2,205	1,845	1,608	1,504	1,347	1,429	1,701	19%
UUMV	187	198	194	193	165	108	108	86	54	67	20%
Arson	11	15	9	16	16	20	18	8	6	4	-33%
PROPERTY CRIMES TOTAL	2,683	2,400	2,324	2,754	2,337	1,995	1,831	1,662	1,660	1,969	19%
MEASURE 11 CRIMES	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	% CHANGE
Arson	11	15	9	16	16	20	18	8	6	4	-33%
Aggravated Assault	63	60	43	63	59	45	59	26	12	19	58%
Homicide/Murder (attempt)	0	0	1	1	0	0	1	1	0	1	100%
Kidnapping	7	14	5	4	6	8	14	1	3	3	0%
Compelling Prostitution	1	0	0	0	1	0	0	1	0	0	0%
Forcible Rape	12	15	22	15	16	13	10	9	11	9	-18%
Robbery	35	43	31	43	32	47	48	46	38	64	68%
Sex Abuse I	71	60	59	49	71	62	60	45	36	43	19%
MEASURE 11 CRIMES TOTAL	200	207	170	191	201	195	210	137	123	143	17%

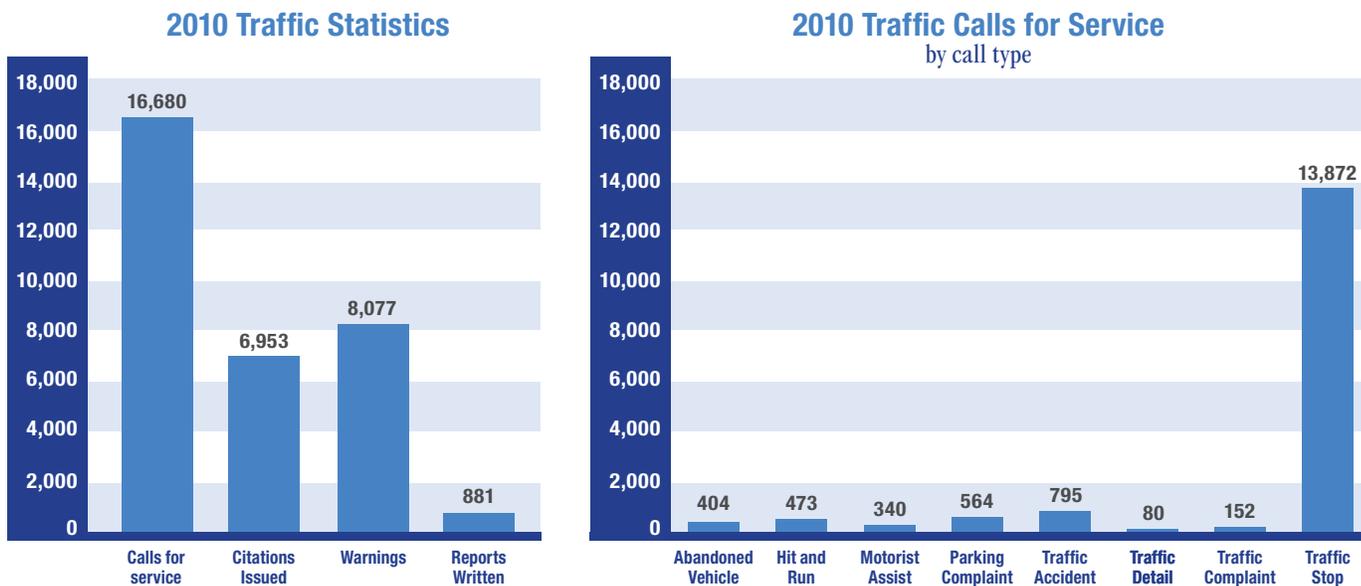
Another way to look at crime is by dividing them up by person crimes, property crimes and category Measure 11. When grouping these categories for 2010, and comparing them to the previous year, we see a consistent rise. Person crimes increased 37 percent; property crimes 19 percent; and Measure 11 crimes 17 percent. One specific trend that emerged in 2010 was the occurrence of several pharmacy robberies. Suspects held up pharmacies for prescription medications such as Oxycontin and Vicodin. Twenty-seven of the total reported robberies were businesses. Six of those were pharmacy robberies. In 2010, our Detectives Division was successful in identifying, arresting and convicting a male and female couple responsible for a string of pharmacy robberies stretching across multiple jurisdictions throughout the state of Oregon. In addition to those arrests, 30 of the 64 robbery cases taken were additionally cleared by arrest.

Community Policing Projects

Community Policing Projects are special projects generated by an officer or supervisor that go above and beyond the scope of the normal response to calls for service. Community Policing Projects (CPP) are submitted as an existing or potentially existing problem that may require extra effort, resources and time to resolve. These projects give the district officers a chance to channel resources and bring resolution to problematic issues within our neighborhoods. In 2010, 20 projects were submitted, 17 of those projects were successfully closed and three are ongoing in 2011.



Traffic and Pedestrian/Seat Belt Safety



Members of the Tigard Police Traffic and Patrol Units took extra steps to ensure pedestrian safety and bring attention to the importance of pedestrian-related traffic laws. Oregon law requires motorists to yield and stop for pedestrians who are legally crossing streets. Violation of the law is a Class B traffic infraction with a penalty of \$250. Several operations were conducted around the city. The locations selected were based on officer observations and complaints expressed by pedestrians noting difficulty in attempts to safely cross the road. The enhanced effort was funded through an Oregon Department of Transportation grant.

The department was also a recipient of funds from the Oregon Association of Chiefs of Police to help reduce the number of motorists operating a vehicle under the influence. The enhanced efforts by police include specially assigned traffic officers observing and detecting motorists driving under the influence between 10 p.m. and 4 a.m. Alcohol-related motor vehicle crashes kill someone every 31 minutes and non-fatal injuries occur every two minutes.

Seat Belt Safety

The department once again participated in the “Three Flags Safety Belt Campaign.” This is a multi-jurisdictional approach to help ensure motorists respect, obey and understand the importance of using seat belts. Statistics have indicated that Tigard motorists demonstrated nearly 96 percent compliance regarding vehicle safety belt usage for front seated occupants. The national average is just over 80 percent. Seat belt usage in the state of Oregon has grown from 43 percent in 1989, to the current statewide estimate of 93 percent. More important than the increase in seat belt use occurring since 1989, the number of motor vehicle collision mortality rate in Oregon has been reduced by half.

Professional Standards

The Tigard Police Department values citizen feedback and we endeavor to create an environment where officers and staff are approachable and responsive to the needs of Tigard citizens. One way to measure responsiveness is by feedback received from citizen complaints.

Addressing citizen complaints is a high priority, and they are processed in an expeditious, thorough and fair manner. From this feedback, the department can address citizen concerns on a personal level and can take steps to assure that appropriate policies and procedures are in place that address issues which have become a community priority or concern. Complaints can be made at any level within the Tigard Police Department or city administration.

There were a total of 13 complaints characterized as citizen complaints in 2010. Of the 13 complaints, one was sustained and steps were taken to either discipline or counsel the individual involved. Six were exonerated, and the remaining six were either not sustained or declined because it was determined that there was not a violation of policy or law.

In addition to citizen complaints, the department responds to internal complaints as well. These are complaints filed by officers and staff. In 2010, there were seven internal complaints and these can range from insubordination, reporting for duty, unsatisfactory performance, to violation of city policy. These complaints are dealt with in much the same manner as citizen complaints, and entail a full investigation and an appropriate follow-up action depending on the outcome of the investigation.

Five Year Comparison Chart

COMPLAINT TYPE	2010	2009	2008	2007	2006
▶ Citizen Complaints	13	10	8	10	22
▶ Internal Complaints	7	16	14	12	7
TOTAL	20	26	22	22	29

The five year chart is showing an overall decline since 2006 in complaints. This is an indicator of the increased emphasis that has been placed on review and scrutiny of our own performance. It is our goal to address issues well before they can manifest themselves as a citizen complaint.

New Officers, Sergeant Promotions and Department Awards

New Officers



Officer Mace



Officer Keller



Officer Stone



Officer Moehring



Officer Foulkes



Officer Corrado

Sergeant Promotions



**Sergeant
Frisendahl**



**Sergeant
McDonald**



**Sergeant
Erickson**



**Sergeant
Lain**

Tigard Police Department Awards



Volunteer of the Year: Kris Quinby

Because of his dedication to the Tigard Police Department, Kris has proven to be an outstanding officer and a credit to the Reserve Officer Program. Kris is usually one of the first reserve officers to volunteer for special assignments or duties within Tigard.



Support Staff of the Year: Julia Wade

Julia is not just a “confidential executive assistant” for the chief. She supports every member of the department in many different ways. She makes sure all of the hiring/promotion ceremonies are organized. She also supports the entire department as a liaison with DPSST and has made numerous suggestions to improve the department.



Supervisor of the Year: Neil Charlton

Sergeant Charlton has a great moral compass and you can always trust his integrity. He guided and assisted in the investigation and apprehension of the “Oxy” robbers. Sergeant Charlton has been a mentor for several years.



Police Officer of the Year: William (Bill) Cote

Officer Cote has been a real spark plug since returning to TPD from his duty in Iraq. His attitude, leadership and teamwork have been like a shot of vitamin B into the arm. His good-natured attitude allows for a more relaxed atmosphere around the office, and transfers well to the citizens. Officer Cote’s service to his country and the citizens of Tigard are an incredible reflection on him, the City of Tigard, Washington County, the state of Oregon, the United States Army and all of our armed services.



Lifesaving Awards: George Hicks and Brian Jackson

On July 14, 2010, the Washington County Consolidated Communications Agency began receiving reports of a suicidal male preparing to jump off the Hall Boulevard overpass of Highway 217. Officer George Hicks was the first contact officer at the scene. Quickly realizing the gravity of the situation, Officer Hicks determined the subject was intent on ending his life. Officer Brian Jackson came forward to assist Officer Hicks.



Both officers maintained a very calm and non-threatening manner while engaging the subject in conversation until additional resources arrived. Without these officers purposeful action, there is little doubt the subject would have jumped to his death. On behalf of the City of Tigard Police Department, Officer George Hicks and Officer Brian Jackson were presented with Lifesaving Awards.

Honor Guard

The Tigard Police Honor Guard was formed in 2004. Its members are volunteers from the Tigard Police Department's sworn staff. As members of the guard, these officers need to be proficient at ceremonial flag folding, the military manual of arms, United States flag protocol, and march and parade protocols.

The guard is asked to participate in local and regional ceremonial activities and take part of in the "posting of colors" at meetings, honoring local public figures, and honoring their fallen comrades at funerals and memorial services. In 2010, the guard took part in nine emergency services funerals and five civic service events. The most notable service was the combined funeral for the four City of Lakewood officers that were killed in action.



Preparing to fold the flag.



Flag ready for presentation.



Left to Right: Lt. Rick Boothby, Lt. Mike Eskew, Sgt. Jamie McDonald, Officer Andy Pastore, Officer Ron Wommack, Officer Mike Davis and Officer Bill Cote.

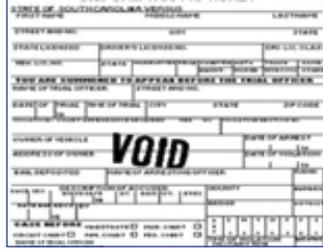
Advances in Technology

FROM:

Long gone are the days of labor-intensive fingerprint identification, paper-based reporting and issuance of citations, and only radio communication from the patrol vehicle to the station.



Fingerprint Analysis



Paper citation



Old patrol vehicles



Employee newsletter

TO:

The use of a combination of federal grants and local funds enable the department to capture video evidence as events occur in the field, communicate with dispatch using a mobile data computer, communicate with citizens using the web, and transmit digital fingerprints for fast identification. The priority will be to continue using technology where citizen and officer safety can best be maximized.



Digital fingerprints



Electronic citation



Newer patrol vehicles



Web-based newsletter



In-car video



In-car mobile data computer



Twitter, Facebook

2010 Highlights

Self-defense Class for Women

Self-defense classes are offered to provide self-defense skills to help women defend themselves from a sexual assault. The physical techniques taught in the class are designed with women's natural strength and ability in mind. Over 100 participated in the program ranging from ages 12–90.

Class instruction and demonstrations are targeted to decrease vulnerability and give women a new sense of confidence and personal power. Class activities and discussions are designed to help women identify their risks, evaluate their strengths and explore their options for dealing with the threat of sexual violence.

Drug Take-back Event

The prescription drug take-back event was part of a national effort spearheaded by the Drug Enforcement Administration (DEA) to help reduce the amount of illegal prescription drugs being abused and moving out of the hands of the intended user. The abuse of prescription drugs has become increasingly prevalent among teens and young adults. Past year abuse of prescription pain killers now ranks second, only behind marijuana, as the nation's most prevalent illegal drug problem. The source of drugs can be found in many homes. Eliminating unwanted medications is one step to keep the drugs from getting into the wrong hands. During the three hour event, Tigard Police personnel were able to assist over 250 vehicles as they passed through the collection point. The event yielded nearly 600 pounds of unwanted prescription drugs and medications.



Did You Know?

- ▶ After alcohol, prescription drugs are the second most cited reason people call the state's alcohol and drug abuse HelpLine, managed by Oregon Partnership.
- ▶ After marijuana, prescription drug abuse is the nation's second most common form of illicit drug use.

National Night Out

National Night Out is an annual program that is held nationwide on the first Tuesday in August. The event involves over 10,000 communities from all 50 states.

Neighborhoods host a block party, a cookout or some other type of social event. The program is nationally sponsored by Target, and offers a great opportunity to enhance of police-community relations. It is a celebration of neighborhood unity that brings the community out for an evening that encourages working together to reduce crime and makes neighborhoods safer.

In 2010, Tigard participated for the eighth year. The event was kicked off at Target with a "Community Safety and Awareness Fair." The event is fun for the neighborhoods and the officers alike, coming out to meet each other and join together in efforts to take a stand against crime.



POLICE-COMMUNITY PARTNERSHIPS

We hope to increase our participating neighborhoods in the years to come and continue to make this "National Night Out" a positive message to our community. We are committed to a higher level of livability by uniting with them; we increase unity, awareness, safety and also the strength and importance of police-community partnerships.

Special Olympics Fundraiser — Tip-A-Cop

The Tip-A-Cop event is considered to be one of the most essential fundraisers to help continue the important work of Oregon Special Olympics. The Special Olympics provides year-round sports training and competition for children and adults with intellectual disabilities.

During the event, held locally at the Red Robin restaurant at Washington Square Two, officers assist wait staff throughout the day and speak to restaurant guests about the event and how they can help if interested. In 2010, the Tigard Police Department raised \$5,160, placing the department second highest in the state where total donations collected reached \$48,376.



Crime Analyst Acknowledged by Lake Oswego Police Department

Police Crime Analyst Gayla Shillitto was honored by the Lake Oswego Police Department for her assistance with the investigation of a series of pharmacy robberies in Tigard and surrounding jurisdictions. She worked with investigators to provide information and assistance instrumental in the arrest of two suspects involved in a substantial number of armed robberies. She earned an Outstanding Service Award at the Lake Oswego Annual Awards Banquet. The award is given in recognition of “performing highly credible or unusual projects or acts of efficiency and professionalism which also substantially furthers the mission of the Lake Oswego Police Department.”

Reserve Officers

Members of our Tigard Reserve Officer Program are a highly respected group of volunteers that provide support primarily for our patrol unit. Members of the unit are interested in serving the City of Tigard to make it a safer and better community. Reserve officers will primarily supplement the patrol division field forces, performing those duties regularly carried out by the division. Reserves may also be used to assist the investigation and records divisions, and to perform any assignment, at the discretion of the chief of police.

Did You Know?

► In 2010, members of this group logged over 2,950 hours assisting patrol at various events and calls for service.

Citizen's Academy

The Tigard Police Department operates an eight week Citizen's Police Academy once a year. The purpose of the academy is to create better understanding and communication between citizens and police through education. The intent is not to produce citizens trained in law enforcement, but to help citizens better understand their city's police department. When the community knows and understands the limitations and abilities of law enforcement, the police can then better serve the community.



The academy subject matter covers a wide range of law enforcement topics such as investigations, patrol functions, traffic related issues, community policing, gangs, narcotics investigations, use of force and firearms. All sessions are conducted by members of the Tigard Police Department.

Inter-agency Partnerships

TriMet

A Tigard sergeant and three police officers work with the TriMet police and security unit to provide security presence throughout the transit system. Transit police perform random sweeps on board buses and trains and at TriMet facilities. This program is fully funded by TriMet including administrative overhead.

Metro Regional Government

Two Tigard detectives are assigned to Metro's Regional Illegal Dumping (RID) Patrol. RID tackles the problem of illegal dumping of waste and materials. A major objective of the group is to assure that illegal dumps are cleaned up and investigated. This program is fully funded by Metro including administrative overhead.

Regional Organized Crime Narcotics Task Force (ROCN)

The primary mission of the task force is to reduce drug availability by creating an intelligence-driven, multi-agency, drug task force aimed at eliminating or reducing domestic drug trafficking and its harmful consequence by enhancing and helping to coordinate drug trafficking control efforts among federal, state and local law enforcement agencies. Tigard has one officer placed with this team. This unit will cease operation in 2011.

Westside Interagency Narcotics Team (WIN)

WIN is an interagency task force comprised of members from multiple Washington County departments, the Oregon National Guard Counter-Drug Program and the FBI. This team works closely with other area narcotics task forces and various federal agencies. Its mission is to target all drug traffickers in and around the Washington County area. During 2010, the department had detectives rotating on a two month assignment to this unit.

Tactical Negotiations Team (TNT)

The Washington County Tactical Negotiations Team (TNT) is a highly-skilled and well-equipped tactical unit that responds to extremely hazardous situations where conventional police tactics and equipment may be inadequate. Officers assigned to TNT do so as a secondary assignment. Tigard currently has two officers assigned to this team.

Major Crimes Team

The Major Crimes Team is sponsored by the Washington County District Attorney's Office. This is a large team of experienced detectives available to respond as mutual aid to any area agency having immediate investigative needs on a major event (i.e., officer involved shooting or a homicide).

Fraud and Identity Theft Enforcement (FITE)

The FITE was created in October 2003. This team of Washington County detectives works aggressively to track down suspects in large-scale fraud and identity theft cases. We currently have four to five members of our police department meet with the FITE team monthly to share information about current cases.

Crash Analysis Reconstruction Team (C.A.R.T.)

C.A.R.T. is a multi-agency team of specially trained law enforcement officers from the Sheriff's Office, and the Beaverton, Cornelius, Forest Grove, Hillsboro, Tigard, and Tualatin Police Departments. Team members are trained as traffic crash deconstructionists with training in the areas of: collision analysis, speed analysis, vehicle dynamics, occupant kinematics, scene photography, surveying equipment, crash scene mapping and computer-aided drawing programs.

Lost Innocence Task Force

The Lost Innocence Task Force is a multi-agency team working with the FBI and the U.S. Attorney's Offices addressing the growing problem of domestic sex trafficking of children in the United States. Since 2003, initiatives like this throughout the United States has rescued over 575 children and led to the conviction of more than 300 pimps, madams and their associates who exploit children through prostitution.

Hostage Negotiations Team

The Hostage Negotiations Team is an interagency team comprised of members from the Sheriff's Office, officers from the Beaverton, Hillsboro and Tigard police departments, as well as a mental health consultant who deploys with the team. All team members receive specialized training from the FBI and Western States Hostage Negotiators Association. They also attend monthly training events and are proficient in the best practices of their field.

The team responds to many callouts throughout Washington County each year. Typical calls might involve a person barricaded in a building to avoid arrest, someone threatening the life of a hostage or a wide variety of other crisis events that threaten the safety of the community. The vast majority of incidents are resolved without further injury or violence.

Metro Gang Task Force

The Metro Gang Task Force was created in July 2006, in an agreement between the Portland Office of the FBI, the U.S. Attorney's Offices, the offices of the local metro-area county prosecutors, and several local law enforcement agencies. There are 13 full-time investigators, two full-time sergeants, and one full-time captain. The current list of participating agencies include the Portland FBI Office, Portland ATF Office, Portland ICE Office, Portland Police Bureau, Beaverton Police, Hillsboro Police, Milwaukie Police, Tigard Police, Oregon City Police, Canby Police, Woodburn Police, the U.S. Attorney's Office, and local county prosecutors offices within the Portland Metro Area.

The mission of the Metro Gang Task Force is to disrupt and dismantle criminal street gangs by conducting collaborative, interagency, intelligence-led investigations and prosecutions, against individuals involved in organized criminal street gang activity.

2010 SEIZURES	
Cash	\$82,781
Other	\$22,420
TOTAL	\$105,201

2010 FIREARM SEIZURES	
TOTAL	67

2010 DRUG SEIZURES	
Herion	48 grams
Cocaine	1.554 kg
Crack	.946 kg
Meth	8 grams
Ecstasy	2,417 D.U.
Oxy	210 D.U.

Youth Services Programs

Youth Peer Court

Youth Peer Court is a diversion program or, simply put, a chance for first time young offenders to avoid the serious implications associated with formal entry into the criminal justice system. When the juvenile is arrested, an officer will offer the offender an option to enter the Peer Court System, instead of the Juvenile Justice System. With parental approval, the date for hearing is set. In court, the infraction is described, the offender's student attorney may bring up extenuating circumstances, and a jury of the offender's peers (other students and former peer court offenders) will assess the sentence which may include restitution, community service and service as a juror. Once the sentence has been completed, all record of the infraction is destroyed. Students who fail to comply with sentencing are referred to the Juvenile Justice System for prosecution.

The peer court's ultimate objective is to deter youth from the commission of second offenses and, by its example as a model for understanding justice and law, to prevent more first time offenses as well.

In order to be eligible for consideration in Peer Court, the following conditions must be met:

- ▶ Offender is 12 to 17 years old
- ▶ First time offender
- ▶ Admission of guilt regarding the offense
- ▶ Consent by both offender and parent/guardian
- ▶ Residency within Tigard/Tualatin area

Did You Know?

- ▶ In 2010, the Youth Peer Court heard 76 cases.

D.A.R.E. Program

D.A.R.E. stands for Drug Abuse Resistance Education. The D.A.R.E. program is a 17-week program taught by Tigard school resource officers. This program is targeted at fifth grade students, and is taught in five Tigard elementary schools and two private schools.

The D.A.R.E. lessons focus on four major areas:

- ▶ Providing accurate information about drugs, alcohol and tobacco
- ▶ Teaching students good decision-making skills
- ▶ Showing students how to recognize and resist peer pressure
- ▶ Giving students ideas for positive alternatives to drug use

Did You Know?

- ▶ In 2010, approximately 900 students completed the program.

G.R.E.A.T. Program

The Gang Resistance Education and Training Program (G.R.E.A.T.) is a curriculum aimed at elementary and middle school students. The course consists of a nine-week, anti-gang program that is taught by uniformed police officers. It exposes students to a broad range of topics, including conflict resolution, building social skills and setting lifetime goals. Most importantly, the G.R.E.A.T. Program gives students the opportunity to find out for themselves about the perils of gang activity.

Did You Know?

- ▶ In 2010, 950 middle school students and 200 grade schoolers graduated from the course. This was the first year that the curriculum was taught at grade school.



G.R.E.A.T. Families

The three-week program, fittingly named G.R.E.A.T. Families, targets families with children ages 10–14 who are attending school. The program is based on the G.R.E.A.T. curriculum instructed by the school resource officers to middle school students. The instruction offers resources and skills that work to enable families to enhance communication. Improved family functioning is necessary to any comprehensive effort to prevent or reduce crime.

G.R.E.A.T. incorporates tools to help children resist drugs, alcohol and gang involvement during vulnerable years as adolescents. By building on these skills as young adults, they often are able to resist the pressures they face, and their newfound knowledge works to help them make smarter and healthier choices while moving into adulthood.

Did You Know?

- ▶ In 2010, 20 families participated in the G.R.E.A.T. Families program.

DA.R.E. to be G.R.E.A.T. Summer Camp and After-school Programs (Tigard Organized Great Activities (T.O.G.A.))

The week-long camps are offered to fourth, fifth and sixth grade students, free of charge. The camps offer positive summer activities while reinforcing the importance of staying drug and violence free. Goals of the camps include fostering self-esteem, cooperation and patience, and teaching goal-setting and team-building skills. Community donations and grants help fund the summer camp program. In 2010, over 500 kids had the opportunity to participate in this program.

The after-school program provides children with an organized environment where they can participate in a variety of activities. This program is offered free of charge to the children who participate. The program, through various activities, reinforces the goals of the G.R.E.A.T. curriculum and provides a safe place for children to spend quality time with their peers under adult supervision.



Did You Know?

- ▶ In 2010, up to 50 children per day participated in the D.A.R.E. to be G.R.E.A.T. after-school program at two Tigard schools.

Tigard Youth Advisory Council

The Tigard Youth Advisory Council was formed to provide youth with opportunities to get involved in their community. Students that range in age from sixth to twelfth grade can apply to become members. The adult leaders in both communities recognize the contribution and valuable role that young people have in making a difference within the community. Providing opportunities for service and involvement in the community are valuable educational tools.

Activities in 2010 included movie nights, a bicycle fair, helping with bicycle safety helmet checks, and a workshop where teens help motivate each other by providing classes and inviting speakers to address the groups.

Cadet Program

The Cadet Program provides hands-on training, education and involvement of young men and women, ages 16–20, in this apprenticeship program in preparation for a potential career in law enforcement. A primary goal of the program is to engage youth in performing voluntary, rewarding and productive services to the community and the Tigard Police Department. Over 1,500 volunteer hours were spent in such activities as the Christmas Tree Lighting Ceremony, Christmas for Kids, Fourth of July Fireworks Celebration, and helping with the shred event. There are currently seven volunteers actively involved in the program.

Helping to Fight Identity Theft

The Tigard Police Department, in partnership with the recycling unit of a local company, Pride Disposal, sponsored a “community shred.” By donating a non-perishable food item for the Oregon Food Bank, Tigard citizens were able drop off paper and computer disks for shredding, reducing the elements of identity theft.



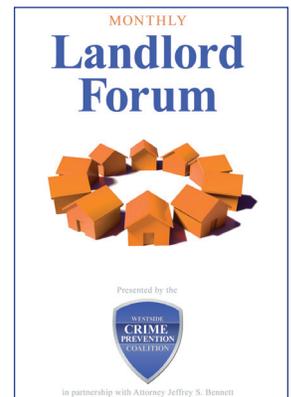
Along with a trained customer service representative from the company, Pride Disposal trucks that contain cutting-edge proprietary technology, allow for the secure disposal of documents with potentially sensitive information.

Law enforcement has been stressing the importance of safeguarding personal information and taking precautions when disposing of these materials. This event, initiated by Public Information Officer Jim Wolf, has become a favorite in the community.

Monthly Landlord Forum

These 90-minute forums cover a host of helpful topics for landlords, rental property owners and property managers. Subject matter includes legal issues, law enforcement matters and other ways to solve problems related to residential rental properties. Representatives from local law enforcement agencies and other landlord specialists are on hand to answer specific questions.

Participants learn about screening methods, working with law enforcement agencies and personnel, creating rental agreements, mastering CPTED (Crime Prevention Through Environmental Design) and successful eviction procedures. This program is in cooperation with the Westside Crime Prevention Coalition.



Chief’s Advisory Panel

The Chief’s Advisory Panel, composed of twelve local citizens, was created to discuss ideas and/or concerns pertaining to the City of Tigard Police Department. Chief Advisory Panel members from the police department include Chief Orr and Captain de Sully. The first meeting was held on January 19, 2011. Meetings are held on the fourth Thursday of each month from 6–7:30 p.m.

The mission of the Chief’s Advisory Panel is still in the process of development because the panel is still very new, and it is important to allow the members of the panel to be involved in the development of the mission statement. The purpose of developing the Chief’s Advisory Panel was to bring together a cross section of Tigard business people, residents who have demonstrated leadership within the community and are civic minded to share ideas with the Chief of Police. Allowing the community we serve to be part of the future development of their police department.

AIS-468

Item #: 4. C.

Business Meeting

Date: 04/26/2011

Length (in minutes): Consent Item

Agenda Title: Consider a Resolution Supporting the Submission of a Grant Application to Partially Fund the Summerlake Park Playground Replacement

Prepared For: Steve Martin

Submitted By:

Steve Martin
Public Works

Item Type: Resolution

Meeting Type:

Consent Agenda

ISSUE

Shall the Council adopt a resolution supporting the submission of a grant application to partially fund the replacement of playground equipment at Summerlake Park?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Council adopt the resolution.

KEY FACTS AND INFORMATION SUMMARY

- In order to meet the state's deadline, staff submitted an Oregon Park and Recreation Department (OPRD) grant application in early April. The application requested \$50,000 to partially fund the replacement of a playground system at Summerlake Park.
- The existing, 20-year-old playground system is at the end of its useful life and has ongoing safety issues. The system's manufacturer is no longer in business and replacement parts are not available.
- Summerlake Park has the two oldest playgrounds in the City's inventory. The playgrounds were scheduled for replacement in 2009 and 2010, but the projects were put on hold due to budget constraints. The east playground, near the middle bridge, is the play area under consideration for this grant. The replacement of this playground is identified in the 2001 Summerlake Park System Master Plan and is the top priority in the City's scheduled playground replacements/upgrades.
- A copy of the grant application is available upon request.

OTHER ALTERNATIVES

Should the Council choose not to adopt this resolution, the grant application would be withdrawn.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

The 2009 Tigard Park System Master Plan recommends complete implementation of the Summerlake Park System Master Plan. Replacement of this playground structure is identified in the Summerlake Park System Master Plan.

DATES OF PREVIOUS COUNCIL CONSIDERATION

This is the first time this issue has come before the Council.

Fiscal Impact

Cost: \$55,000

Budgeted (yes or no): Yes

Where Budgeted (department/program): Proposed Park Budget

Additional Fiscal Notes:

The estimated cost of the playground replacement is \$105,000. There is currently \$70,000 in the proposed 2011-2012 park budget for this project.

If awarded the \$50,000 grant, \$55,000 of the \$70,000 budgeted, will be used as matching funds. The remaining \$15,000 would be used for other park improvements.

If the grant is not successful, the playground will be scaled back so it can be built within the budgeted amount.

This play structure replacement is not eligible for bond or system development charge funding.

Attachments

Resolution

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11- 13

A RESOLUTION SUPPORTING THE SUBMISSION OF AN OREGON PARK AND RECREATION DEPARTMENT (OPRD) GRANT APPLICATION TO PARTIALLY FUND THE SUMMERLAKE PARK PLAYGROUND REPLACEMENT

WHEREAS, the OPRD has funding available through the State of Oregon Lottery Local Government Grant Program for projects such as the replacement of the Summerlake Park playground; and

WHEREAS, the existing, 20-year-old playground system is at the end of its useful life and has ongoing safety issues; and

WHEREAS, the City of Tigard desires to participate in this grant program as a means of partially funding the replacement playground; and

WHEREAS, Summerlake Park is one of the most heavily used parks in Tigard and the replacement play structure will create physical and intellectual challenges for the children of the community; and

WHEREAS, the 2009 Tigard Park System Master Plan and the Summerlake Park System Master Plan recommend the replacement of this playground structure; and

WHEREAS, the City's proposed 2011-2012 parks budget has the necessary matching funds to construct the replacement playground; and

WHEREAS, Tigard citizens and elected officials place a high value on the City's park system.

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

SECTION 1: The City Council supports the submission of an OPRD grant application to partially fund the Summerlake Park playground replacement.

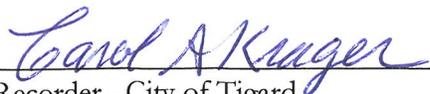
SECTION 2: This resolution is effective immediately upon passage.

PASSED: This 26th day of April 2011.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

AIS-484

Item #: 4. D.

Business Meeting

Date: 04/26/2011

Length (in minutes): Consent Item

Agenda Title: Consider a Resolution Appointing David Brown, Gordon Kunkle, and Gary Romans to the Park and Recreation Advisory Board (PRAB)

Prepared For: Steve Martin

Submitted By:

Steve Martin
Public Works

Item Type: Resolution

Meeting Type:

Consent Agenda

ISSUE

Shall the Council adopt a resolution appointing Gordon Kunkle as a member, and David Brown and Gary Romans as alternate members to the PRAB?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Council adopt the resolution.

KEY FACTS AND INFORMATION SUMMARY

- There are currently three vacancies (one member vacancy and two alternate vacancies) on the PRAB.
- The Mayor's Appointment Advisory Committee interviewed four candidates who expressed an interest in serving on the PRAB. The Committee recommended Gordon Kunkle be appointed as a member, and David Brown and Gary Romans be appointed as alternate members of the PRAB.
- In accordance with the Committee's recommendation, the resolution before the Council will accomplish the following appointments:
 - Gordon Kunkle will be appointed to fill the unexpired term of Jason Rodgers. This term expires on June 30, 2011.
 - Gordon Kunkle will be appointed to his first full term as a PRAB member beginning July 1, 2011 and expiring on June 30, 2015.
 - David Brown will be appointed to a term as an alternate. This term will expire on June 30, 2013.
 - Gary Romans will be appointed to a term as an alternate. This term will expire on June 30, 2013
- Terms for alternates are in established accordance with Resolution No. 01-21. This resolution states:
 - "Alternates would be appointed to terms that would end when the next full-term committee positions open." The next full-term positions open in June 2013.
 - "In no event may a person designated as an alternate be so designated for a period exceeding two years . . ." These appointees will serve two-year terms.
- A brief biography on each of the appointees is attached.

OTHER ALTERNATIVES

The Council could choose not to adopt the resolution and provide staff with direction on some other course of action.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

2011 Tigard City Council Goal No. 3, "Complete Plans for Parkland Acquisition."

The Park and Recreation Advisory Board serves as an advisory board to the Council and provides recommendations on park acquisitions and improvements related to the City's 2010 park bond measure.

DATES OF PREVIOUS COUNCIL CONSIDERATION

This is the first time appointment of these PRAB members has come before the Council.

Attachments

Resolution

Appointee Biographical Information

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11-14

A RESOLUTION APPOINTING GORDON KUNKLE AS A MEMBER, AND DAVID BROWN AND GARY ROMANS AS ALTERNATE MEMBERS, TO THE PARK AND RECREATION ADVISORY BOARD (PRAB)

WHEREAS, there are currently three vacancies (one member vacancy and two alternate member vacancies) on the PRAB; and

WHEREAS, Gordon Kunkle, David Brown, and Gary Romans have expressed an interest in serving on the PRAB; and

WHEREAS, Gordon Kunkle was interviewed by the Mayor's Appointment Advisory Committee and was recommended to serve as a voting member on the PRAB; and

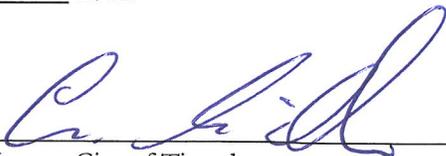
WHEREAS, David Brown and Gary Romans were interviewed by the Mayor's Appointment Advisory Committee and were recommended to serve as alternate members on the PRAB; and

WHEREAS, the terms for alternate members are established in accordance with Resolution No. 01-21.

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

- SECTION 1: Gordon Kunkle is appointed to complete the unexpired PRAB voting member term of Jason Rodgers. This term expires on June 30, 2011.
- SECTION 2: Gordon Kunkle is appointed to his first full term as a PRAB voting member beginning July 1, 2011 and expiring on June 30, 2015.
- SECTION 3: David Brown is appointed to a term as a PRAB alternate member. This term will expire on June 30, 2013.
- SECTION 4: Gary Romans is appointed to a term as a PRAB alternate member. This term will expire on June 30, 2013.
- SECTION 5: This resolution is effective immediately upon passage.

PASSED: This 26th day of April 2011.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

**PARK AND RECREATION ADVISORY BOARD (PRAB)
RECOMMENDED APPOINTEE
BIOGRAPHICAL INFORMATION**

Tigard City Council Meeting April 26, 2011

Gordon Kunkle is recommended to serve on the PRAB as a voting member. Gordon has lived in Tigard for 10 years, and is currently employed with the City of Portland Parks and Recreation Department as a Turf and Irrigation Management Assistant. Gordon studied landscape architecture and environmental planning at Utah State. He has served in the community as a coach of youth sports, scout leader, and volunteer with the Oregon Food Bank. He has also served as a member of the Chamber of Commerce, the Oregon Landscape Contractors Association, and participated in the Regional Water Providers Consortium.

Gary Romans is recommended to serve on the PRAB as an alternate member. Gary has lived in Tigard for 13 years and is officially “retired,” but works as a tour guide for Portland Walking Tours. He has a degree in electrical engineering from Michigan State and also did some graduate studies at Portland State and the University of Minnesota. Gary has been very involved in community theater throughout the Metro area and is interested in furthering his community involvement in Tigard.

David Brown is recommended to serve on the PRAB as an alternate member. David has lived in Tigard for 15 years and just recently started a new job (the day of his interview) after working as a financial manager at Adidas for 10 years. He has a degree in business administration and is a certified public accountant. David was a manager and board member of the Tigard Little League from 2002 to 2008. He mentions that he and his family are regulars at Tigard parks and he has an interest in the acquisition and development of parks in Tigard.

AIS-442

Item #: 5.

Business Meeting

Date: 04/26/2011

Length (in minutes): 5 Minutes

Agenda Title: Proclaim May 15-21, 2011 EMS Week

Prepared For: Joanne Bengtson

Submitted By:

Joanne Bengtson
City Management

Item Type: Public Hearing - Informational

Meeting Type:

Proclamation

ISSUE

Shall the Mayor proclaim May 15-21, 2011 as EMS Week in the City of Tigard?

STAFF RECOMMENDATION / ACTION REQUEST

n/a

KEY FACTS AND INFORMATION SUMMARY

n/a

OTHER ALTERNATIVES

n/a

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

n/a

DATES OF PREVIOUS COUNCIL CONSIDERATION

n/a

Attachments

EMS Week Proclamation

Proclamation

City of Tigard

EMERGENCY MEDICAL SERVICES WEEK May 15-21, 2011

WHEREAS, Emergency Medical Services is a vital service to the community, the members of emergency medical service teams are ready to provide lifesaving care to those in need 24-hours a day, seven days a week; and

WHEREAS, This year's national theme, "EMS: Everyday Heroes," underscores the commitment and dedication of the EMS providers who serve Oregon; and

WHEREAS, Access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury. The brave men and women who serve as EMS providers are often first on the scene of a disaster, a motor vehicle crash or other event that may place them in a hazardous environment; and

WHEREAS, Emergency medical service teams consist of emergency physicians, emergency room nurses, emergency medical technicians, paramedics, firefighters and emergency medical dispatchers, the members of emergency medical service teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, Residents of Tigard benefit daily from the knowledge and skill of these highly trained individuals. It is appropriate to recognize the value and accomplishments of emergency medical service providers.

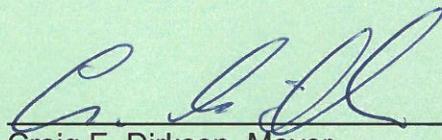
NOW THEREFORE BE IT RESOLVED THAT I, Craig E. Dirksen, Mayor of the City of Tigard, Oregon, do hereby proclaim the week of May 15-21, 2011 as

EMERGENCY MEDICAL SERVICES WEEK

in Tigard, Oregon and encourage people throughout the city to honor these brave men and women for a job well done.

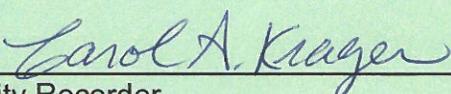
Dated this 26th day of April, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.



Craig E. Dirksen, Mayor
City of Tigard

Attest:



Carol A. Krager
City Recorder



AIS-446

Item #: 6.

Business Meeting

Date: 04/26/2011

Length (in minutes): 5 Minutes

Agenda Title: Proclaim May 1-7 Be Kind to Animals Week

Prepared For: Joanne Bengtson

Submitted By:

Joanne Bengtson
City Management

Item Type: Public Hearing - Informational

Meeting Type:

Proclamation

ISSUE

Shall Mayor Dirksen proclaim May 1-7, 2011 as Be Kind to Animals Week?

STAFF RECOMMENDATION / ACTION REQUEST

n/a

KEY FACTS AND INFORMATION SUMMARY

n/a

OTHER ALTERNATIVES

n/a

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

n/a

DATES OF PREVIOUS COUNCIL CONSIDERATION

n/a

Attachments

[2011 Be Kind to Animals Week proclamation](#)

Proclamation

City of Tigard

BE KIND TO ANIMALS WEEK

May 1-7, 2011

WHEREAS, Oregonians benefit tremendously from our animal friends, who give us companionship and great pleasure in our daily lives; and

WHEREAS, we have a firm responsibility to protect these fellow creatures from need, pain, fear and suffering; and

WHEREAS, we recognize that teaching attitudes of kindness, consideration and respect for all living things through humane education in the schools and the community helps to provide the basic values on which a humane and civilized society is built; and

WHEREAS, we are deeply indebted to the Oregon Humane Societies for over 100 years of invaluable service in caring for homeless animals, instilling humane values in our children through education programs, and promoting a true working spirit of kindness and consideration for animals in the hearts and minds of all people; and

WHEREAS, we depend greatly upon our animal control agencies, veterinarians and other organizations that provide humane care for animals; and

WHEREAS, May 1-7, 2011 is set aside to observe nationally the philosophy of kindness to animals.

NOW THEREFORE BE IT RESOLVED THAT I, Mayor Craig Dirksen of the City of Tigard, Oregon, do hereby proclaim the week of May 1-7, 2011 as

BE KIND TO ANIMALS WEEK

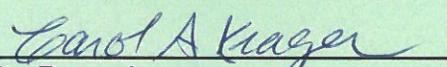
in Tigard, Oregon and urge our citizens, businesses and organizations to join in this observance.

Dated this 26th day of April, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.


Craig E. Dirksen, Mayor
City of Tigard

Attest:


City Recorder



AIS-486

Item #: 7.

Business Meeting

Date: 04/26/2011

Length (in minutes): 5 Minutes

Agenda Title: Proclaim May 1 - 7, 2011, as National Drinking Water Week

Prepared For: Dennis Koellermeier

Submitted By:

John Goodrich

Public Works

Item Type: Motion Requested

Meeting Type:

Proclamation

ISSUE

Shall City of Tigard Mayor Dirksen issue a joint proclamation with City of Lake Oswego Mayor Hoffman proclaiming May 1 - 7, 2011, as National Drinking Water Week?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the proclamation of National Drinking Water Week.

KEY FACTS AND INFORMATION SUMMARY

The National Drinking Water Alliance seeks to promote the value of drinking water. As a means to accomplish this goal, the alliance established a major annual education campaign around National Drinking Water Week, which was first celebrated in 1988.

In August 2008, the cities of Lake Oswego and Tigard formed a water partnership. This joint proclamation is symbolic of the many ways in which the two cities are working together to meet the future drinking water needs of the Lake Oswego and Tigard communities.

OTHER ALTERNATIVES

Not applicable

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

2011 Tigard City Council Goal No. 5 - "Continue Coordination with Lake Oswego on Water Partnership."

DATES OF PREVIOUS COUNCIL CONSIDERATION

Not applicable

Attachments

Proclamation



PROCLAMATION

National Drinking Water Week May 1–7, 2011

WHEREAS, water is our most valuable natural resource; and

WHEREAS, only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

WHEREAS, any measure of a successful society—low mortality rates, economic growth and diversity, productivity, and public safety—are in some way related to access to safe water; and

WHEREAS, we are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, the citizens of our communities are called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues;

NOW, THEREFORE, BE IT RESOLVED that by virtue of the authority vested in us as mayors of our two cities, we do hereby proclaim May 1–7, 2011, as National Drinking Water Week.

Mayor Jack Hoffman, City of Lake Oswego
May 3, 2011

Mayor Craig Dirksen, City of Tigard
April 26, 2011



AIS-439

Item #: 8.

Business Meeting

Date: 04/26/2011

Length (in minutes): 20 Minutes

Agenda Title: Discuss 2011 Oregon Legislative Session and its Impact on Tigard's Legislative Priorities

Prepared For: Kent Wyatt

Submitted By:

Kent Wyatt
City Management

Item Type: Resolution
Receive and File

Meeting Type:

Council Business
Meeting - Main

ISSUE

To what extent, does legislation promulgated by the 2011 Oregon Legislature impact local government? Should the Council issue a Resolution in support of the Oregon Legislature's Senate Joint Resolution 26 (SJR 26), Kicker Reform?

STAFF RECOMMENDATION / ACTION REQUEST

Review promulgated legislation, discuss proposed bills remaining in legislative process, and consider of Resolution to support SJR 26.

KEY FACTS AND INFORMATION SUMMARY

To date, the legislature has considered more than 3,000 bills but only a small percent have been approved by the House and Senate. City staff has been tracking legislation with the potential impact local government. The list includes legislation related to the Lake Oswego/Tigard Water Partnership, a Metro Parks Special District and public record requests. City staff will use this opportunity to review the first half of the legislative session and to receive Council input on any changes to the priorities for the remainder of the session.

Sen. Burdick and Rep. Doherty will be present to update the Council on the work of the Senate and House respectively during the first half of the 2011 Oregon Legislative Session.

Specifically, Sen. Burdick will discuss SJR 26 - Kicker Reform and has requested the Council consider the Resolution of support. SJR 26 as introduced, establishes a mandated savings rate from excess revenues, and adjusts the total amount of excess required to activate a return to corporations or personal income taxpayers. If adopted, SJR 26 would provide a more stable reserve fund for the State of Oregon to provide funding for state services to all citizens of Oregon during periods of projected or actual economic decline.

OTHER ALTERNATIVES

Council may decide against supporting the Resolution.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Work with partners on long-range solutions to statewide structural problems.

Council Five-Year Goal: Continue to support the Legislature in addressing the financial needs of state and local governments in Oregon

DATES OF PREVIOUS COUNCIL CONSIDERATION

November 9, 2010 - Review and Discuss Legislative Agenda for 2011 Oregon Legislative Session

June 22, 2010 - Identify Preliminary Legislative Priorities for 2011 Oregon Legislative Session

Attachments

Kicker Resolution

SJR 26 - Kicker Reform

Bills of Interest

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11-15

A RESOLUTION OF THE TIGARD CITY COUNCIL SUPPORTING SJR 26 OF THE STATE LEGISLATIVE ASSEMBLY TO CREATE A RESERVE FUND TO PROVIDE FUNDING IN RESPONSE TO ECONOMIC DECLINE.

WHEREAS, the Tigard City Council adopted 2011 Council Goals on December 30, 2010; and

WHEREAS, City Council Goal #6 is to “Work with partners on long-range solutions to statewide structural problems” and the Council has a five-year goal to “Continue supporting the Legislature in addressing the financial needs of Oregon State and local governments”;

WHEREAS, SJR 26 redirects the corporate kicker and half of the personal kicker to an Emergency Reserve Fund until such time as the Fund reaches 14 percent of the General Fund; and

WHEREAS, SJR 26 would provide a more stable reserve fund for the State of Oregon to provide funding for state services to all citizens of Oregon during periods of economic decline.

WHEREAS, the Legislature could only access the Emergency Reserve Fund during documented economic declines and by a three-fifths vote

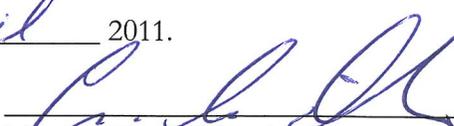
NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: SJR 26 as amended is in support of the City Council Goal #6 to “Work with partners on long-range solutions to statewide structural problems” and the Council has a five-year goal to “Continue supporting the Legislature in addressing the financial needs of Oregon State and local governments”;

SECTION 2: The Tigard City Council hereby expresses its support for SJR 26 as amended and encourages its passage by the Legislative Assembly.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This 26th day of April 2011.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

Senate Joint Resolution 26

Sponsored by Senators MORSE, BURDICK, TELFER, HASS, THOMSEN, Representatives GELSER, READ; Senators NELSON, OLSEN, Representative OLSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Proposes revision of Oregon Constitution. Directs Legislative Assembly to leave amount unappropriated for biennium if Legislative Assembly determines that percentage increase in available General Fund revenues exceeds increase in rate of population and inflation. Sets amount left unappropriated at percentage difference between increase in revenues available for biennium and population and inflation growth, with three percent maximum. Requires deposit of unappropriated amount in Oregon Rainy Day Fund if General Fund revenues collected equal or exceed revenue estimate for biennium. Requires transfer of lesser of one percent of General Fund appropriations for biennium or ending balance to Oregon Rainy Day Fund.

Establishes Oregon Rainy Day Fund. Sets conditions for appropriation of moneys in fund. Transfers one-half of surplus personal income tax revenues to fund. Returns one-half of surplus personal income tax revenues to personal income taxpayers.

Establishes Oregon Universities Stability Fund. Sets conditions for appropriation of moneys in fund. Transfers surplus corporate income or excise tax revenue to fund.

Refers proposed revision to people for their approval or rejection at next primary election.

JOINT RESOLUTION

1
2 **Be It Resolved by the Legislative Assembly of the State of Oregon, two-thirds of all the**
3 **members of each house concurring:**

4 **PARAGRAPH 1.** The Constitution of the State of Oregon is revised by creating new sections
5 14a, 15, 16 and 17 to be added to and made a part of Article IX, and by amending section 14, Article
6 IX, such sections to read:

7 **SECTION 15. (1) If required under subsection (2) of this section, in budgeting for a**
8 **biennium that begins on July 1 of the year of a regular legislative session held in an odd-**
9 **numbered year, the Legislative Assembly shall leave unappropriated an amount of General**
10 **Fund revenues estimated to be available for the biennium. The Legislative Assembly shall**
11 **use the estimate of General Fund revenues contained in the last quarterly economic and**
12 **revenue forecast presented prior to the end of the regular legislative session held in an**
13 **odd-numbered year. For purposes of this section, the quarterly economic and revenue fore-**
14 **cast is the forecast made for purposes of subsection (6) of section 4, Article XV of this**
15 **Constitution.**

16 **(2)(a) Subject to paragraph (b) of this subsection, if the Legislative Assembly determines**
17 **that the growth index is greater than the population and inflation index, the amount to be**
18 **left unappropriated under subsection (1) of this section will be a percentage of the General**
19 **Fund revenues estimated to be available for the biennium that is equal to the growth index**
20 **percentage minus the population and inflation index percentage.**

21 **(b) The amount to be left unappropriated under this section may not exceed three per-**
22 **cent of the General Fund revenues estimated to be available for the biennium.**

23 **(3) As soon as practicable after the Legislative Assembly determines the ending balance**
24 **of the General Fund for a biennium, if the amount of General Fund revenues collected during**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 the biennium equals or exceeds the amount of the estimate used to determine the amount
 2 left unappropriated for that biennium under subsection (2) of this section, the amount that
 3 was left unappropriated under subsection (2) of this section shall be transferred to the
 4 Oregon Rainy Day Fund established by section 16 of this Article.

5 (4) As soon as possible after the ending balance for a biennium is determined, an amount
 6 equal to one percent of the amount of General Fund appropriations for that biennium shall
 7 be transferred to the Oregon Rainy Day Fund established by section 16 of this Article. If the
 8 ending balance does not equal or exceed one percent of the amount of General Fund appro-
 9 priations, an amount equal to the ending balance shall be transferred to the Oregon Rainy
 10 Day Fund.

11 (5) As used in this section:

12 (a) "Ending balance" means the difference between the amount of General Fund revenues
 13 collected during a biennium and the amount of General Fund appropriations for the
 14 biennium.

15 (b) "General Fund appropriations" means the amount of moneys appropriated from the
 16 General Fund for a biennium in the legislatively approved budget for the biennium, minus
 17 the amount of any General Fund appropriation balances for that biennium that revert to the
 18 General Fund as provided by law.

19 (c) "General Fund revenues estimated to be available for the biennium" means:

20 (A) The amount of revenues contained in the General Fund at the beginning of the
 21 biennium; and

22 (B) The amount of General Fund revenues estimated to be collected during the biennium.

23 (d) "Growth index" means the percentage difference between the General Fund revenues
 24 estimated to be available for the biennium and the General Fund revenues appropriated for
 25 the preceding biennium.

26 (e) "Legislatively adopted budget" means the budget enacted by the Legislative Assembly
 27 during an odd-numbered year.

28 (f) "Legislatively approved budget" means the legislatively adopted budget as modified by
 29 the joint committee referred to in section 3, Article III of this Constitution, or by the Leg-
 30 islative Assembly meeting in special session.

31 (g) "Population and inflation index" means the sum of:

32 (A) The ratio of the cost of living for the previous calendar year to the cost of living for
 33 two years prior to the previous calendar year, based on changes in the U.S. City Average
 34 Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau of
 35 Labor Statistics of the United States Department of Labor or other consumer price index
 36 designated by law; and

37 (B) The ratio of the estimated population of this state for the previous calendar year to
 38 the estimated population of this state for two years prior to the previous calendar year, as
 39 determined in the manner provided by law.

40 SECTION 16. (1) The Oregon Rainy Day Fund is established as an account in the General
 41 Fund.

42 (2) The Legislative Assembly may appropriate moneys from the Oregon Rainy Day Fund
 43 only if the appropriation is approved by three-fifths of the members serving in each house
 44 of the Legislative Assembly and the Legislative Assembly finds one of the following:

45 (a) That the last quarterly economic and revenue forecast for a biennium indicates that

1 moneys available to the General Fund for the next biennium will be at least three percent
2 less than appropriations from the General Fund for the current biennium;

3 (b) That there has been a decline for two or more consecutive quarters in the last 12
4 months in seasonally adjusted nonfarm payroll employment; or

5 (c) That a quarterly economic and revenue forecast projects that revenues in the General
6 Fund in the current biennium will be at least two percent below what the revenues were
7 projected to be in the revenue forecast on which the legislatively adopted budget for the
8 current biennium was based.

9 (3) Once each month, in the manner provided by law, a state agency designated by law
10 shall calculate the amount of General Fund interest that is attributable to moneys in the
11 Oregon Rainy Day Fund. Except as provided in subsection (5) of this section, the amount
12 calculated under this subsection shall be transferred to the Oregon Rainy Day Fund.

13 (4) The Legislative Assembly may not appropriate for any one biennium more than two-
14 thirds of the amount that is in the Oregon Rainy Day Fund at the beginning of that
15 biennium. If the appropriation is for a biennium that has not yet begun, the Legislative As-
16 sembly may use as the base the most recent estimate of the amount that will be in the
17 Oregon Rainy Day Fund at the beginning of the biennium for which the appropriation is
18 made.

19 (5) If the moneys in the Oregon Rainy Day Fund just prior to the time of a transfer
20 scheduled under subsection (3) of this section or section 14 or 15 of this Article equal at least
21 12 percent of the amount of General Fund revenues collected during the prior biennium,
22 moneys that would otherwise be transferred to the Oregon Rainy Day Fund shall be depos-
23 ited in the General Fund or returned to personal income taxpayers as provided in section 14
24 (4) of this Article.

25 (6) If the moneys in the Oregon Rainy Day Fund just prior to the time of a transfer
26 scheduled under subsection (3) of this section or section 14 or 15 of this Article do not equal
27 at least 12 percent of the amount of General Fund revenues collected during the prior
28 biennium, the transfer to the Oregon Rainy Day Fund shall be made regardless of whether
29 that transfer increases the amount in the Oregon Rainy Day Fund to at least 12 percent of
30 the amount of General Fund revenues collected during the prior biennium.

31 (7) As used in this section, "legislatively adopted budget" means the budget enacted by
32 the Legislative Assembly during a regular session.

33 SECTION 17. (1) The Oregon Universities Stability Fund is established as an account in
34 the General Fund. Moneys in the Oregon Universities Stability Fund may be appropriated
35 only for purposes that will benefit higher education institutions or activities or community
36 colleges authorized by law to receive state aid.

37 (2) The Legislative Assembly may appropriate moneys from the Oregon Universities
38 Stability Fund only if the appropriation is approved by three-fifths of the members serving
39 in each house of the Legislative Assembly and the Legislative Assembly finds one of the fol-
40 lowing:

41 (a) That the last quarterly economic and revenue forecast for a biennium indicates that
42 moneys available to the General Fund for the next biennium will be at least three percent
43 less than appropriations from the General Fund for the current biennium;

44 (b) That there has been a decline for two or more consecutive quarters in the last 12
45 months in seasonally adjusted nonfarm payroll employment; or

1 (c) That a quarterly economic and revenue forecast projects that revenues in the General
 2 Fund in the current biennium will be at least two percent below what the revenues were
 3 projected to be in the revenue forecast on which the legislatively adopted budget for the
 4 current biennium was based.

5 (3) Once each month, in the manner provided by law, a state agency designated by law
 6 shall calculate the amount of General Fund interest that is attributable to moneys in the
 7 Oregon Universities Stability Fund. Except as provided in subsection (5) of this section, the
 8 amount calculated under this subsection shall be transferred to the Oregon Universities
 9 Stability Fund.

10 (4) The Legislative Assembly may not appropriate for any one biennium more than two-
 11 thirds of the amount that is in the Oregon Universities Stability Fund at the beginning of
 12 that biennium. If the appropriation is for a biennium that has not yet begun, the Legislative
 13 Assembly may use as the base the most recent estimate of the amount that will be in the
 14 Oregon Universities Stability Fund at the beginning of the biennium for which the appropri-
 15 ation is made.

16 (5) There is created a Universities Capital Improvement and Maintenance Subaccount
 17 within the Oregon Universities Stability Fund. If the moneys in the Oregon Universities
 18 Stability Fund just prior to the time of a transfer scheduled under subsection (3) of this
 19 section or section 14 of this Article equal at least 15 percent of the amount of General Fund
 20 revenues appropriated to the Oregon University System during the prior biennium, moneys
 21 that would otherwise be transferred to the Oregon Universities Stability Fund shall deposited
 22 in the Universities Capital Improvement and Maintenance Subaccount. Moneys in the sub-
 23 account may be appropriated only for the purposes of capital improvements or deferred
 24 maintenance, as defined by law, at Oregon University System facilities. Subsection (2) of this
 25 section does not apply to appropriations of moneys in the subaccount.

26 (6) If the moneys in the Oregon Universities Stability Fund just prior to the time of a
 27 transfer scheduled under subsection (3) of this section or section 14 of this Article do not
 28 equal at least 15 percent of the amount of General Fund revenues appropriated to the Oregon
 29 University System during the prior biennium, the transfer to the Oregon Universities Sta-
 30 bility Fund shall be made regardless of whether that transfer increases the amount in the
 31 Oregon Universities Stability Fund to at least 15 percent of the amount of General Fund re-
 32 venues appropriated to the Oregon University System during the prior biennium.

33 (7) As used in this section, "legislatively adopted budget" means the budget enacted by
 34 the Legislative Assembly during a regular session.

35 **Sec. 14.** (1) As soon as is practicable after adjournment sine die of an odd-numbered year reg-
 36 ular session of the Legislative Assembly, the Governor shall cause an estimate to be prepared of
 37 revenues that will be received by the General Fund for the biennium beginning July 1. The esti-
 38 mated revenues from corporate income and excise taxes shall be separately stated from the esti-
 39 mated revenues from other General Fund sources.

40 (2) As soon as is practicable after the end of the biennium, the Governor shall cause actual
 41 collections of revenues received by the General Fund for that biennium to be determined. The re-
 42 venues received from corporate income and excise taxes shall be determined separately from the
 43 revenues received from other General Fund sources.

44 (3) If the revenues received by the General Fund from corporate income and excise taxes during
 45 the biennium exceed the amount estimated to be received from corporate income and excise taxes

1 for the biennium, by two percent or more, the total amount of the excess shall be [*returned to cor-*
 2 *porate income and excise taxpayers*] **transferred to the Oregon Universities Stability Fund es-**
 3 **tablished by section 17 of this Article.**

4 (4) If the revenues received from General Fund revenue sources, exclusive of those described in
 5 subsection (3) of this section, during the biennium exceed the amount estimated to be received from
 6 such sources for the biennium, by two percent or more, **one-half of the total amount of the excess**
 7 **shall be transferred to the Oregon Rainy Day Fund established by section 16 of this Article**
 8 **and one-half of the total amount of the excess shall be returned to personal income taxpayers. If**
 9 **a transfer may not be made to the Oregon Rainy Day Fund under subsection (5) of section**
 10 **16 of this Article, the total amount of the excess shall be returned to personal income tax-**
 11 **payers.**

12 (5) The Legislative Assembly may enact laws:

13 (a) Establishing a tax credit, refund payment or other mechanism by which the excess revenues
 14 are returned to taxpayers, and establishing administrative procedures connected therewith.

15 (b) Allowing the excess revenues to be reduced by administrative costs associated with return-
 16 ing the excess revenues.

17 (c) Permitting a taxpayer's share of the excess revenues not to be returned to the taxpayer if
 18 the taxpayer's share is less than a de minimis amount identified by the Legislative Assembly.

19 (d) Permitting a taxpayer's share of excess revenues to be offset by any liability of the taxpayer
 20 for which the state is authorized to undertake collection efforts.

21 (6)(a) Prior to the close of a biennium for which an estimate described in subsection (1) of this
 22 section has been made, the Legislative Assembly, by a two-thirds majority vote of all members
 23 elected to each [*House*] **house**, may enact legislation declaring an emergency and increasing the
 24 amount of the estimate prepared pursuant to subsection (1) of this section.

25 (b) The prohibition against declaring an emergency in an act regulating taxation or exemption
 26 in section 1a[, *Article IX of this Constitution*] **of this Article**, does not apply to legislation enacted
 27 pursuant to this subsection.

28 (7) This section does not apply:

29 (a) If, for a biennium or any portion of a biennium, a state tax is not imposed on or measured
 30 by the income of individuals.

31 (b) To revenues derived from any minimum tax imposed on corporations for the privilege of
 32 carrying on or doing business in this state that is imposed as a fixed amount and that is nonappor-
 33 tioned (except for changes of accounting periods).

34 (c) To biennia beginning before July 1, 2001.

35 **SECTION 14a. (1) Sections 15 to 17 of this Article and the amendment to section 14 of**
 36 **this Article by Senate Joint Resolution 26 (2011) apply to biennia beginning on or after July**
 37 **1, 2011.**

38 **(2) This section is repealed on June 30, 2015.**

39
 40 **PARAGRAPH 2. The revision proposed by this resolution shall be submitted to the people**
 41 **for their approval or rejection at the next primary election.**



2011 Oregon Legislative Session

Bills of Interest



HB 2062 Public Contracting Cost Analysis - Requires public body on behalf of which contracting agency conducts procurement to perform required cost analysis or make required feasibility determination.

Bill Status: 3-29 (H) Work Session scheduled.

City's Position: **Oppose**

HB 2075 - Establishes alternative methods for telecommunications provider to satisfy requirement to collect and remit tax on customer access to 9-1-1 emergency reporting system from prepaid telecommunications service customers.

Bill Status: 3-17 (H) Work Session held.

City's Position: **Support**

HB 2166 Connect Oregon IV - Multimodal Transportation Fund - Authorizes issuance of lottery bonds for transportation projects funded from Multimodal Transportation Fund.

Bill Status: 3-15 (H) Referred to Ways and Means by prior reference.

City's Position: N/A

HB 2244 Changes to Public Record Definition - Modifies definition of "public record" for purposes of public records retention and disclosure laws.

Bill Status: 3-1 (H) Work Session scheduled.

City's Position: N/A

HB 2328 Road Usage Charge for Electric Vehicles - Requires persons operating electric motor vehicles and plug-in hybrid electric motor vehicles to pay a vehicle road usage charge, effective January 1, 2014; and establishes policies relative to the collection and administration of such fees.

Bill Status: 4-14 (H) Public Hearing scheduled.

City's Position: N/A

HB 2354 - Extends sunset date for property tax exemption for tax-exempt corporation low income housing to tax years beginning before July 1, 2027.

Bill Status: 4-6 (H) Work Session held.

City's Position: **Support**

HB 2425 - Modifies provisions relating to local budget law.

Bill Status: 3-24 (S) Referred to Government, Consumer & Small Business Protection.

City's Position: **Support**



2011 Oregon Legislative Session

Bills of Interest



HB 2501 Police Court Time Efficiencies - Establishes task force to determine best practices for coordinating testimony of law enforcement and correctional officers and feasibility of providing Internet access to law enforcement and correctional officers who are waiting to testify.

Bill Status: 3-10 (H) Referred to Judiciary, and then to Revenue by prior reference.
City's Position: N/A

HB 2700 Removal-Fill Permitting - Expands definition of "applicant" for purposes of removal-fill permitting program.

Bill Status: 3-7 (S) Referred to Business, Transportation and Economic Development.
City's Position: **Support**

HB 2716 Liquor Saturation Districts - Allows city or county to adopt limits on number or density of premises within city or county, or within specific areas of city or county, that Oregon Liquor Control Commission may license for full or limited on-premises sales or off-premises sales of alcoholic beverages or as brewery-public house.

Bill Status: 4-5 (H) Public Hearing held.
City's Position: **Support**

HB 2865 Tort Immunity for Trail Access - Extends immunity to owner of land for allowing public entry upon land for using public trails.

Bill Status: 4-11 (H) Possible Work Session scheduled.
City's Position: N/A

HB 3040 Allowing Judicial Flexibility - Expands authority of court and violations bureau to reduce fines for violations.

Bill Status: 3-28 (H) Work Session scheduled.
City's Position: N/A

HB 3150 Speed Limits - Authorizes cities with population exceeding 100,000 to designate speeds on highways under specified circumstances.

Bill Status: 3-14 (S) Referred to Business, Transportation and Economic Development.
City's Position: N/A

HB 3165 Willamette Basin Water Storage Access Bill - Allows municipalities to access water behind 13 federally built Willamette Basin dams.

Bill Status: 4-14 (H) Possible Work Session scheduled.
City's Position: **Support**



2011 Oregon Legislative Session

Bills of Interest



HB 3192 Traffic Offenses on State Highways - Provides that fines and costs collected by court for traffic offenses committed on state highways be credited and distributed as monetary obligation payable to state.

Bill Status: 3-28 (H) Public Hearing and Possible Work Session held.

City's Position: **Oppose**

HB 3349 American Produced Construction Products - Prohibits contracting agency from awarding contract for public improvement or public works unless iron, steel, wood products and manufactured goods, including equipment, used in public improvement or public works are produced within United States.

Bill Status: 3-11 (H) Public Hearing scheduled.

City's Position: N/A

HB 3412 Alternative Contracting Restrictions - Prohibits contracting agency from using alternative contracting method to award public improvement contract in which single contractor provides services as construction manager and general contractor unless value of contract is \$5 million or more.

Bill Status: 3-8 (H) Public Hearing held.

City's Position: N/A

HB 3415 1/10 of Percent Fee on Public Contracts - Requires contracting agency to pay fee to Secretary of State in amount of one-tenth of one percent of contract price for public improvement contract.

Bill Status: 4-14 (H) Work Session scheduled.

City's Position: **Oppose**

Senate Bills

SB 41 Deadline for Public Records Request - Establishes deadlines by which public bodies must respond to public records requests.

Bill Status: 4-13 (S) Work Session scheduled.

City's Position: N/A

SB 217 Satellite Urban Renewal District/School - Permits urban renewal plans to include school construction or reconstruction projects. Permits certain urban renewal plans to add certain noncontiguous lands to urban renewal areas. Requires urban renewal agencies to categorize tax increment revenues used for school projects within urban renewal plan as school system funds.

Bill Status: 4-13 (S) Public Hearing and Work Session scheduled.

City's Position: Neutral



2011 Oregon Legislative Session

Bills of Interest



SB 264 Access Management - County Approach Permits - Exempts county roads from requirement to get new approach permit for change of use of private approach road.

Bill Status: 4-11 (S) Work Session scheduled.

City's Position: N/A

SB 307 TLT - Expands Definitions - Expands allowable purposes for new or increased local transient lodging tax to include funding of tourism-related services.

Bill Status: 3-30 (S) Public Hearing held.

City's Position: **Support**

SB 397 Cause of Action Against Public Officers - Allows action based on tort to be brought against officer, employee or agent of public body if complaint alleges that plaintiff is entitled to damages in excess of limitations imposed by Oregon Torts Claims Act.

Bill Status: 4-6 (S) Recommendation: pass with amendments.

City's Position: **Oppose**

SB 672 Development Limitation on Roads/ROW - Prevents Oregon Transportation Commission or local governments from adopting or enforcing rules that plan or zone, or otherwise limit development on, private land for the purpose of protecting future operation of roads, transit ways and major transit corridors.

Bill Status: 4-11 (S) Work Session scheduled.

City's Position: **Oppose**

SB 752 Metro Special District for Parks - Authorizes metropolitan service district to form facilities district in same manner allowed for other service districts for purposes of acquisition, construction, maintenance and operation of facilities for publicly owned natural areas, open space, trails and regional parks.

Bill Status: 2-23 (S) Referred to Finance and Revenue.

City's Position: **Oppose**

SB 795 Five Year Prohibition of TPR by DLCD - Prohibits adoption or enforcement by Land Conservation and Development Commission of transportation planning rule with specified function.

Bill Status: 4-11 (S) Work Session scheduled.

City's Position: **Oppose**



2011 Oregon Legislative Session

Bills of Interest



SB 795 Five Year Prohibition of TPR by DLCD - Prohibits adoption or enforcement by Land Conservation and Development Commission of transportation planning rule with specified function.

Bill Status: 4-11 (S) Work Session scheduled.
City's Position: N/A

SB 890 Timely Subcontractor Payments - Requires contracting agency to include condition in public contract under which contractor must pay subcontractors in timely fashion or risk action for damages or other relief from contracting agency or disqualification from future public contracts.

Bill Status: 4-11 (S) Work Session scheduled.
City's Position: N/A

SJR 26 Kicker Reform - Redirects half of the personal kicker to the Rainy Day Fund until such time as the Fund reaches 12 percent of the General Fund at which time 100 percent of the personal kicker would be returned to taxpayers.

Bill Status: 4-18 (S) Work Session scheduled.
City's Position: **Support**

AIS-323

Item #: 9.

Business Meeting

Date: 04/26/2011

Length (in minutes): 30 Minutes

Agenda Title: High-Capacity Transit Land Use Plan Update

Submitted By: Judith Gray
Community Development

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Council Business Meeting - Main

ISSUE

Council is requested to receive information from staff regarding progress and findings of the Pacific Highway-99W High-Capacity Transit (HCT) Land Use Plan.

STAFF RECOMMENDATION / ACTION REQUEST

Receive information from staff and provide feedback.

KEY FACTS AND INFORMATION SUMMARY

The Oregon Transportation and Growth Management (TGM) program awarded a planning grant to the City of Tigard and Metro to undertake the Tigard High Capacity Transit (HCT) Land Use Plan. This plan is a joint effort between ODOT, Metro, and the City to plan for future station area communities in Tigard. The grant is being used to pay for a consultant team with expertise in land use, transportation, real estate economics and development.

The Tigard HCT Land Use Plan is one of several related planning efforts along the SW Corridor including future land use plans for Portland and Tualatin, an HCT Alternatives Analysis Plan, and the I-5/ Pacific Highway 99W Corridor Refinement Plan. The Tigard project is the only one officially underway and is scheduled to be completed in January 2012. The other SW Corridor plan projects are expected to get started this summer.

The Tigard project's scope of work includes five tasks, Tasks 1 and 2, project organization and existing conditions analysis/ typologies definitions are mostly complete. Task 3, typology and corridor analysis is now underway. Tasks 4 and 5 consist of finalizing the plan and its recommendations. Prior to finalization, tasks are reviewed and commented on by the project's Technical and Citizens Advisory Committees (CAC). The following summarizes work completed to date:

Stakeholder Interviews: Approximately 45 citizen stakeholders were interviewed about the characteristics they like and dislike in communities and the perceived positive and negative impacts of transit. This feedback is integral to help shape the vision of future station area communities. A summary report documenting key themes is appended (Attachment A.)

Existing Conditions Analysis: This task consists of a comprehensive analysis of current conditions, including land uses, applicable policies, market conditions, transportation, natural resources, parks and public facilities. This part of the study establishes where HCT supportive station communities may be most feasible and/or supportive of future transit investment.

Tigard Typologies Definitions: The Stakeholder Interviews and the Existing Conditions Analysis were used to define four distinct Tigard station community typologies or types. Each has specific economic, urban design and land use characteristics. Station Types include, Town Center/Main Street; Employment/Retail Destination; Transit Corridor Neighborhood, and Transit Neighborhood. These are further described in the appended staff memorandum (Attachment B).

Over the next three months the project team will develop and analyze Conceptual Station Community Plan

Alternatives, including six to ten potential station locations. In addition, the following project activities are planned:

May 25, Design Session and Public Meeting: City staff, the TAC, and other agency planners will spend several hours working in small groups to develop concept alternatives. This will be followed by an evening meeting for the CAC and other citizens to further refine the concepts and to receive comments.

June 6, Planning Commission Tigard Triangle Focus: 2: A presentation of the concept alternatives will be made to the Planning Commission at its June 6 meeting. The focus will be on station area planning within the Tigard Triangle to prepare for a future Tigard Triangle Plan. This is also an opportunity to engage the Planning Commission in the project.

June/July, Analysis of Station Community Plan Alternatives: This part of the project will analyze the transportation and land use impacts of each plan alternative. From this analysis a preferred plan alternative will be developed through the TAC and CAC review process and presented to the Planning Commission in December 2011 and City Council in January 2012 respectively.

In addition to public involvement associated with the project other opportunities for citizen input will occur at the Tigard Farmer's Market, May 15 through June 19 and at the Ballon Festival, June 24 through 26.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

1. Implement the Comprehensive Plan;

- a. Show substantial progress on new Tigard Triangle Master Plan
- c. Participate in the SW Corridor Study

Long-Term Goal

Continue pursuing opportunities to reduce traffic congestion

Long Range Objectives

Tigard's interests in regional and statewide issues are coordinated with appropriate agencies and jurisdictions. Tigard Citizens are involved in the community and participate effectively.

DATES OF PREVIOUS COUNCIL CONSIDERATION

- March 24, 2009, through Resolution 09-18, Council supported the application for this TGM grant.
- October 26, 2010, through Resolution 10-54, Council approved the Intergovernmental Agreement with ODOT and Metro.
- November 23, 2010, Council was briefed on the proposed Citizen Involvement Committee structure for the project.
- December 14, 2010, through Resolution 10-69, Council approved formation of the HCT Land Use Plan Citizen Advisory Committee (CAC); and appointed the Transportation Advisory Committee to serve as the Citizens Advisory Committee
- January 18, 2011, staff conducted a kick-off presentation for the TGM-funded Land Use Plan

Fiscal Impact

Fiscal Information:

City Cost: \$61,362

Budgeted (yes or no): Yes

Where Budgeted (department/program): Long Range Planning

The total TGM Grant award is \$233,997. The total project cost is \$262,912. The consultant is allocated \$169,000 from the grant. Tigard and Metro are allocated \$32,447 and 32,500 respectfully for staff time and expenses. Tigard will contribute of \$28,915 consisting staff and related expense as its inkind match. The total contribution by Tigard is \$61,362 (TGM Grant allocation and match).

Attachments

Attachment A - Memo

Attachment B - Stakeholder Interview Report

Attachment C - PowerPoint



City *of* Tigard Memorandum

To: Mayor Dirksen and City Council

From: Judith Gray, Senior Transportation Planner

Re: Tigard HCT Land Use Plan Update

Date: April 12, 2011

The Tigard High Capacity Transit (HCT) Land Use Plan project is moving forward according to its contracted schedule. Two of the five tasks in the contracted scope of work have been completed; in addition several public involvement elements have been completed or are moving forward. This memorandum presents an update of the project status within the context of the broader Southwest Corridor Plan, summarizes recently completed project tasks, and identifies upcoming activities. A brief summary of public involvement activities is also provided.

SW Corridor Plan

The Tigard HCT Land Use Plan was the first of five related projects comprising the SW Corridor Plan to get underway. Similar land use plans for the cities of Portland and Tualatin are expected to get started by year end as funding issues are resolved. These land use plans will lay the groundwork for HCT planning and will inform later decisions about transit service alignments. Not only does this approach help assure the success of future transit service, it also assures that transit planning serves local community goals and aspirations for future growth and development.



The planning for HCT and other transportation improvements in the SW Metro area, must take into account the unique needs and aspirations of three cities, Metro, Tri-Met and ODOT. This requires close cooperation of all involved to ensure future transportation facilities work seamlessly across jurisdictional boundaries. Also, the SW Corridor Plan will consider the relationship of land use and transportation as essential to economic prosperity, land use efficiency and livability. The larger SW Corridor Planning effort is not only about High Capacity Transit. Rather the focus is on how to achieve a balanced mix of auto, HCT, traditional bus, pedestrian and bicycle transportation modes.

The Tigard project is the only one officially underway and is scheduled to be completed in January 2012. The other SW Corridor plan projects are expected to get started this summer.

Tigard HCT Land Use Plan Project Status

The first two of five project tasks were completed as of the end of March 2011. Major deliverables included:

Stakeholder Interviews: Approximately 45 stakeholders were interviewed about desired community characteristics and the impacts of transit. The key themes from the interviews include a desire for a good walking environment and good access to open space. A summary report documenting the interviews is included as Attachment B.

Existing Conditions Analyses: The project team conducted a comprehensive analysis of current conditions, including land use, public policies, market conditions, transportation, natural resources, public facilities, parks and trails. These reports are available for review on the project web site.

Tigard Typologies Definitions

The findings from the Stakeholder Interviews and the Existing Conditions Analyses were used to define *Station Community Typologies* for Tigard. From the report:

This study, or “typology” describes four distinct Station Community “types,” and classifies the urban design and land use characteristics of each one, including the primary land use or mix of land uses (for example, employment, residential, civic), and measurable characteristics such as persons per acre, jobs per household, floor area ratio, etc. It also describes more qualitative characteristics that can’t always be measured such as “sense of place.” It should be noted that within specific Station Community types, there can be a wide range of characteristics, both qualitative and quantitative.

The four typologies are summarized below:

1. Town Center/Main Street

The Town Center/Main Street Station Community includes significant housing, employment and commercial businesses and serves the local population. The area within 1/2 mile of the high capacity transit station is a mix of housing, retail, services, civic uses and office. This area has a jobs-to-housing balance of approximately 2:1. Residential units in the form of flats (apartments or condominiums) occupy the upper level of some buildings. Moving away from the station, there may be townhouses with ground floor office and home-based businesses. The edges of the station area are predominantly residential, blending into the surrounding single dwelling neighborhood. References for comparison include the Hollywood neighborhood; Downtown Milwaukie; Downtown Lake Oswego.

2. Employment/Retail Destination

The focus of the Employment / Retail Destination Station Community is regional employment and/or commercial and institutional uses. It is a moderately, to intensely populated district with an emphasis on employment and commercial retail activities. A destination for transit trips, this district focuses on office and/or retail employment, and is highlighted by a regional shopping center and/or large-scale office complexes. Employment uses include a range of professional services, research and technology-based manufacturing. Civic uses and colleges can also be found here. The core of the center is surrounded by medium to high density multi-story housing in the form of townhouses and apartment buildings, creating opportunities to live and work in close proximity. A large percentage of the workers in the center travel from outside the area to a job within the district. Additionally, the regional shopping center draws many trips in from outside the area. References for comparison are: Lloyd District; Tanasbourne; Bridgeport Village.

3. Transit Corridor Neighborhood

The focus of the Transit Corridor Station Community is shopping, dining and residential uses with a suburban residential character. The transportation arterial serving the corridor was originally designed to accommodate auto traffic, but significant efforts have been made to improve the pedestrian environment. The corridor has evolved into a destination location for restaurants and a mix of national chain retail and small-scale, locally-owned retail. The area has schools within walking distance of the district. The Transit Corridor Neighborhood has access to transit stations strategically located along the corridor. Employment land uses, shopping and dining may be located near this station community type but are smaller in scale than the same uses at the other Station Communities. The station area allows for a synergy of land uses because they are oriented to customers who use either transit, auto or other modes. The majority of residents leave the area to work, while any jobs found within the corridor are predominantly retail, personal services or restaurant focused. References for comparison are: Hillside, Orenco Station, Lake Grove Neighborhood.

4. Transit Neighborhood Station Community

The Transit Neighborhood Station Community is moderately populated and has a residential feel. There are few commercial land uses in this Station Community, and when they are present, they occur at locations where such uses have historically located; usually at the crossroads of through streets. When they occur, commercial land uses take the form of small-scale retail or office, usually on the ground floor of one or two corner buildings. Examples of the retail that might be found here includes coffee shops and specialty stores, while office uses may include professional services, some in the form of home-based businesses. Some of these buildings have residential uses above or behind the retail or office use. More significant clusters of retail and restaurants are within walking and biking distance. References for comparison include Laurelhurst, Ladd's Addition; Summerfield.

Tigard HCT Land Use Plan – Next Steps

Over the next five months the project team will develop a Station Community Concept Plan, including six to ten potential station locations which will be further developed using the Station Community Typologies.

A key step in the concept development will take place at a design session and public meeting on May 25. An afternoon work session will provide an opportunity to the project team, city staff, the Technical Advisory Committee (TAC), and other agency planners to spend several hours working in small groups to develop concept alternatives. This will be followed by an evening public meeting to hear comments and concerns and to further refine the concept alternatives.

A separate presentation of the concept alternatives is scheduled for the Planning Commission at their June 6 meeting. This presentation will focus on station area planning within the Tigard Triangle. This is an opportunity to engage the Commission in a discussion about development of a Tigard Triangle Master Plan. This will also be an opportunity to engage the Planning Commission at a critical time for input on the overall project.

The Concept Alternatives will be further evaluated for development of a proposed Station Community Concept Plan which will be presented to Planning Commission and Council in December 2011 – January 2012. City Council consideration of recommendations may depend on changes to mobility standards related to the Transportation Planning Rule (TPR). This could occur as an outcome of the SW Corridor Refinement Plan or due to changes in statewide policy which are currently under discussion. If these are not yet enacted, Council will be asked to approve the Station Community Concept Plan as the basis for future land use and transportation planning decisions. Also the Concept Plan can be the city's blue print to guide HCT planning Corridor such as the Alternatives Analysis; Environmental Impact Statement (EIS) and Locally Preferred Alignment, and other related studies.

Public Involvement Activities

Activities for public involvement were initiated with the project kick-off and are continuing throughout the project. In addition to the stakeholder interviews, citizens have offered comments and questions through the CAC, on the project web site, and via email. Some of the initial comments and questions include:

- Where will the alignment be?
- Are we talking about light rail?
- Why can't we just increase bus service?
- It's important not to reduce the capacity on Pacific Highway to handle auto traffic.

Other upcoming public involvement activities include the following:

- Tigard Area Farmers Market (May 15 and June 19)
- Public Meeting (May 25th)
- Balloon Festival (June 24 through 26)

(File: HCT Update Memo Ron April v2.docx)



City of Tigard Memorandum

To: Project Team

From: Judith Gray, Sean Farrelly, Marissa Daniels, and Tim Lehrbach

Re: Stakeholder Interview Report

Date: March 21, 2011

Between November 2010 and February 2011, City of Tigard planners interviewed more than 45 local stakeholders as part of the High Capacity Transit (HCT) Land Use Plan. The stakeholder interviews were conducted for multiple purposes. First, planners wanted to hear from a broad cross section of the community about their ideas, concerns, and priorities related to transit and planning for the community. Second, the interviews identified the most effective and convenient ways to maintain engagement with stakeholders. Finally, many stakeholders offered suggestions about additional citizens or community organizations that might want to be engaged.

Stakeholders were selected to represent a broad cross section of the community. They include elected and appointed officials; citizens and neighborhood volunteers; employers, business owners, developers, and representatives from institutions. Members of, and service providers to, environmental justice populations were included in the stakeholder list. Some citizen stakeholders also serve in leadership roles in community associations, though it should be noted that the opinions they expressed in the interviews are considered their own and do not necessarily represent their organizations. The stakeholders included in the interviews are listed in Appendix A.

The interview questions are reproduced below in Exhibit 1. A summary of the themes which were heard in the interviews follows.

1. Describe a place you like and what you like about that place.
2. Describe a place you think needs improvement and describe how it might be improved.
3. Describe your vision of a vibrant neighborhood.
4. Describe the changes you would like to see for your community.
5. What role do you see public transit playing in the future of Tigard. Describe any positive and negative aspects.
6. Which of the following goals are important to you?
 - Create Vibrant Communities
 - Reduce the negative impacts of traffic congestion on the community
 - Promote affordable transportation to areas where housing and transportation costs are high.
 - Support placemaking and efficient urban form
 - Reduce travel times
 - Provide alternatives to driving an automobile.
 - Improve air quality/reduce greenhouse gases.
 - Accommodate growth away from established residential neighborhoods
7. Are you, your organization, or your organization's membership interested in participating in future planning activities or events?
8. What is the best way for the City to communicate with you or your organization's membership about the project? (Open houses, farmer's market, bus surveys, web, factsheets, etc.)

Exhibit 1. Stakeholder Interview Questions

Places people like

Stakeholders identified a wide range of places they like throughout the region and beyond. Downtown Lake Oswego was frequently mentioned, as were several Portland neighborhoods. Not all places were of urban character; open spaces and natural areas were identified, including resort settings as well as more natural areas. Stakeholders also valued open spaces located within urban areas. In two cases—where Portland's Pearl District and Downtown were mentioned—stakeholders noted these are desirable places but are not, perhaps, appropriate models to the character of Tigard. Some of the places that were mentioned include:

- Downtowns: Lake Oswego, Portland, Tigard, Vancouver, WA
- Established neighborhoods: First Addition (Lake Oswego); Hawthorne, Hillsdale, Ladd's Addition, Laurelhurst, Multnomah Village, Northwest District (Portland); Summerfield (Tigard)
- Transit-oriented and other planned developments: Bridgeport Village (Tualatin), Orenco Station (Hillsboro), Pearl District (Portland), NewPort Village (Port Moody, B.C.)
- Parks and open spaces: Cook Park, Pioneer Courthouse Square, Oregon Coast, Black Butte, Tualatin River Wildlife Refuge

Characteristics of places people like

The most common theme that cut across the spectrum of responses was the desire for comfortable, easy walking conditions. This was the case whether people were talking about urban or natural areas. Most responses about vibrant neighborhoods in particular made reference to activity of and interaction between people at street level. Availability of good restaurants was mentioned often as a trait of a good neighborhood. Access to natural areas and open spaces was also a common theme. The majority of stakeholders expressed a desire to know their neighbors, share a sense of community, work, shop, and recreate together. Some specific desired characteristics include:

- Walkable: continuous and well-maintained sidewalks, bike paths, and streets
- Active and safe streets
- Neighborhood village scale and feel: compact form, single-family homes well-connected to small business and retail
- Variety of businesses for shopping, eating and drinking, entertainment
- Access to open spaces--parks, dog parks, trails, etc.--on foot and by bike or transit
- Flexible public spaces for community gathering and events
- Activity and diversity of people
- Equity and economic diversity, especially in housing
- High quality architecture that promotes community and fits in with existing buildings
- Strong feeling of community identity
- Close proximity to work, schools, churches, parks
- Well-connected to transportation of all modes

Community Improvements

When asked to describe areas in need of improvement, most stakeholders focused on issues within Tigard. Answers reflected a deficiency in well-defined, walkable areas (particularly active commercial zones) and a lack of community identity. An underdeveloped downtown core and strip mall development along Pacific Highway were often cited as limitations. Another central concern was getting around: too few places to walk, too much traffic congestion (especially in the Pacific Highway corridor), and too many transfers for transit service that also takes too much time. Additionally, some areas outside of Tigard (Fairview Village, Quatama Station) were noted as examples of planned communities that did not fully succeed in achieving the intended qualities of urban and/or transit-oriented development.

Solutions sought by stakeholders focused on concentrating development Downtown, creating destinations for community and shopping, and redeveloping outdated or underutilized properties and areas, including the Washington Square Regional Center. Stakeholders especially want to see Downtown become a vibrant center for Tigard. A large number of comments pointed to a need for more community amenities—parks, events,

multiuse and recreation facilities. Aesthetics in new and existing development were given consideration.

Better access to reliable transit service was another high priority, especially improving connections to underserved areas. Several stakeholders, who identified traffic congestion on Pacific Highway, Highway 217, and I-5 as a major problem in Tigard, targeted infrastructure improvements in these corridors. Complete streets to accommodate bikes and pedestrians were desired.

Some essential themes that emerged for improving Tigard are summarized below.

Create community destinations

- Well-defined, active commercial and retail zones Downtown and around Washington Square with residential in between
- Neighborhood retail featuring restaurants, coffee shops, pubs—focus on storefronts
- Continuity in development aesthetics, but don't want everything to look the same
- Mix of housing types; ensure quality, affordability
- More community events and planned activities
- More parks, multiuse facility, plaza, amphitheater, community center, sports complex, ball fields, places and programs for everyone to recreate—connected to multimodal transportation

Upgrade infrastructure

- Enhance walkability with sidewalks, paths, trails, parks
- Improve connections between places for all transportation modes
- Increase business visibility by calming traffic, reducing visual clutter (signs)
- Maintain automobile infrastructure and expand where needed to relieve traffic congestion
- Provide parking (for businesses and transit riders): structured or tuck under, no “seas of asphalt”

Enhance transit access and efficiency

- Reduce distances between, and remove pedestrian barriers to, transit stops
- Faster, more reliable transit with fewer transfers
- Better bus connections to underserved areas, especially to Durham Road and Bull Mountain
- Improve access to transit for seniors, low income populations, and people with disabilities

Role of Public Transit in Tigard

Stakeholders reported anticipating a wide range of benefits from high capacity transit to Tigard, the variety of which reflects different perspectives on its purpose. Many stakeholders said high capacity transit is a necessary response to inevitable growth in population, traffic, and transportation costs. Stakeholders varied on how they prioritize the potential benefits of high capacity transit. A large number sees its role primarily consisting in containing traffic congestion, while many others view it as a special opportunity for expanding living options and transforming development patterns. Some specific benefits of high capacity transit mentioned in the interviews included:

- Reduces congestion throughout Tigard and King City, especially on Pacific Highway, and to the greater metro area
- Makes it easier for customers to reach businesses in Tigard
- Provides an alternative to driving, making transportation more convenient, efficient, and cost-effective for all users
- Contains sprawl, allows the region to grow without corresponding automobile traffic growth
- Offers high quality transit user experience
- More choices, more lifestyle options
- Huge role in branding Tigard and spurring new development, especially at station sites
- Gives people a reason to stop and stay in Tigard instead of just passing through
- Rejuvenates and best utilizes Pacific Highway, Downtown, and the Tigard Triangle.

Stakeholders were also asked to share their concerns about the potential for adverse impacts of high capacity transit. Most stakeholders believe that high capacity transit will ease traffic congestion, act as a catalyst for desirable development, or do both. At the same time, stakeholders stated frequently that achieving any benefits depends on doing high capacity transit right and that planning or design failures could undermine its benefits. Some stakeholders worry that high capacity transit could fail to address—and may even contribute to—traffic congestion. Others pointed to existing high capacity transit corridors, especially in east Multnomah County, as evidence that it may not achieve the development benefits expected of it. In addition, many stakeholders raised public safety concerns. Another major concern is the high cost of building high capacity transit. Specific concerns about high capacity transit mentioned in the interviews included:

- Corridor may not match commuting patterns—many in Tigard do not work in Portland, and corridor misses Washington Square
- More activity in the corridor may increase congestion
- Infrastructure could be ugly and create more barriers to moving around Tigard (and further divide Tigard at Pacific Highway)
- Reduces, eliminates, or duplicates other transit service on which people rely

- HCT is for through traffic, not local; cut-through traffic will increase (especially off Bull Mountain)
- Transit carries unfamiliar/undesirable people who make other users or potential users and residents uncomfortable
- Could bring personal and property crime to transit and station areas
- Creates danger for pedestrians and bicyclists
- Capital cost up front is expensive, especially after Milwaukie LRT, CRC, Lake Oswego streetcar; will it be worth it when WES was not?
- Light rail would consume residential land, open spaces, and existing homes and businesses
- Transit-oriented development creates “seas of apartments” with MAX access, but people still have to drive to most services
- Don’t devastate local business traffic—LRT on Interstate hurt businesses in between station nodes

Survey of goals

Stakeholders were presented a list of eight Goal Statements and asked to identify which are important to them. They could choose none, some, or all of the statements. The responses are summarized below.

Goal Statement	Number of Responses
A. Create vibrant communities	22
B. Reduce the negative impacts of traffic congestion on the community	27
C. Promote affordable transportation to areas where housing and transportation costs are high	13
D. Support placemaking and efficient urban form	17
E. Reduce travel times	20
F. Provide alternatives to driving an automobile	21
G. Improve air quality/reduce greenhouse gases	15
H. Accommodate growth away from established residential neighborhoods	10

Exhibit 2. Goal Statements

Responses reveal the prominent place of traffic concerns in the minds of stakeholders. Among the eight statements provided “Reduce the negative impacts of traffic congestion on the community” was selected most frequently, by more than half of the stakeholders, and reducing travel times and providing alternatives to driving also ranked high. At the same time, a few stakeholders expressed reservations about combatting congestion to such extent that it might hurt corridor businesses, and a few others said that having reliable transit is more important than achieving reduced travel times. The other Goal Statement selected most often was “Create vibrant communities,” and several stakeholders suggested that all of the other goals are functions of a vibrant community.

Accommodating growth away from established neighborhoods was chosen least often, by less than one quarter of the stakeholders. It was suggested by some that this goal does not apply to all neighborhoods, or that it might only be considered a goal to the residents of established neighborhoods. While stakeholders frequently selected statements A and D, it was pointed out multiple times that the language is not commonly used among non-planners.

Stakeholders were also invited to share additional goals that were not represented in the list provided. A few suggested other goals, including ensuring Tigard's business and residential communities complement and benefit each other, emphasizing a high quality transit experience (and so mitigating the importance of Goal Statement E), taking care of roads and highways (in support of the other Goal Statements), and fostering pride in the Tigard community.

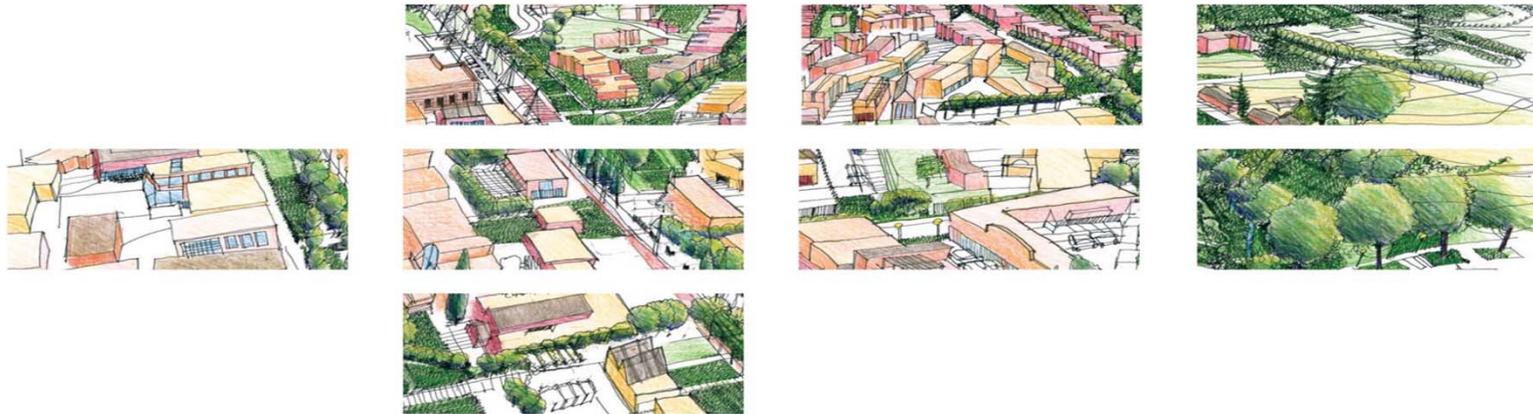
Community involvement

Finally, stakeholders were asked for their preferred method of contact for updates about high capacity transit, as well as for their ideas on the best ways to reach the community. E-mail updates were preferred by many stakeholders for their ease of circulation and suitability for frequent updates. The Cityscape newsletter, direct mailings, and press releases in area newspapers were considered important print tools for wide dissemination of timely information. The City of Tigard website should be utilized for project updates, conducting surveys, and receiving online comments. People also suggested town hall or brownbag meetings and presentations to local boards and committees for greater interaction with the public.

A number of stakeholders emphasized the need for personal interaction between the project agencies, residents, and business owners in Tigard. The project needs to be informed by a nuanced understanding of the places and people it will reach. The public needs to be provided information and given a visual sense of the final products.

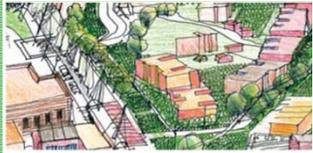
Appendix A. High Capacity Transit Land Use Plan Stakeholders Interviewed

Stakeholder	Affiliation/Perspective
Jonae Armstrong	Senior Property Manager, Macerich/Washington Square Mall
Roger Averbeck	SW Portland Resident; Board Member, Willamette Pedestrian Coalition
Pam Brown	Vice President/Branch Manager, West Coast Bank
Gretchen Buehner	Tigard City Council, Council President
Vince Chiotti	Oregon Housing and Community, Metro Region Advisor
Amber Crudelle	Tigard Resident; Property Manager, Arbor Heights Apartments
Craig Dirksen	Tigard Mayor
Margaret Doherty	Tigard Planning Commission
Marianne Fitzgerald	Portland Resident; Transportation Chair, Southwest Neighborhoods, Inc.
Jay Gilbertson	Director, Tigard Senior Center
Chris Girard	CEO, Plaid Pantry
Sheila Greenlaw-Fink	Exec. Director, Community Partners for Affordable Housing
Stuart Hasman	Tigard Planning Commission
Marland Henderson	Tigard City Council
George Hetu	Store Manager, Tigard Fred Meyer
Stefan Lidington	Tigard Resident; Neighborhood Network Area 6
Jim Long	Tigard Resident; CPO4M Chair
Debi Mollahan	Exec. Director, Tigard Area Chamber of Commerce
Matthew Muldoon	Tigard Planning Commission
Tom Murphy	Tigard Resident; Vice Chair, City Center Advisory Commission
Susan Peithman	Bicycle Transportation Alliance
Steph Routh	Executive Director, Willamette Pedestrian Coalition
Karen Ryan	Tigard Planning Commission
Rob Saxton	Superintendent, Tigard Tualatin School District; Employer
Buster Scholibo	Owner, Buster's Barbeque
Don Schmidt	Tigard Planning Commission; Tigard Transportation Advisory Committee
Richard Shavey	Tigard Planning Commission
Elise Shearer	Tigard City Center Advisory Committee
Father Leslie Sieg	Pastor, St. Anthony Parish and School
Eric Sporre	Vice President, PacTrust
Dave Walsh	Tigard Planning Commission
Sydney Webb	Tigard City Council (2002-2010); Director, Good Neighbor Center
Brian Wegener	Watershed Watch Coordinator, Tualatin Riverkeepers
Greg & Maureen White	Owner, Davidsons Restaurant
Nick Wilson	Tigard City Council
Marc Woodard	Tigard City Council
Dar Young	Tigard Resident; Summerfield Civic Association Board Liaison
Margaret Barnes	City of Tigard Library Director
Mike Bell	City of Tigard Assistant Chief of Police
Dennis Koellermeier	City of Tigard Public Works Director
Toby LaFrance	City of Tigard Finance and Information Services Director
Loreen Mills	City of Tigard Assistant to the City Manager, Risk Management
Liz Newton	City of Tigard Assistant City Manager
Alan Orr	City of Tigard Chief of Police
Craig Prosser	City of Tigard City Manager; Employer
Sandy Zodrow	City of Tigard, Human Resources Director; Employer



HCT Land Use Plan Project Update

City Council Briefing
April 26, 2011



City of
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High
Capacity
Transit
Land
Use Plan

Presentation Summary

- SW Corridor Plan
- Major Tasks Completed
- Typologies
- Upcoming Tasks
- Public Involvement



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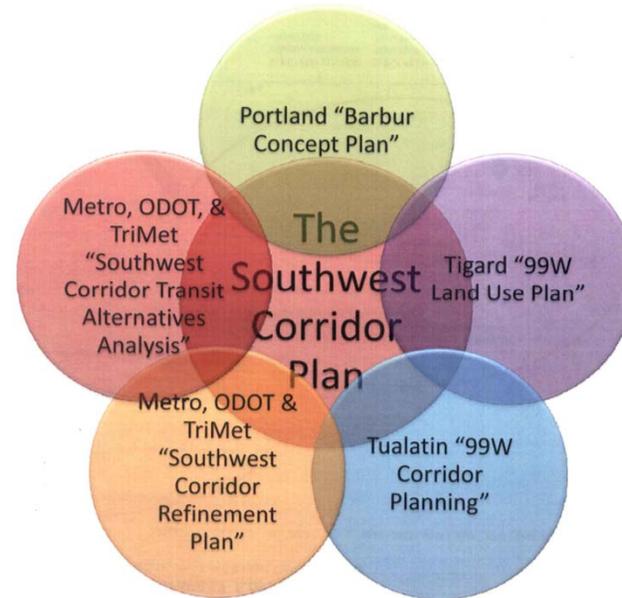
High
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SW Corridor Plan

- 5 related studies

Land Use Plans – Tigard, Portland, Tualatin
 Corridor Transportation Plan
 Transit Alternatives Analysis

- Tigard is first in process
- Others in summer/fall





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Major Tasks Completed

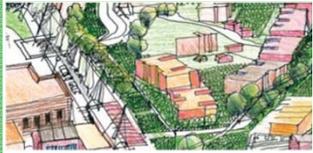
- Stakeholder Interviews

Approximately 45 interviews

Likes & Dislikes

Priorities & Concerns





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Major Tasks Completed

- Existing Conditions Analysis

Policies

Transportation

Land Use

Market Conditions

Natural Resources

Public Facilities



Major Tasks Completed



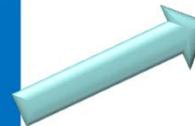
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Stakeholder
Interviews

Existing
Conditions

Transit Station
Typologies





Typologies

- A framework for describing the character of different areas
- For comparing & contrasting the characteristics of good places
- Aspirational—what could be

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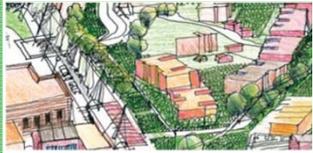


Typologies

1. Town Center / Main Street
2. Employment /Retail Destination
3. Transit Corridor Neighborhood
4. Transit Neighborhood

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Main Street/Town Center

Urban village feel

Specialty retail, office,
dining, and medium to high-
density housing

Serves the local population

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Main Street/Town Center

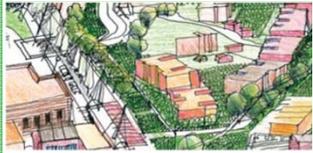
The edges are mostly residential

Housing includes condos & apartments

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Main Street/Town Center

Community destinations, civic uses & planned events



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Main Street/Town Center

References for Comparison

Lake Oswego/First Addition

Downtown Milwaukie

Downtown Vancouver





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Employment/Retail Destination

Focus is on shopping,
employment, institutional
uses

A destination for transit
trips





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Employment/Retail Destination

Large-scale office complexes and/or regional shopping center, surrounded by medium density housing



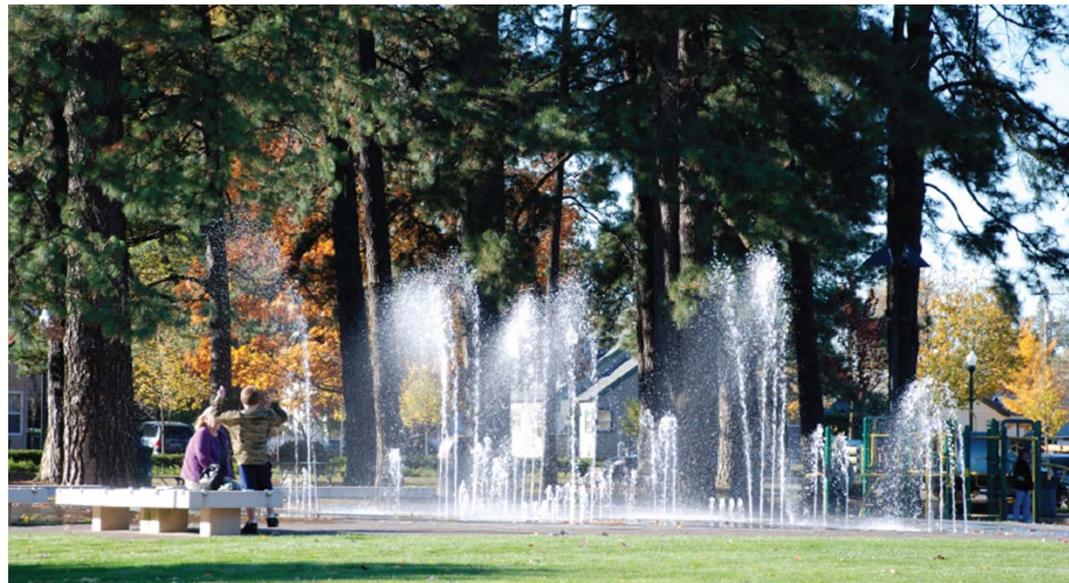


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Employment/Retail Destination

Recreational paths, parks and open space are available for office workers & residents



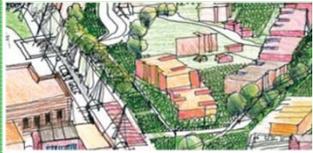
Employment/Retail Destination

References for Comparison

Lloyd District

Tanasbourne

Bridgeport Village



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Transit Corridor Neighborhood

The focus is on shopping, dining and residential
An arterial roadway is a destination for
restaurants & retail





Transit Corridor Neighborhood

Single family housing is within walking distance
Clusters of multi-family housing near the
arterial



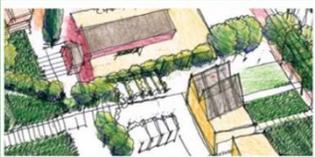
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Transit Corridor Neighborhood

References for Comparison

- Hillsdale
- Orenco Village
- Lake Grove



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Transit Neighborhood

Primarily residential

Housing is mainly single-dwelling residential with some multi-dwelling housing mixed in

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Transit Neighborhood

Small-scale, locally-owned retail or office
the ground floor of one or two corners.

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Transit Neighborhood

Significant
retail/restaurant
clusters are within
walking & biking
distance

Schools are within
walking distance



Transit Neighborhood

References for Comparison

Clinton

King City

West Moreland (Sellwood)



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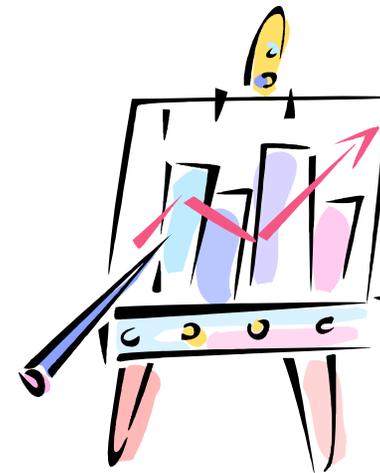
Next Tasks

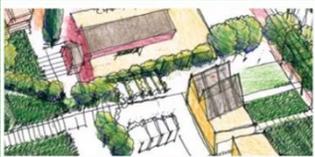
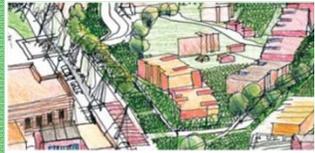
Develop Concept Plan

May 25 – Design Session and Public Meeting

June 6 – Work session with Planning Commission

June/July – Analyze Station Community Plan Alternatives





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Public Involvement

What we've heard

Upcoming opportunities

Visit www.tigard-or.gov/hct



AIS-455

Item #: 10.

Business Meeting

Date: 04/26/2011

Length (in minutes): 15 Minutes

Agenda Title: Briefing on Four Capital Improvement Plan Projects

Prepared For: Ted Kyle

Submitted By:

Ted Kyle
Public Works

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Council Business
Meeting - Main

ISSUE

The Council will be briefed on four, smaller Capital Improvement Plan (CIP) projects that have been completed since July 2010.

STAFF RECOMMENDATION / ACTION REQUEST

No Council action is requested; the Council is asked to listen to the briefing.

KEY FACTS AND INFORMATION SUMMARY

In order to keep the Council informed on the status of CIP projects, staff provides regular CIP project briefings. This briefing will focus on four projects that have been completed during the last nine months.

Fanno Creek House Remodel - Phase 1

The Fanno Creek House is located at 13335 SW Hall Boulevard and borders Fanno Creek. The City purchased the house several years ago as a park facility, with the intention of using the house and grounds for City meetings and events and to make the facility available for rent to the public. The house was structurally upgraded so that the floors meet current building code standards for public meeting rooms. Ramps, decks, and restrooms were renovated so that the facility meets the Americans with Disabilities Act requirement for accessibility. The kitchen was upgraded, hardwood floors were redone, and the first floor of the interior was painted.

Land use approval is required before the facility can be rented or used for meetings and events.

Exterior improvements related to access and parking, (Phase 2), may be required to meet land use conditions. These improvements are included in the proposed 2011-2012 CIP budget and are scheduled to begin sometime this year.

Permit Center Roof Replacement

The roof on the Permit Center has been replaced with an Energy Star-compliant roof system. The new roof system includes a layer of state-of-the-art foam insulation, protection board, and membrane roofing system. The new roof is expected to result in a 13-percent reduction in energy use.

Approximately 80 percent of the funding for this project came from an American Recovery and Reinvestment Act (ARRA) grant.

Canterbury Sewer Reimbursement District

This reimbursement district extended sewer service to East Butte Heritage Park and an adjoining home. The project bid was 48 percent below the engineer's estimate.

Cherry Drive Sewer Reimbursement District

This reimbursement district extended sewer service to five residential properties. The project bid was 37 percent below the engineer's estimate. The project was completed in just two weeks.

OTHER ALTERNATIVES

Not applicable.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

None

DATES OF PREVIOUS COUNCIL CONSIDERATION

Staff provides regular briefings to the Council on the status of various CIP projects. The last project briefing was in March 2011.

Fiscal Impact

Fiscal Information:

The Fanno Creek House project was funded through the general fund and was completed within budget.

Approximately 80 percent, or \$230,500, of the funding for the Permit Center roof replacement came from an ARRA grant. Local funding made up the remainder of the project cost. This project was completed within budget.

The sewer reimbursement districts were both completed at a cost far below the engineer's estimate.

Attachments

PowerPoint

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of
Tigard



Respect and Care | Do the Right Thing | Get it Done

Small Capital Construction Projects Completed

Presented to Tigard City Council

April 26 , 2011





Fanno Creek
House

After
Construction



Fanno Creek
House

Deck



Fanno Creek
House

Dining Room
Door





Fanno Creek
House

Main Room
with Electric
Fireplace



Fanno Creek
House

Finished Deck



Permit
Center Roof

Roof
Removal



Permit
Center Roof

Roof
Removal



Permit
Center Roof

Roof
Removal

Permit Center Roof





Permit
Center
Roof

Roof
Membrane
Complete



Canterbury
Sewer

Construction



Cherry Drive
Sewer

Construction



Cherry Drive
Sewer

Construction



Cherry Drive
Sewer

6 Months
After
Construction