



City of Tigard

## Tigard Business Meeting – Agenda

---

### TIGARD CITY COUNCIL

**MEETING DATE AND TIME:** July 10, 2012 - 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

*Agenda was revised on July 9, 2012. The discussion for the annexation policy background report will be held as a study session item; see Agenda Item No. 10.*

### 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.  |



City of Tigard  
**Tigard Business Meeting – Agenda**

---

**TIGARD CITY COUNCIL**

**MEETING DATE AND TIME:** July 10, 2012 - 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

*Agenda was revised on July 9, 2012. The discussion for the annexation policy background report will be held as a study session item; see Agenda Item No. 10.*

6:30 PM

1. STUDY SESSION

A. REVIEW URBAN FORESTRY CODE REVISIONS DECISION MAKING PROCESS

- **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.

7:30 PM

1. 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

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

- A. Follow-up to Previous Citizen Communication
- B. Tigard Area Chamber of Commerce
- C. Citizen Communication – Sign Up Sheet

3. CONSENT AGENDA: Tigard City Council - 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. RECEIVE AND FILE: **estimated time 7:35 p.m.**
    1. Council Calendar
    2. Tentative Agenda
    - *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council/City Center Development Agency has voted on those items which do not need discussion.*
4. CONSIDER AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 12, WATER AND SEWERS **7:40 estimated time**
5. DISCUSSION ON ECONOMIC DEVELOPMENT **7:55 p.m. estimated time**
6. 2013 LEAGUE OF OREGON CITIES LEGISLATIVE AGENDA **8:35 p.m. estimated time**
7. COUNCIL LIAISON REPORTS
8. NON AGENDA ITEMS
9. 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.
10. STUDY SESSION TOPIC: PREPARATORY DISCUSSION FOR ANNEXATION POLICY BACKGROUND REPORT **8:50 p.m. estimated time**
11. ADJOURNMENT **9:30 p.m. estimated time**

AIS-472

**Business Meeting**

**Meeting Date:** 07/10/2012

**Length (in minutes):** 20 Minutes

**Agenda Title:** Review Urban Forestry Code Revisions Decision Making Process

**Submitted By:** Todd Prager, Community Development

Resolution

Council Business Mtg - Study

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

**Meeting Type:** Sess.

**Information**

**ISSUE**

Review of planned legislative adoption process for the Urban Forestry Code Revisions.

**STAFF RECOMMENDATION / ACTION REQUEST**

Review the legislative adoption process for the Urban Forestry Code Revisions with staff and receive materials for upcoming hearings.

**KEY FACTS AND INFORMATION SUMMARY**

On May 7, 2012, Planning Commission held their fourth and final public hearing on the land use elements of the Urban Forestry Code Revisions, and made a unanimous recommendation for City Council approval. Attachment 1 is the transmittal memo prepared by the Planning Commission that summarizes their recommendation.

The Planning Commission recommendation was an important milestone in a comprehensive project which was directed by council in February 2010 to update Tigard's urban forestry codes. The final step in the project is the council legislative adoption process whereby council will be holding public hearings on the entire package of codes, and making a final decision about specific code language to adopt.

Because the Urban Forestry Code Revisions is a comprehensive project, a significant amount of materials have been generated. Staff has packaged these materials into five volumes which will be distributed to council at the July 10, 2012 Study Session. Volume I - Project Description is the most critical element to read in advance of the hearings as it summarizes all of the materials in the other volumes.

During the Planning Commission portion of the legislative adoption process, staff found that the following sequence of hearings and discussions was the most efficient way to move this complex project forward:

- initial briefing,
- public hearing on Planning Commission recommendation,
- meeting focused on those issues of most concern, and
- public hearing on City Council's amendments to Planning Commission recommendation.

Therefore, staff is proposing a similar process for council which is outlined below:

| <b>Meeting Date</b>               | <b>Meeting Type</b>    | <b>Meeting Purpose</b>   |
|-----------------------------------|------------------------|--|
| July 10, 2012                     | Study Session          | Discuss legislative adoption process and receive materials.  |
| July 11, 2012 to<br>July 23, 2012 | One on One<br>Meetings | Discuss code in more detail with councilors individually in advance of public hearings, if desired.  |
| July 24, 2012                     | Public Hearing         | Receive staff report, listen to public testimony and identify issues of most concern for additional discussion at the August 28, 2012 meeting. |

|                   |                |   |
|-------------------|----------------|---|
| August 28, 2012   | Work Session   | Staff report on issues of most concern and council direction on how to address each issue.  |
| October 9, 2012   | Public Hearing | Receive staff report on how issues of most concern were addressed, accept public testimony on those issues and make a final decision on adoption. |
| November 13, 2012 | Public Hearing | Additional hearing similar in format as previous meeting, if needed.  |

Staff would like to review the process described above with council at the July 10, 2010 study session and plans to distribute the materials as well.

**OTHER ALTERNATIVES**

N/A

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

Goal 1.b.i. Implement the Comprehensive Plan through code revisions, including tree code.

Comprehensive Plan Goal 2, Section 2. Tigard's Urban Forest

Urban Forestry Master Plan

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

Council previously considered this matter on the following dates:

- February 16, 2010
- October 19, 2010
- November 9, 2010
- November 23, 2010
- January 25, 2011
- July 19, 2011
- January 24, 2012

---

**Attachments**

Planning Commission Transmittal Memo

---



## City of Tigard Memorandum

---

**To:** Mayor Dirksen and City Council

**From:** David Walsh, President, Tigard Planning Commission

**Re:** Planning Commission Recommendation - Urban Forestry Code Revisions

**Date:** June 1, 2012

On Monday, May 7, 2012, the Tigard Planning Commission held their fourth and final public hearing on the Urban Forestry Code Revisions (DCA2011-00002 and CPA2011-00004), and made a unanimous recommendation that the Tigard City Council approve the amendments to the Tigard Development Code and Comprehensive Plan. If adopted by City Council, these land use amendments will:

1. Establish an equitable framework for the preservation and planting of trees with development;
2. Create a “Significant Tree Groves Map” of Tigard’s 70 remaining groves of native trees; and
3. Provide voluntary, flexible and incentive based standards to facilitate tree grove preservation.

While the commission’s formal recommendation to council is limited to the land use elements of the proposal, the commission also reviewed proposed changes to the Tigard Municipal Code and the new Urban Forestry Manual. Based on our review, the commission finds these proposals are consistent with and supportive of the recommended land use elements. For example, the proposal will allow significantly more flexibility for future property owners to appropriately manage trees that were planted or preserved with development.

The Urban Forestry Code Revisions were developed through a robust public involvement process, which included diverse stakeholders such as developers, arborists and natural resource advocates. These stakeholders served on a citizen advisory committee (CAC) that reached unanimous consensus on a set of guiding principles which have consistently informed the project’s development and decision making processes. Although the commission made several amendments to the proposal forwarded by the CAC, we did so in a way that preserved the underlying intent of the CAC’s guiding principles.

The Planning Commission devoted more than 10 hours to the public hearings and Commission discussion of this important issue, more time than any other topic in my tenure on the commission. Much of the discussion during the public hearing process centered on the flexible and incentive based tree canopy requirements that will be applied to development projects. This innovative approach to managing the urban forest is a major change from the existing mitigation approach to managing trees on development property. By eliminating the punitive tree mitigation requirements, I

believe that the CAC, staff and the commission clearly delivered on one of the important goals established by council when initiating the effort to revise the Urban Forestry Code.

At the heart of these recommended regulations is a requirement to provide a certain amount of future tree canopy and optional ways to meet them through preserving or planting trees. The commission supports this approach because it treats property owners equitably rather than placing greater requirements on properties with trees than those without trees. The commission thoroughly reviewed, tested and adjusted the tree canopy requirements to ensure they balance community desires for trees, open space and development as expressed in past planning processes.

Finally, the commission recommends that an evaluation of these new regulations occur within five years of their effective date so that any necessary adjustments can be made in a timely manner.

The Planning Commission is very pleased to forward our recommendation on these new land use regulation and feels strongly that this comprehensive package achieves the goals council initially set out for this effort. Our review process has included careful attention to the public input and fine tuning that assures a well-balanced outcome. We look forward to your adoption process and the implementation of this new approach to urban forestry in Tigard. Don Schmidt and I hope to have an opportunity to share our thoughts in more detail at the council's initial hearing.

AIS-966

**3. A.**

**Business Meeting**

**Meeting Date:** 07/10/2012

**Length (in minutes):**

**Agenda Title:** Receive and File: Council Calendar and the Tentative Agenda

**Submitted By:** Carol Krager, City Management

**Item Type:** Receive and File

**Meeting Type:**

Consent Agenda

---

**Information**

**ISSUE**

Receive and File: Three-Month Council Calendar and the Tentative Agenda

**STAFF RECOMMENDATION / ACTION REQUEST**

N/A

**KEY FACTS AND INFORMATION SUMMARY**

N/A

**OTHER ALTERNATIVES**

N/A

**COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS**

N/A

**DATES OF PREVIOUS CONSIDERATION**

N/A

---

**Attachments**

Three-month Council Calendar

Tentative Agenda

---



Agenda Item No \_\_\_\_\_  
For Agenda of July 10, 2012

# MEMORANDUM

TO: Honorable Mayor & City Council/City Center Development Agency Board  
FROM: Cathy Wheatley, City Recorder  
RE: Three-Month Council/CCDA Meeting Calendar  
DATE: July 3, 2012

## July

3 Tuesday City Center Development Agency – 6:30 p.m., Red Rock Creek Conference Room  
4 Wednesday 4<sup>th</sup> of July Holiday – City Offices Closed  
10\* Tuesday Council Business Meeting -- 6:30 p.m., Town Hall  
17\* Tuesday Council Workshop Meeting – 6:30 p.m., Town Hall  
24\* Tuesday Council Business Meeting – 6:30 p.m., Town Hall

## August

7 Tuesday City Center Development Agency – 6:30 p.m., **CANCELED**  
14\* Tuesday Council Business Meeting – 6:30 p.m., Town Hall  
21\* Tuesday Council Workshop Meeting – 6:30 p.m., Town Hall  
28\* Tuesday Council Business Meeting – 6:30 p.m., Town Hall

## September

3 Monday Labor Day Holiday – City Offices Closed  
4 Tuesday City Center Development Agency – 6:30 p.m., Red Rock Creek Conference Room  
11\* Tuesday Council Business Meeting -- 6:30 p.m., Town Hall  
18\* Tuesday Council Workshop Meeting – 6:30 p.m., Town Hall  
25\* Tuesday Council Business Meeting – 6:30 p.m., Town Hall

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

Key:  
 Meeting Banner  Business Meeting   
 Study Session  Special Meeting   
 Consent Agenda  Meeting is Full   
 Workshop Meeting

**City Council Tentative Agenda  
 7/3/2012 8:36 AM - Updated**

| Form #   | Meeting Date | Submitted By      | Meeting Type | -----Title-----   | Department            | Inbox or Finalized               |
|--|--------------|-------------------|--------------|---|-----------------------|----------------------------------|
| 811  | 07/10/2012   | Cathy Wheatley    | AAA          | Meeting Date: 7/10/2012   Absences to Note:   Location: Tigard City Hall  |                       |                                  |
| 472  | 07/10/2012   | Todd Prager       | ACCSTUDY     | 20 Minutes - Review Urban Forestry Code Revisions Decision Making Process                                       | Community Development | 06/22/2012                       |
| 935  | 07/10/2012   | Greer Gaston      | ACCSTUDY     | 10 Minutes - Executive Session on Real Property Transactions  |                       | 05/24/2012                       |
| <b>Total Time: 30 of 45 Minutes Scheduled</b>                |              |                   |              |   |                       |                                  |
| 612  | 07/10/2012   | John Goodrich     | CCBSNS       | 15 Minutes - Consider an Ordinance Amending Tigard Municipal Code Chapter 12, Water and Sewers                  | Public Works          | 06/29/2012                       |
| 957  | 07/10/2012   | Marty Wine        | CCBSNS       | 40 Minutes - What is Economic Development?  | City Management       | 07/02/2012                       |
| 958  | 07/10/2012   | Marty Wine        | CCBSNS       | 15 Minutes - 2013 League of Oregon Cities Legislative Agenda  | City Management       | 07/02/2012                       |
| 963  | 07/10/2012   | Susan Hartnett    | CCBSNS       | 40 Minutes - Preparatory Discussion for Annexation Policy Background Report                                     | Community Development | 07/02/2012                       |
| <b>Total Time: 110 of 110 Minutes Scheduled MEETING FULL</b> |              |                   |              |   |                       |                                  |
| 812  | 07/17/2012   | Carol Krager      | AAA          | Meeting Date: 07/17/2012   Absences to Note:   Location: Tigard City Hall                                       |                       |                                  |
| 808  | 07/17/2012   | Greer Gaston      | CCWKSHOP     | 40 Minutes - Council Direction on a Concept Design for Pacific Highway/McDonald/Garde Intersection Improvements | Public Works          | McCarthy M, St/Trans Sr Proj Eng |
| 869  | 07/17/2012   | Gary Pagenstecher | CCWKSHOP     | 45 Minutes - Re-evaluate the City's Annexation Policy - Background Report and Discussion                        | Community Development | Pagenstecher G, Assoc Planner    |
| 876  | 07/17/2012   | Judith Gray       | CCWKSHOP     | 45 Minutes - Joint Meeting with Tigard Transportation Advisory Committee  | Community Development | 06/29/2012                       |

Key:  
 Meeting Banner  Business Meeting   
 Study Session  Special Meeting   
 Consent Agenda  Meeting is Full   
 Workshop Meeting

**City Council Tentative Agenda  
 7/3/2012 8:36 AM - Updated**

|     |            |                 |          |  |                       |                                   |
|-----|------------|-----------------|----------|--|-----------------------|-----------------------------------|
| 931 | 07/17/2012 | Steve Martin    | CCWKSHOP | 50 Minutes - Joint meeting with the Park and Recreation Advisory Board   | Public Works          | Gaston G, Conf Executive Asst     |
|     |            |                 |          | <b>Total Time: 180 of 180 Minutes Scheduled MEETING FULL</b>   |                       |                                   |
| 813 | 07/24/2012 | Carol Krager    | AAA      | Meeting Date: 07/24/2012   Absences to Note: -Wilson   Location: Tigard City Hall  |                       |                                   |
| 892 | 07/24/2012 | Loreen Mills    | ACCSTUDY | 20 Minutes - Exec Session - Pending Lit  |                       | 04/09/2012                        |
| 950 | 07/24/2012 | Greer Gaston    | ACCSTUDY | 25 Minutes - Executive Session on Real Property Transactions   | Public Works          | 06/26/2012                        |
|     |            |                 |          | <b>Total Time: 45 of 45 Minutes Scheduled MEETING FULL</b>   |                       |                                   |
| 905 | 07/24/2012 | Greer Gaston    | ACONSENT | Consent Item - Receive and File Staff Report on Hall Boulevard Jurisdiction  | Public Works          | McCarthy M, St/Trans Sr Proj Eng  |
| 934 | 07/24/2012 | Greer Gaston    | ACONSENT | Consent Item - Consider a Resolution Approving the Purchase of the Skelton Property and Authorizing the City Manager to Complete the Property Purchase | Public Works          | Gaston G, Conf Executive Asst     |
| 946 | 07/24/2012 | Greer Gaston    | ACONSENT | Consent Item - Authorize the Mayor to Execute an Amendment to an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) | Public Works          | McCarthy M, St/Trans Sr Proj Eng  |
| 959 | 07/24/2012 | Loreen Mills    | ACONSENT | Consent Item - Approve Workers' Compensation Insurance for City Volunteers – Resolution  | City Management       | Mills L, Asst to City Manager     |
| 960 | 07/24/2012 | Joanne Bengtson | ACONSENT | Consent Item - 2nd Quarter Council Goal Update   | City Management       | Bengtson J, Exec Asst to City Mgr |
| 913 | 07/24/2012 | Todd Prager     | CCBSNS   | 50 Minutes - Urban Forestry Code Revisions - Land Use Elements   | Community Development | Prager T, Assoc Planner/Arborist  |

Key:  
 Meeting Banner  Business Meeting   
 Study Session  Special Meeting   
 Consent Agenda  Meeting is Full   
 Workshop Meeting

**City Council Tentative Agenda  
 7/3/2012 8:36 AM - Updated**

|     |            |                |          |   |                       |                                   |
|-----|------------|----------------|----------|---|-----------------------|-----------------------------------|
| 914 | 07/24/2012 | Todd Prager    | CCBSNS   | 50 Minutes - Urban Forestry Code Revisions - Non Land Use Elements  | Community Development | Prager T, Assoc Planner/Arborist  |
| 951 | 07/24/2012 | Greer Gaston   | CCBSNS   | 10 Minutes - Consideration of Action Item (Purchase Agreement/IGA?) Related to Joint Property Acquisition with Metro            | Public Works          | Gaston G, Conf Executive Asst     |
|     |            |                |          | <b>Total Time: 110 of 110 Minutes Scheduled MEETING FULL</b>  |                       |                                   |
| 798 | 08/07/2012 | Cathy Wheatley | AAA      | CCDA - August 7, 2012 <b>MEETING CANCELLED</b>  |                       |                                   |
| 814 | 08/14/2012 | Carol Krager   | AAA      | Meeting Date: 08/14/2012   Absences to Note:   Location: Tigard City Hall   |                       |                                   |
| 860 | 08/14/2012 | Greer Gaston   | ACCSTUDY | 15 Minutes - Executive Session - Legal Counsel  | Public Works          | Gaston G, Conf Executive Asst     |
|     |            |                |          | <b>Total Time: 15 of 45 Minutes Scheduled</b>   |                       |                                   |
| 954 | 08/14/2012 | Greer Gaston   | CCBSNS   | 15 Minutes - Capital Improvement Plan Update  | Public Works          | Stone Mike, City Engineer         |
| 956 | 08/14/2012 | Judith Gray    | CCBSNS   | 10 Minutes - Council Consideration of a Resolution Accepting the Final Report of the Tigard High Capacity Transit Land Use Plan | Community Development | Gray J, Sr Transportation Planner |
| 964 | 08/14/2012 | Brian Rager    | CCBSNS   | 10 Minutes - Consider a Resolution to Initiate the Transfer of Jurisdiction of Certain County Roads to the City of Tigard       | Public Works          |                                   |
|     |            |                |          | <b>Total Time: 35 of 110 Minutes Scheduled</b>  |                       |                                   |

Key:  
 Meeting Banner  Business Meeting   
 Study Session  Special Meeting   
 Consent Agenda  Meeting is Full   
 Workshop Meeting

**City Council Tentative Agenda  
 7/3/2012 8:36 AM - Updated**

|  |            |                |          |  |                       |                                  |
|--|------------|----------------|----------|--|-----------------------|----------------------------------|
| 815  | 08/21/2012 | Carol Krager   | AAA      | Meeting Date: 08/21/2012   Absences to Note:  <br>Location: Tigard City Hall     |                       |                                  |
| 945  | 08/21/2012 | Cheryl Caines  | CCWKSHOP | 45 Minutes - Tigard Triangle District Plan Update                                | Community Development | Caines C, Assoc Planner          |
| <b>Total Time: 45 of 180 Minutes Scheduled</b> |            |                |          |  |                       |                                  |
| 816  | 08/28/2012 | Carol Krager   | AAA      | Meeting Date: 08/28/2012   Absences to Note:  <br>Location: Tigard City Hall     |                       |                                  |
| 962  | 08/28/2012 | Greer Gaston   | ACCSTUDY | Executive Session (need time)  | Public Works          | Gaston G, Conf Executive Asst    |
| 915  | 08/28/2012 | Todd Prager    | CCBSNS   | 45 Minutes - Urban Forestry Code Revisions - Discussion of Land Use Elements     | Community Development | Prager T, Assoc Planner/Arborist |
| 916  | 08/28/2012 | Todd Prager    | CCBSNS   | 45 Minutes - Urban Forestry Code Revisions - Discussion of Non Land Use Elements | Community Development | Prager T, Assoc Planner/Arborist |
| <b>Total Time: 90 of 110 Minutes Scheduled</b> |            |                |          |  |                       |                                  |
| 799  | 09/04/2012 | Cathy Wheatley | AAA      | CCDA - September 4, 2012   |                       |                                  |
| 817  | 09/11/2012 | Carol Krager   | AAA      | Meeting Date: 09/11/2012   Absences to Note:  <br>Location: Tigard City Hall     |                       |                                  |
| 818  | 09/18/2012 | Carol Krager   | AAA      | Meeting Date: 09/18/2012   Absences to Note:  <br>Location: Tigard City Hall     |                       |                                  |
| 952  | 09/18/2012 | Kent Wyatt     | CCWKSHOP | 30 Minutes - Discuss a request for allowing social gaming in the City of Tigard  | City Management       | MartyW, City Manager             |
| <b>Total Time: 30 of 180 Minutes Scheduled</b> |            |                |          |  |                       |                                  |

Key:

|                  |                          |                  |                                     |
|------------------|--------------------------|------------------|-------------------------------------|
| Meeting Banner   | <input type="checkbox"/> | Business Meeting | <input type="checkbox"/>            |
| Study Session    | <input type="checkbox"/> | Special Meeting  | <input type="checkbox"/>            |
| Consent Agenda   | <input type="checkbox"/> | Meeting is Full  | <input checked="" type="checkbox"/> |
| Workshop Meeting | <input type="checkbox"/> |                  |                                     |

**City Council Tentative Agenda  
7/3/2012 8:36 AM - Updated**

|  |            |                 |          |  |                       |                                  |
|--|------------|-----------------|----------|--|-----------------------|----------------------------------|
| 819  | 09/25/2012 | Carol Krager    | AAA      | Meeting Date: 09/25/2012   Absences to Note:  <br>Location: Tigard City Hall |                       |                                  |
| 800  | 10/02/2012 | Cathy Wheatley  | AAA      | CCDA - October 2, 2012   |                       |                                  |
| 820  | 10/09/2012 | Carol Krager    | AAA      | Meeting Date: 10/09/2012   Absences to Note:  <br>Location: Tigard City Hall |                       |                                  |
| 917  | 10/09/2012 | Todd Prager     | CCBSNS   | 40 Minutes - Urban Forestry Code Revisions - Land Use Elements               | Community Development | Prager T, Assoc Planner/Arborist |
| 918  | 10/09/2012 | Todd Prager     | CCBSNS   | 40 Minutes - Urban Forestry Code Revisions - Non Land Use Elements           | Community Development | Prager T, Assoc Planner/Arborist |
| <b>Total Time: 80 of 110 Minutes Scheduled</b> |            |                 |          |  |                       |                                  |
| 821  | 10/16/2012 | Carol Krager    | AAA      | Meeting Date: 10/16/2012   Absences to Note:  <br>Location: Tigard City Hall |                       |                                  |
| 822  | 10/23/2012 | Carol Krager    | AAA      | Meeting Date: 10/23/2012   Absences to Note:  <br>Location: Tigard City Hall |                       |                                  |
| 961  | 10/23/2012 | Joanne Bengtson | ACONSENT | Consent Item - 3rd Quarter Council Goal Update                               | City Management       |                                  |

**Business Meeting****Meeting Date:** 07/10/2012**Length (in minutes):** 15 Minutes**Agenda Title:** Consider an Ordinance Amending Tigard Municipal Code Chapter 12, Water and Sewers**Prepared For:** Dennis Koellermeier**Submitted By:** John Goodrich, Public Works**Item Type:** Ordinance**Meeting Type:** Council Business Meeting - Main**Information****ISSUE**

Shall the council adopt an ordinance amending Tigard Municipal Code Chapter 12, Water and Sewers?

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends the Council adopt the ordinance.

**KEY FACTS AND INFORMATION SUMMARY**

Chapter 12 of the Tigard Municipal Code (TMC) is outdated and contains information on the day-to-day business practices related to water and sewers. (Much of this chapter was inherited from the Tigard Water District in the early 1990s.)

On August 23, 2011, council adopted Resolution No. 11-06 which authorized the use of administrative rules. Administrative rules formally document day-to-day business practices which implement policies contained in the TMC. The rules are intended to be more accessible and "user-friendly" than the municipal code and will improve the city's ability to communicate basic utility practices to its customers.

Chapter 12.01 allows for the creation of administrative rules pertaining to the entire chapter.

On June 6, 2012, the city implemented administrative rules which document day-to-day business practices relating to water and sewers. Staff followed the administrative rule making procedure outlined in Chapter 2.04 of the TMC; the administrative rules were made available to the Intergovernmental Water Board (IWB), City Council and the public. The only comments received were from the Tigard Water District, a member of the IWB. Those comments were addressed by staff.

Currently, day-to-day business practices are documented in two places—the municipal code and the administrative rules. If approved, this ordinance will remove the business practices from the TMC.

The city attorney has reviewed the proposed amendments to TMC Chapter 12.

**OTHER ALTERNATIVES**

Council could chose not to adopt the ordinance. Day-to-day business practices would be documented in two places—the TMC and the administrative rules. Having the practices in two documents could cause confusion and makes for more complicated record keeping.

**COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS**

None

**DATES OF PREVIOUS CONSIDERATION**

The council discussed the amendments to Chapter 12 and administrative rule making at a workshop meeting on October 19, 2010.

The council adopted Resolution No. 11-06 on August 23, 2011. This resolution authorized the use of administrative rules.

The council received the proposed water utility administrative rules in its April 13, 2012, Friday newsletter packet. These rules went into effect on June 6, 2012.

---

### **Attachments**

#### Ordinance

Chapter 12.03 Redline Version

Chapter 12.03 Clean Version

Chapter 12.10 Redline Version

Chapter 12.10 Clean Version

---

**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 12-**

AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 12, WATER AND SEWERS, TO REMOVE DAY-TO-DAY BUSINESS PRACTICES WHICH ARE NOW DOCUMENTED ADMINISTRATIVE RULES

---

WHEREAS, the Tigard Municipal Code (TMC), Title 12, Water and Sewers, is outdated and contains information on the day-to-day business practices related to water and sewers; and

WHEREAS, on August 23, 2011, council adopted Resolution No. 11-06 which authorized the use of administrative rules; and

WHEREAS, Chapter 12.01 allows for the creation of administrative rules pertaining to the entire chapter; and

WHEREAS, on June 6, 2012, the city implemented administrative rules which document day-to-day business practices relating to water and sewers; and

WHEREAS, the rules are designed to be more accessible and "user-friendly" than the municipal code and will improve the city's ability to communicate basic utility practices to its customers; and

WHEREAS, day-to-day business practices are currently documented in two places—the municipal code and the administrative rules; and

WHEREAS, this ordinance will remove the day-to-day business practices from the TMC.

NOW, THEREFORE THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Chapter 12.03, Billing and Collection of Utility Charges, of the TMC is amended as shown in Attachment 1, (strikeout/underline version), and Attachment 2, (finalized/clean version).

SECTION 3: Chapter 12.10, Water System Rules and Regulations, of the TMC is amended as shown in Attachment 3, (strikeout/underline version), and Attachment 4, (finalized/clean version).

SECTION 4: This ordinance shall be effective 30 days after its passage by the council, signature by the Mayor, and posting by the city recorder.

PASSED: By \_\_\_\_\_ vote of all council members present after being read by number and title only, this \_\_\_\_ day of \_\_\_\_\_, 2012.

---

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Craig Dirksen, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

## TIGARD MUNICIPAL CODE

### Chapter 12.03 BILLING AND COLLECTION OF UTILITY CHARGES.

**Sections:**

- 12.03.010    **Authority**
- ~~12.03.0120~~    **Definitions.**
- ~~12.03.0230~~    **Rates, Charges, Fees, Penalties, Collections.**
- ~~12.03.030~~    **Delinquent Collection Procedures.**
- ~~12.03.040~~    **Delinquency Collection Procedures—Sewer Only Customers.**
- ~~12.03.050~~    **Other Fees And Charges.**
- 12.03.0640    **Utility Charge Adjustments And Payment Agreements.**
- 12.03.0750    **Customer Appeal Process.**

12.03.010    **Authority**

All definitions, authority, rules, and regulations as described in Chapter 12.01, Utility Services Rules and Regulations, are applicable to this chapter.

12.03.0120    **Definitions.**

- (a) Utility Charges.

Any combination of water service charges, sanitary sewer service charges, surface water charges or other fees and charges authorized by the Tigard City Council or the Clean Water Services imposed on users of utility services.

- (b) Delinquent.

Utility charges not paid by the due date specified on the bill for such charges are considered delinquent.

- (c) User.

User shall mean any person who uses property which maintains connection to, discharge to, or

otherwise receives services from the City's storm, surface water, sanitary sewer or water systems. The occupant of occupied property is deemed the user. If the property is not occupied, the person who has the right to occupy it shall be deemed the user. (Ord. 02-29)

12.03.0230    **Rates, Charges, Fees, Penalties, Collections.**

(a) Clean Water Services Rates and Charges Resolution and Orders number 95-34 as amended; and Ordinance Numbers 26,27,28, and 29 as amended are hereby adopted by reference and shall be in full force and effect as part of this municipal code.

(b) Collections from utility customers will be applied first to interest, penalties or other fees and charges, then proportionately among the rest of charges for services billed or as provided by contract with Clean Water Services.

(c) All Fees and Charges set forth in this chapter shall be set by resolution by the Tigard City Council. (Ord. 02-29)

~~12.03.030~~    **Delinquent Collection Procedures.**

~~(a) Billing Cycle—Utility charges will be billed to users every other month or as water meters are read. Utility bills will be placed in the United States Mail after the water meter is read or 60 days after the prior billing for non water customers. Such utility bills shall state the amounts and types of charges included in the bill and shall state the due date for the utility charges. Such due date shall not be less than 14 days from the date bills are mailed.~~

~~(b) Reminder Notice—For those utility charges not paid by the due date, a reminder notice will be sent to the customer. The Notice shall state the amounts and types of charges past~~

# TIGARD MUNICIPAL CODE

~~due and the date by which such charges must be paid to avoid turn off procedures. The reminder notice shall be placed in the United States Mail not less than 14 days after the original due date on the original bill.~~

~~(c) Shut Off Notice — For those utility charges not paid by the due date stated on the reminder notice, a shut off notice shall be hung on the front door of the dwelling or place of business at least 48 hours prior to the scheduled actual shut off. The City shall maintain a list of all shut off notices indicating the time and location the notice was placed and by whom. The shut off notice shall state the amounts and types of charges past due and the date and time such charges must be paid to avoid actual shut off of services.~~

~~(d) Shut Off Procedure — All accounts determined to be unpaid 48 hours after a shut off notice has been placed on the premises shall be listed and scheduled for shut off. The 48 hours shall be counted on business days only and shall not include Holidays or weekends. On the day scheduled for shutoff, daily payments will be reviewed to determine if any applicable payments have been received. The list as amended will then be delivered to the appropriate crew members who will then shut off and lock those meters on the list.~~

~~(e) Water Disconnection Charge for Non-Payment — A charge will be added to each account that has not been paid prior to the time indicated on the shut off notice. The charge covers all costs associated with the delinquent collection process. The charge shall apply even if actual shut off is not performed due to the payment of the past due balance made to the crew member in the field or in the office just prior to shut off. Water service will be reconnected the same day as disconnection if the outstanding bill and related charges are paid in full by 5:00 PM. If payment is not made prior to 5:00 PM the customer's water will not be reconnected until the next regular~~

~~business day. No water will be reconnected after normal operating hours or on weekends.~~

~~(f) Meter Disconnection Charge — A charge shall be added to each account in which a meter is turned off and locked for non payment if the customer or other party cuts the lock and turns the meter back on without prior approval of the City. The meter will be removed from the ground and the water service capped off. Water service shall not be reconnected until the customer has paid the past due utility charges, water disconnection charge, and the meter disconnection charge.~~

~~(g) Multifamily Housing Collection Process — When accounts for multifamily housing complexes using master meters rather than individual meters becomes delinquent, the company or individual responsible for payment of the utility bills shall be notified of the past due status of the account in the normal process set forth in section 12.03.030. However, in lieu of the shut off procedure, the responsible party shall be notified in writing that the shutoff procedure will be followed if the delinquent utility charges are not paid within thirty days. Notification will also be made to all tenants known by the City to the extent possible. Accounts not paid within the thirty days will be notified and turned off in accordance with section 12.03.030 (c) and (d). (Ord. 02-29)~~

## **12.03.040 — Delinquency Collection Procedures – Sewer Only Customers.**

~~For utility charges on accounts without water service, delinquent amounts may be collected using the following collection methods in lieu of the shutoff procedure set forth in 12.03.020 (c), (d), (e):~~

~~(a) Delinquent utility charges may be collected through the use of a collection agent. The Finance Director or designee shall have the~~

# TIGARD MUNICIPAL CODE

~~authority to select a collection agent and sign necessary documents.~~

~~(b) Delinquent utility charges may be collected by filing a claim in the appropriate court. The Finance Director shall have the authority to request pursuit of such claims by the City Attorney and shall have the authority to sign and file necessary documents.~~

~~(c) Delinquent utility charges may be collected by turning the uncollected balance over to the Washington County Tax Assessor for inclusion on tax bills as allowed by ORS 454.225. This method of collection shall only be used if the user of the services being billed is also the owner of the premises connected to the system. The owners approval must be received in writing allowing the turnover. Accounts being collected in this manner shall be charged a turnover fee and shall be turned over to the Assessor each year by July 15.~~

~~(d) Delinquent utility charges may also be collected by disconnecting utility services. Disconnection may involve the physical disconnection of incoming or outgoing utility service pipes and facilities. Disconnection shall only be pursued with the approval of the City Manager. Actual costs of disconnection shall be calculated and must be paid by the utility service user before reconnection is established. (Ord. 02-29)~~

## ~~12.03.050 — Other Fees And Charges.~~

~~(a) Returned Check Charge — A charge will be added to accounts for any checks returned from the bank unpaid for any reason. The charge shall be set by resolution of the City Council.~~

~~(b) Repair or Replacement of Water Meters and Services — Once installed, any costs associated with the repair or replacement of damaged or missing meters and services will be~~

~~charged to the owner of the property. Such costs may include but are not limited to gaskets, meter boxes, lid inserts, meters, pressure regulator valves, related labor, equipment, vehicles, and materials. (Ord. 02-29)~~

## ~~12.03.0640 Utility Charge Adjustments And Payment Agreements.~~

~~Errors in billing or collection shall be corrected in a timely manner by the City. Resulting credits on accounts or refunds shall be made as expeditiously as possible. Disputed billings or other collection transactions shall be dealt with as follows:~~

~~In recognition of the need for exceptions in some cases, authority is granted as follows for adjustments to utility charges and to the implementation of payment agreements. All waivers granted under 12.03.060 (a) (b) shall be reported to the Intergovernmental Water Board each month upon their request.~~

(a) The Finance Director or designee shall have the authority to waive utility charges up to ~~\$250~~500.00. Such waiver may be made based upon a written request from the customer and for good cause. Good cause may include but is not limited to correction of user or account information, failure of the City to send a bill, demonstrated failure of a user to receive a bill, correction of measurement of either fixture units or equivalent service units and adjustments to the time in which requester became the user. Waivers may include returned check charges, disconnection charges or utility charges.

(b) The City Manager or designee shall have the authority to waive utility charges up to ~~\$~~2,500.00. Such waiver must be made based upon a written request from the customer and for good cause as defined in subsection (a). The City

# TIGARD MUNICIPAL CODE

Manager shall receive a written report of findings from staff and then weigh the evidence presented by the customer and the staff before making any such waiver.

~~(c) Any requests to waive utility charges above \$500.00 shall be made in writing to the Intergovernmental Water Board. The Finance Director or designee may schedule the request on the next available agenda and so notify the customer at least one week in advance. All materials related to the request shall be made available to the Board and the customer may be allowed to make a presentation to the Board at the discretion of the Board Chairman.~~

(~~c~~) The City may enter into a payment agreement with a customer to facilitate the payment of delinquent utility charges. Such agreements shall not exceed the term of three years, current charges must be paid when due, and the agreement must be signed by both parties and must be a legally binding agreement. Breach of such an agreement by the customer shall result in further collection efforts. Payment agreements for amounts over \$10,000 must be approved by the Tigard City Council. (Ord. 02-29)

## **12.03.0750 Customer Appeal Process.**

(a) Customers shall have the right to appeal billing decisions made by staff. If a customer is not satisfied with a decision, the customer may appeal to the Finance Director within fourteen days of the decision in writing explaining the issue and justification for the customer's position. Finance Director decisions may be appealed to the City Manager within fourteen days of the decision in a similar fashion. City Manager decisions may be appealed within fourteen days of the decision to the ~~Intergovernmental Water Board~~City Council. ~~Board~~Council decisions are considered final. (Ord. 02-29, Ord. 96-02). ■

## TIGARD MUNICIPAL CODE

### Chapter 12.03 BILLING AND COLLECTION OF UTILITY CHARGES.

#### Sections:

- 12.03.010 Authority**
- 12.03.020 Definitions.**
- 12.03.030 Rates, Charges, Fees, Penalties, Collections.**
- 12.03.040 Utility Charge Adjustments And Payment Agreements.**
- 12.03.050 Customer Appeal Process.**
  
- 12.03.010 Authority**

All definitions, authority, rules, and regulations as described in Chapter 12.01, Utility Services Rules and Regulations, are applicable to this chapter.

#### **12.03.020 Definitions.**

- (a) Utility Charges.

Any combination of water service charges, sanitary sewer service charges, surface water charges or other fees and charges authorized by the Tigard City Council or the Clean Water Services imposed on users of utility services.

- (b) Delinquent.

Utility charges not paid by the due date specified on the bill for such charges are considered delinquent.

- (c) User.

User shall mean any person who uses property which maintains connection to, discharge to, or otherwise receives services from the City's storm, surface water, sanitary sewer or water systems. The occupant of occupied property is deemed the user. If the property is not occupied, the person who has the right to occupy it shall be deemed the user. (Ord. 02-29)

#### **12.03.030 Rates, Charges, Fees, Penalties, Collections.**

(a) Clean Water Services Rates and Charges Resolution and Orders as amended; and Ordinance Numbers 26,27,28, and 29 as amended are hereby adopted by reference and shall be in full force and effect as part of this municipal code.

(b) Collections from utility customers will be applied first to interest, penalties or other fees and charges, then proportionately among the rest of charges for services billed or as provided by contract with Clean Water Services.

(c) All Fees and Charges set forth in this chapter shall be set by resolution by the Tigard City Council. (Ord. 02-29)

#### **12.03.040 Utility Charge Adjustments And Payment Agreements.**

Errors in billing or collection shall be corrected in a timely manner by the City. Resulting credits on accounts or refunds shall be made as expeditiously as possible. Disputed billings or other collection transactions shall be dealt with as follows:

In recognition of the need for exceptions in some cases, authority is granted as follows for adjustments to utility charges and to the implementation of payment agreements.

(a) The Finance Director or designee shall have the authority to waive utility charges up to \$500.00. Such waiver may be made based upon a written request from the customer and for good cause. Good cause may include but is not limited to correction of user or account information, failure of the City to send a bill, demonstrated failure of a user to receive a bill, correction of measurement of either fixture units or equivalent service units and adjustments to the time in which requester became the user. Waivers may include

# TIGARD MUNICIPAL CODE

returned check charges, disconnection charges or utility charges.

(b) The City Manager or designee shall have the authority to waive utility charges up to \$2,500.00. Such waiver must be made based upon a written request from the customer and for good cause as defined in subsection (a). The City Manager shall receive a written report of findings from staff and then weigh the evidence presented by the customer and the staff before making any such waiver.

(c) The City may enter into a payment agreement with a customer to facilitate the payment of delinquent utility charges. Such agreements shall not exceed the term of three years, current charges must be paid when due, and the agreement must be signed by both parties and must be a legally binding agreement. Breach of such an agreement by the customer shall result in further collection efforts. Payment agreements for amounts over \$10,000 must be approved by the Tigard City Council. (Ord. 02-29)

## **12.03.050 Customer Appeal Process.**

(a) Customers shall have the right to appeal billing decisions made by staff. If a customer is not satisfied with a decision, the customer may appeal to the Finance Director within fourteen days of the decision in writing explaining the issue and justification for the customer's position. Finance Director decisions may be appealed to the City Manager within fourteen days of the decision in a similar fashion. City Manager decisions may be appealed within fourteen days of the decision to the City Council. Council decisions are considered final. (Ord. 02-29, Ord. 96-02). ■

## TIGARD MUNICIPAL CODE

### Chapter 12.10 WATER SYSTEM RULES AND REGULATIONS.

**Sections:**

- 12.10.010 Definitions.
- 12.10.020 Introduction.
- 12.10.030 Use Of Water.
- 12.10.040 Service Size.
- 12.10.050 Separate Connection.
- 12.10.060 Furnishing Water.
- 12.10.070 Private Service Pipes.
- 12.10.080 Violation of Utility Services Code
- 12.10.090 Jurisdiction.
- 12.10.100 Waste - Plumbing - Inspection.
- 12.10.110 Physical Connections With Other Water Supplies Or Systems.
- 12.10.120 Cross Connection Control Program.
- 12.10.130 Payment - Delinquency. (Repealed By Ord. 96-02).
- 12.10.140 Water Rates.
- 12.10.1650 Interrupted Service - Changes In Pressure.
- 12.10.1760 Service Connection Maintenance.
- 12.10.1870 Limitation On The Use Of Water.
- ~~12.10.220 Fire Hydrants.~~
- 12.10.23180 Fire Hydrant - Temporary Use.
- 12.10.24190 Illegal Use Of Fire Hydrant Or Meter.
- 12.10.2500 Amendments - Special Rules - Contracts.
- 12.10.2610 Grievances.
- ~~12.10.280 Power To Grant Variances.~~
- 12.10.220 Findings And Declaration Of A Water Emergency.
  - 12.10.230 Enforcement.
  - 12.10.240 Penalties.
  - 12.10.250 Water Shut-Off.

#### 12.10.010 Definitions.

~~Intergovernmental Water Board (IWB) is a representative board of five jurisdictional members within the Tigard Water Service Area. The purpose of the IWB is to make recommendations to the Tigard City Council on water related issues, and to carry out other responsibilities set forth in the cooperative agreement.~~

Tigard Water Service Area (TWSA) shall mean the territory within the boundaries of City of Durham, City of King City, Tigard Water District and the portion of the City of Tigard not served by Tualatin Valley Water District (TVWD).

#### **12.10.020 Introduction.**

All definitions, authority, rules, and regulations as described in Chapter 12.01, Utility Services Rules and Regulations, are applicable to this chapter.

~~This section of Title 12 applies to water utility services provided by the City as managing authority of the Tigard Water Service Area. Additional definitions, provisions, rules, and regulations within Title 12 are applicable to this section.~~

#### **12.10.030 Use Of Water.**

Water will be furnished for ordinary domestic, business and community purposes, and fire protection only. No water will be furnished for the direct operation of steam boilers, machinery or golf courses, except on an interruptible basis, and the City will assume no responsibility therein. (Ord. 93-34)

#### **12.10.040 Service Size.**

Upon the application for new water service, and payment of all charges, the City will install a service connection and meter of such size and location as approved by the Public Works

# TIGARD MUNICIPAL CODE

Department. Meter and water service piping shall be sized using the fixture count method as described in the State of Oregon Uniform Plumbing Code. The minimum size of any water meter, which connects to the city water system, shall be five-eighths/three-fourths inch diameter.

In new subdivisions, the City requires the installation of water mains, valves, hydrants and water services by the developer as a part of improvements as described in this chapter. All improvements and installations shall be in accordance with Public Improvement Design Standards. (Ord. 02-31; Ord. 93-34)

## 12.10.050 Separate Connection.

A separate service connection will be required for each dwelling, apartment or motel, place of business, and institution. All outlying buildings and premises used as a part of such dwelling place or business or institution may be served from such connection, as well as all buildings on such premises operated under the one management. City shall prescribe the number of buildings to be served from one meter and such determination shall be final. (Ord. 02-31; Ord. 93-34)

## 12.10.060 Furnishing Water.

The City shall not be obligated to furnish and install, at its expense, system facilities for all property within the City. The City shall, so far as reasonable and practicable and within its financial means, however, provide adequate source of supply, necessary primary ~~feeder~~ transmission mains, storage facilities and other improvements necessary to make water service generally available to all areas within the City. Extensions to furnish water to areas not now served by the City will be made at the expense of those persons requesting service. Such extensions will be made by the City or by those expressly authorized by

the City. Consideration will be given to the City's ability to serve and to eligibility for annexation to the City of the property to be served. The City may contract with other governmental entities for the provision of water. The terms of service will be defined by agreement and consistent with the terms of this Chapter. (Ord. 93-34)

## 12.10.070 Service Pipe Standard and Maintenance.

Service pipes of all sizes, within or without the premises, whether for domestic, commercial, or fire protection purposes, must be materials, quality, class, and size as specified by the state plumbing code or regulations of the City.

The service pipe within the premises and throughout its entire length to the water meter ~~or to the property line if the water meter is set behind the property line,~~ must be kept in repair serviceable condition. ~~and~~ It must be ~~pp~~rotected from freezing at the expense of the customer, lessee, or agent, who shall be responsible for all damages resulting from leaks or breaks. (Ord. 02-31; Ord. 93-3)

## 12.10.080 Violation of Utility Services Code.

### A. Waste

No customer shall cause or permit water to run or be discharged through the fixtures, pipes or faucets on the customer's premises in excess of the quantity necessary for domestic, irrigation or other permitted purposes under this Code.

### B. Damage.

No person shall willfully or maliciously damage or in any manner interfere with or remove any of the pipes, valves, back flow prevention devices, meters, lock seals, surface water management systems or other property belonging to the City or used in connection with the City

# TIGARD MUNICIPAL CODE

utility system. Any person violating this section shall be charged for all costs associated with repairing any such damage or interference, plus any penalty. This charge may be added to the utility bill. Failure to pay such repair charges shall be a basis for discontinuance of service.

## C. Tampering.

No unauthorized person shall tamper with, alter, or damage any part of the City utility system, reservoir system, pumping station, surface water management system, metering facilities, open or close any fire hydrant or service line. No person shall alter the utility service in a manner which would allow service to more than one household without applying for service and complying with this Code. The Council may establish a tampering fine by resolution for violation of this provision. This fine may be included in the utility bill. Failure to pay that fine can result in discontinuance of service.

## D. Violations.

Violation of this section is punishable by a fine of not more than \$5,000. Violation of this section a second or subsequent time within a 24-month period is punishable by a fine of not less than \$1,500 and not more than \$5,000.

## E. Code Violation a Civil Violation.

In addition to the other penalties provided by this Code and State law, a violation of any requirement of the Utility Code shall be a civil violation pursuant to Tigard Municipal Code 1.16 and may be prosecuted in the Municipal Court of the City of Tigard. (Ord. 94-19)

### **12.10.090 Jurisdiction Of Water System.**

The operation and repair of the City's water system, including pipes, valves, pumps,

reservoirs, fixtures, etc. is the complete responsibility of the City's Public Works Department. ~~\_\_~~No plumber, contractor, or other person will be allowed to connect to or operate any part of the City's water system up to and including the water meter. (Ord. 02-31; Ord. 93-34)

### **12.10.100 Waste - Plumbing - Inspection.**

Water will not be furnished to premises where it is allowed to run or waste to prevent freezing or through defective plumbing or otherwise. Plumbing should be in conformance with the appropriate codes of the jurisdiction issuing the building permit.

### **12.10.110 Physical Connections With Other Water Supplies Or Systems.**

Neither cross connections nor physical connections of any kind shall be made to any other water supply, whether private or public, without the written consent and approval of the City Council, and the written approval of the Oregon ~~Department of Human Services~~Health Authority. ~~\_\_~~Included in this category are all pipe lines, appurtenances and facilities of the City system and all pipes, appurtenances, pumps, tanks, storage reservoirs, facilities, equipment, appliances, etc., of other systems whether located within or on public or private property, or the premises of a water customer.

Any such connection shall be removed by the customer within ten days after written notice to remove is given by the City. If not removed within the time specified, the City may remove or discontinue any connection which it may have for servicing the property.

No person shall interfere with or attempt to prevent the Public Works Director or other

# TIGARD MUNICIPAL CODE

authorized representative from entering upon private premises and inspecting the property when an emergency exists or the Public Works Director or authorized representative exhibits a warrant authorizing entry. (Ord. 93-34)

## **12.10.120 Cross Connection Control Program.**

The City maintains a cross connection control program in order to protect the public water supply from contamination or pollution, and to assure that approved backflow prevention assemblies or devices are tested and/or inspected annually.

Determination by the City of appropriate levels of protection shall be in accordance with the Accepted Procedures and Practice in Cross Connection Control Manual, American Water Works Association, Pacific Northwest Section, current edition.

## **12.10.130 Payment - Delinquency. (Repealed by Ord. 96-02).**

(Repealed by Ord. 96-02, Ord. 96-02; Ord. 93-34)

## **12.10.140 Water Rates.**

All rates, fees and charges shall be set by resolution of the Tigard City Council. (Ord. 93-34)

## **12.10.1650 Interrupted Service - Changes In Pressure.**

The water may be shut off at any time for repairs or other necessary work with or without notice. Conditions may cause a variation of the pressure. The City will not be responsible for any damage caused by interruption of service or varying pressure. ~~When service is interrupted, hot~~

~~water faucets should be kept closed to prevent backflow of hot water or steam.~~ (Ord. 93-34)

## **12.10.1760 Service Connection Maintenance.**

The City will maintain all standard service connections in good repair without expense to the customers. Each customer is required to use reasonable care and diligence to protect the water meter and meter box from loss or damage by freezing, hot water, traffic hazards, and other causes, in default of which, such customer shall pay to the City the full amount of the resulting damage.

Each customer is required to maintain vegetation and other obstruction free zone of a minimum of two feet around the water meters, fire hydrants or other water appurtenances. Clear access to the meter shall be from the street side in a direct path to the water meter. Failure to maintain the area will result in City personnel clearing the area to meet the City's meter reading and maintenance needs. The City shall have no liability for trimming of maintaining vegetation in order to read meters. (Ord. 02-31; Ord. 93-34)

## **12.10.1870 Limitation On The Use Of Water.**

A. Limitation on the use of water as to hours, purpose, or manner may be prescribed from time to time by order of the Public Works Director, based on a finding that the limitation is reasonable given the available and projected water supply and demand. Any order under this section shall be reviewed by City Council at its next session following issuance of the order. The City Council may affirm, withdraw or amend the order.

B. The Public Works Director, the City Manager or the City Council may call for voluntary reductions in water use, including, but not limited to, voluntary rotational watering plans.

# TIGARD MUNICIPAL CODE

(Ord. 01-15 §1, Ord. 93-34)

## ~~12.10.220~~ ~~Fire Hydrants.~~

~~— Repealed by Ord. 02-31. (Ord. 93-34)~~

## ~~12.10.231~~80 **Fire Hydrant - Temporary Use.**

Any person who desires to use a fire hydrant for temporary water supply must obtain permission of the City. The charge for temporary use shall be set by resolution of the City Council. Customer is responsible for repair and/or replacement of damaged meter. (Ord. 93-34)

## ~~12.10.241~~90 **Illegal Use Of Fire Hydrant Or Meter.**

Connection to a fire hydrant or meter without proper authority is a Class 1 civil infraction. (Ord. 02-31; Ord. 93-34)

## ~~12.10.250~~00 **Amendments - Special Rules - Contracts.**

The City may at any time amend, change or modify any rule, rate or charge, or make any special rule, rate or contract, and all water service is subject to such power. (Ord. 93-34)

## ~~12.10.261~~10 **Grievances.**

Any grievance as to service or complaints shall be made to the Public Works Director, who shall attempt to resolve the problem. Any unresolved grievances as to service or complaints shall be reported and will be considered by the ~~Intergovernmental Water Board at the Board's next meeting.~~City Manager. (Ord. 93-34)

## ~~12.10.280~~ ~~Power To Grant Variances.~~

~~The City Council authorizes the power to grant variances related to utility services as follows:~~

~~A. The City Manager or designee shall have the power to waive water utility fees and charges up to \$2,500.~~

~~B. The City Manager or designee is authorized to make leak adjustment credit or waiver of fee determinations based on City practices and procedures and all decisions are considered final. (Ord. 02-29, Ord. 96-02, TMC 12.03)~~

~~C. Except when prohibited by subsection D of this section, upon application, the Intergovernmental Water Board may grant variances from the water system rules and regulations enacted by the City of Tigard when it finds that: 1) strict application of the rules and regulations create undue economic hardship for the applicant with no significant benefit to the water system; 2) the variance requested has no material adverse effect upon the water system and it is consistent with established policies of the Tigard City Council.~~

~~D. The Intergovernmental Water Board may not grant variances relating to annexation of property, fire protection requirements, cross connection requirements, fees, rates and charges. (Ord. 93-34)~~

## ~~12.10.302~~20 **Findings And Declaration Of A Water Emergency.**

Upon finding that the municipal water supply is incapable of providing an adequate water supply for normal usage due to a drought, system failure or any other event, the City Council may declare a water emergency and require that water usage must be curtailed. The declaration shall

# TIGARD MUNICIPAL CODE

include the effective date, the reason for the declaration and the level of prohibition declared. The City Council may include an estimated time for review or revocation of the declaration. (Ord. 01-15 §2)

## **12.10.3230 Enforcement.**

- A. Warning. The City shall send a letter of warning for each violation of a curtailment restriction if no previous letter of warning has been sent to the person responsible for the violation. The letter of warning shall specify the violation, may require compliance measures and shall be served upon the person responsible for the violation. Service may be in person, by office or substitute service or by certified or registered mail, return receipt requested.
- B. Civil Infraction. After the person responsible for the violation has received a warning letter, any subsequent violation shall be treated as a civil infraction under Chapter 1.16. (Ord. 01-15 §4)

## **12.10.33240 Penalties.**

- A. First Violation – Warning letter.
- B. Second Violation of the same type – Class 3 infraction \$50.
- C. Third violation of the same type – Class 2 infraction \$100.
- D. Fourth and subsequent violations of the same type – Class 1 infraction \$250. (Ord. 01-15 §5)

## **12.10.34250 Water Shut-Off.**

After the third violation of a curtailment restriction, the Public Works Director may order that the water service to the location where the violation has occurred shall be shut-off or reduced. A shut-off notice shall be posted on the property at least 48 hours prior to the scheduled shut-off or reduction. The shut-off notice shall specify the reasons for the shut-off or reduction. Any person wishing to avoid a shut-off must provide the Public Works Director with evidence that the shut-off will create a health or safety risk. All shut-offs imposed under this section shall be temporary, not to exceed thirty (30) days, provided the applicable charges are paid prior to reconnection. (Ord. 01-15 §6)



## TIGARD MUNICIPAL CODE

### Chapter 12.10 WATER SYSTEM RULES AND REGULATIONS.

#### Sections:

- 12.10.010 Definitions.
- 12.10.020 Introduction.
- 12.10.030 Use Of Water.
- 12.10.040 Service Size.
- 12.10.050 Separate Connection.
- 12.10.060 Furnishing Water.
- 12.10.070 Private Service Pipes.
- 12.10.080 Violation of Utility Services Code
- 12.10.090 Jurisdiction.
- 12.10.100 Waste - Plumbing - Inspection.
- 12.10.110 Physical Connections With Other Water Supplies Or Systems.
- 12.10.120 Cross Connection Control Program.
- 12.10.130 Payment - Delinquency. (Repealed By Ord. 96-02).
- 12.10.140 Water Rates.
- 12.10.150 Interrupted Service - Changes In Pressure.
- 12.10.160 Service Connection Maintenance.
- 12.10.170 Limitation On The Use Of Water.
- 12.10.180 Fire Hydrant - Temporary Use.
- 12.10.190 Illegal Use Of Fire Hydrant Or Meter.
- 12.10.200 Amendments - Special Rules - Contracts.
- 12.10.210 Grievances.
- 12.10.220 Findings And Declaration Of A Water Emergency.
- 12.10.230 Enforcement.
- 12.10.240 Penalties.
- 12.10.250 Water Shut-Off.

#### 12.10.010 Definitions.

Tigard Water Service Area (TWSA) shall mean the territory within the boundaries of City of Durham, City of King City, Tigard Water District and the portion of the City of Tigard not served by Tualatin Valley Water District (TVWD).

#### 12.10.020 Introduction.

All definitions, authority, rules, and regulations as described in Chapter 12.01, Utility Services Rules and Regulations, are applicable to this chapter.

#### 12.10.030 Use Of Water.

Water will be furnished for ordinary domestic, business and community purposes, and fire protection only. No water will be furnished for the direct operation of steam boilers, machinery or golf courses, except on an interruptible basis, and the City will assume no responsibility therein. (Ord. 93-34)

#### 12.10.040 Service Size.

Upon the application for new water service, and payment of all charges, the City will install a service connection and meter of such size and location as approved by the Public Works Department. Meter and water service piping shall be sized using the fixture count method as described in the State of Oregon Uniform Plumbing Code. The minimum size of any water meter, which connects to the city water system, shall be five-eighths/three-fourths inch diameter.

In new subdivisions, the City requires the installation of water mains, valves, hydrants and water services by the developer as a part of improvements as described in this chapter. All improvements and installations shall be in accordance with Public Improvement Design Standards. (Ord. 02-31; Ord. 93-34)

# TIGARD MUNICIPAL CODE

## **12.10.050 Separate Connection.**

A separate service connection will be required for each dwelling, apartment or motel, place of business, and institution. All outlying buildings and premises used as a part of such dwelling place or business or institution may be served from such connection, as well as all buildings on such premises operated under the one management. City shall prescribe the number of buildings to be served from one meter and such determination shall be final. (Ord. 02-31; Ord. 93-34)

## **12.10.060 Furnishing Water.**

The City shall not be obligated to furnish and install, at its expense, system facilities for all property within the City. The City shall, so far as reasonable and practicable and within its financial means, however, provide adequate source of supply, necessary primary transmission mains, storage facilities and other improvements necessary to make water service generally available to all areas within the City. Extensions to furnish water to areas not now served by the City will be made at the expense of those persons requesting service. Such extensions will be made by the City or by those expressly authorized by the City. Consideration will be given to the City's ability to serve and to eligibility for annexation to the City of the property to be served. The City may contract with other governmental entities for the provision of water. The terms of service will be defined by agreement and consistent with the terms of this Chapter. (Ord. 93-34)

## **12.10.070 Service Pipe Standard and Maintenance.**

Service pipes of all sizes, within or without the premises, whether for domestic, commercial, or fire protection purposes, must be materials,

quality, class, and size as specified by the state plumbing code or regulations of the City.

The service pipe within the premises and throughout its entire length to the water meter must be in serviceable condition. It must be protected from freezing at the expense of the customer, lessee, or agent, who shall be responsible for all damages resulting from leaks or breaks. (Ord. 02-31; Ord. 93-3)

## **12.10.080 Violation of Utility Services Code.**

### **A. Waste**

No customer shall cause or permit water to run or be discharged through the fixtures, pipes or faucets on the customer's premises in excess of the quantity necessary for domestic, irrigation or other permitted purposes under this Code.

### **B. Damage.**

No person shall willfully or maliciously damage or in any manner interfere with or remove any of the pipes, valves, back flow prevention devices, meters, lock seals, surface water management systems or other property belonging to the City or used in connection with the City utility system. Any person violating this section shall be charged for all costs associated with repairing any such damage or interference, plus any penalty. This charge may be added to the utility bill. Failure to pay such repair charges shall be a basis for discontinuance of service.

### **C. Tampering.**

No unauthorized person shall tamper with, alter, or damage any part of the City utility system, reservoir system, pumping station, surface water management system, metering facilities, open or close any fire hydrant or service line. No person shall alter the utility service in a manner which would allow service to more than one

# TIGARD MUNICIPAL CODE

household without applying for service and complying with this Code. The Council may establish a tampering fine by resolution for violation of this provision. This fine may be included in the utility bill. Failure to pay that fine can result in discontinuance of service.

## D. Violations.

Violation of this section is punishable by a fine of not more than \$5,000. Violation of this section a second or subsequent time within a 24-month period is punishable by a fine of not less than \$1,500 and not more than \$5,000.

## E. Code Violation a Civil Violation.

In addition to the other penalties provided by this Code and State law, a violation of any requirement of the Utility Code shall be a civil violation pursuant to Tigard Municipal Code 1.16 and may be prosecuted in the Municipal Court of the City of Tigard. (Ord. 94-19)

### **12.10.090 Jurisdiction Of Water System.**

The operation and repair of the City's water system, including pipes, valves, pumps, reservoirs, fixtures, etc. is the complete responsibility of the City's Public Works Department. No plumber, contractor, or other person will be allowed to connect to or operate any part of the City's water system up to and including the water meter. (Ord. 02-31; Ord. 93-34)

### **12.10.100 Waste - Plumbing - Inspection.**

Water will not be furnished to premises where it is allowed to run or waste to prevent freezing or through defective plumbing or otherwise. Plumbing should be in conformance with the appropriate codes of the jurisdiction issuing the building permit.

### **12.10.110 Physical Connections With Other Water Supplies Or Systems.**

Neither cross connections nor physical connections of any kind shall be made to any other water supply, whether private or public, without the written consent and approval of the City Council, and the written approval of the Oregon Health Authority. Included in this category are all pipe lines, appurtenances and facilities of the City system and all pipes, appurtenances, pumps, tanks, storage reservoirs, facilities, equipment, appliances, etc., of other systems whether located within or on public or private property, or the premises of a water customer.

Any such connection shall be removed by the customer within ten days after written notice to remove is given by the City. If not removed within the time specified, the City may remove or discontinue any connection which it may have for servicing the property.

No person shall interfere with or attempt to prevent the Public Works Director or other authorized representative from entering upon private premises and inspecting the property when an emergency exists or the Public Works Director or authorized representative exhibits a warrant authorizing entry. (Ord. 93-34)

### **12.10.120 Cross Connection Control Program.**

The City maintains a cross connection control program in order to protect the public water supply from contamination or pollution, and to assure that approved backflow prevention assemblies or devices are tested and/or inspected annually.

# TIGARD MUNICIPAL CODE

Determination by the City of appropriate levels of protection shall be in accordance with the Accepted Procedures and Practice in Cross Connection Control Manual, American Water Works Association, Pacific Northwest Section, current edition.

## **12.10.130 Payment - Delinquency. (Repealed by Ord. 96-02).**

(Repealed by Ord. 96-02, Ord. 96-02; Ord. 93-34)

## **12.10.140 Water Rates.**

All rates, fees and charges shall be set by resolution of the Tigard City Council. (Ord. 93-34)

## **12.10.150 Interrupted Service - Changes In Pressure.**

The water may be shut off at any time for repairs or other necessary work with or without notice. Conditions may cause a variation of the pressure. The City will not be responsible for any damage caused by interruption of service or varying pressure. (Ord. 93-34)

## **12.10.160 Service Connection Maintenance.**

The City will maintain all standard service connections in good repair without expense to the customers. Each customer is required to use reasonable care and diligence to protect the water meter and meter box from loss or damage by freezing, hot water, traffic hazards, and other causes, in default of which, such customer shall pay to the City the full amount of the resulting damage.

Each customer is required to maintain vegetation and other obstruction free zone of a minimum of two feet around the water meters, fire hydrants or other water appurtenances. Clear

access to the meter shall be from the street side in a direct path to the water meter. Failure to maintain the area will result in City personnel clearing the area to meet the City's meter reading and maintenance needs. The City shall have no liability for trimming of maintaining vegetation in order to read meters. (Ord. 02-31; Ord. 93-34)

## **12.10.170 Limitation On The Use Of Water.**

A. Limitation on the use of water as to hours, purpose, or manner may be prescribed from time to time by order of the Public Works Director, based on a finding that the limitation is reasonable given the available and projected water supply and demand. Any order under this section shall be reviewed by City Council at its next session following issuance of the order. The City Council may affirm, withdraw or amend the order.

B. The Public Works Director, the City Manager or the City Council may call for voluntary reductions in water use, including, but not limited to, voluntary rotational watering plans. (Ord. 01-15 §1, Ord. 93-34)

## **12.10.180 Fire Hydrant - Temporary Use.**

Any person who desires to use a fire hydrant for temporary water supply must obtain permission of the City. The charge for temporary use shall be set by resolution of the City Council. Customer is responsible for repair and/or replacement of damaged meter. (Ord. 93-34)

## **12.10.190 Illegal Use Of Fire Hydrant Or Meter.**

Connection to a fire hydrant or meter without proper authority is a Class 1 civil infraction. (Ord. 02-31; Ord. 93-34)

## **12.10.200 Amendments - Special Rules - Contracts.**

# TIGARD MUNICIPAL CODE

The City may at any time amend, change or modify any rule, rate or charge, or make any special rule, rate or contract, and all water service is subject to such power. (Ord. 93-34)

## **12.10.210 Grievances.**

Any grievance as to service or complaints shall be made to the Public Works Director, who shall attempt to resolve the problem. Any unresolved grievances as to service or complaints shall be reported and will be considered by the City Manager. (Ord. 93-34)

## **12.10.220 Findings And Declaration Of A Water Emergency.**

Upon finding that the municipal water supply is incapable of providing an adequate water supply for normal usage due to a drought, system failure or any other event, the City Council may declare a water emergency and require that water usage must be curtailed. The declaration shall include the effective date, the reason for the declaration and the level of prohibition declared. The City Council may include an estimated time for review or revocation of the declaration. (Ord. 01-15 §2)

## **12.10.230 Enforcement.**

A. Warning. The City shall send a letter of warning for each violation of a curtailment restriction if no previous letter of warning has been sent to the person responsible for the violation. The letter of warning shall specify the violation, may require compliance measures and shall be served upon the person responsible for the violation. Service may be in person, by office or substitute service or by certified or registered mail, return receipt requested.

B. Civil Infraction. After the person

responsible for the violation has received a warning letter, any subsequent violation shall be treated as a civil infraction under Chapter 1.16. (Ord. 01-15 §4)

## **12.10.240 Penalties.**

- A. First Violation – Warning letter.
- B. Second Violation of the same type – Class 3 infraction \$50.
- C. Third violation of the same type – Class 2 infraction \$100.
- D. Fourth and subsequent violations of the same type – Class 1 infraction \$250. (Ord. 01-15 §5)

## **12.10.250 Water Shut-Off.**

After the third violation of a curtailment restriction, the Public Works Director may order that the water service to the location where the violation has occurred shall be shut-off or reduced. A shut-off notice shall be posted on the property at least 48 hours prior to the scheduled shut-off or reduction. The shut-off notice shall specify the reasons for the shut-off or reduction. Any person wishing to avoid a shut-off must provide the Public Works Director with evidence that the shut-off will create a health or safety risk. All shut-offs imposed under this section shall be temporary, not to exceed thirty (30) days, provided the applicable charges are paid prior to reconnection. (Ord. 01-15 §6)



**Business Meeting****Meeting Date:** 07/10/2012**Length (in minutes):** 40 Minutes**Agenda Title:** Economic Development Discussion**Submitted By:** Marty Wine, City Management**Item Type:** Update, Discussion, Direct Staff**Meeting Type:** Council Business Meeting - Main**Information****ISSUE**

Should Tigard pursue city-wide economic development strategies, and what should they be?

**STAFF RECOMMENDATION / ACTION REQUEST**

Council discussion about desired outcomes, city strategy, and actions Tigard could take in furthering economic development, and guidance about preferred next steps.

**KEY FACTS AND INFORMATION SUMMARY**

The City of Tigard has created a foundation of adopted plans and policies that set a course for economic development strategies, including:

- Tigard Downtown Improvement Plan (2005)
- City Center Urban Renewal Plan (2005)
- Tigard Downtown Streetscape Plan (2006)
- Development Strategy for Downtown Tigard (2007)
- Fanno Creek Park and Plaza Master Plan (2008)
- Tigard Downtown Future Vision (2009)
- Downtown Code Update (2010)
- Downtown Tigard Parking Analysis (2010)
- Downtown Development Strategy Update (2011)
- Capital Improvement Plans (2011-2016)
- Economic Opportunity Analysis (2011)
- Tigard Triangle Master Plan (various)
- Southwest Corridor planning (2010-present)

These plans contain elements of future steps and strategies that Tigard could take to brand the community, recruit and retain businesses, redevelop housing, and use data to focus city efforts and investments for development and redevelopment.

Mayor Dirksen and several councilors have attended trainings and conferences, and have participated locally and regionally, to better understand and focus on economic development approaches that cities can use to develop the local economy.

Councilor Woodard has prepared a presentation to begin council discussion about a future focus on economic development, including deciding on a strategy, choosing which action steps to take, and a vision of what economic development looks like for Tigard.

**OTHER ALTERNATIVES**

N/A

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

Goal 1.b.ii.1 Take the Next Step on Major Projects: Implement the Comprehensive Plan through code revisions, including Contribute to the SW Corridor Plan by adopting Tigard's land use policies and designations and identifying priorities for high capacity transit (HCT) station location alternatives by mid-2012. Determine the economic development opportunities, development plan, city policies and regulations needed to position the Tigard Triangle as an HCT station location.

Goal 3. Identify a geographic-opportunity area in the downtown with the greatest potential to create a catalyst for further development. Concentrate most resources there.

Five year Council goals include: Explore Pacific Highway Urban Renewal District as part of a citywide economic development strategy.

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

---

**Business Meeting****Meeting Date:** 07/10/2012**Length (in minutes):** 15 Minutes**Agenda Title:** 2013 League of Oregon Cities Legislative Agenda**Submitted By:** Marty Wine, City Management

Motion Requested

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

What are the highest-priority issues that Tigard prefers to become part of the League of Oregon Cities' 2013 legislative agenda?

**STAFF RECOMMENDATION / ACTION REQUEST**

Identify the top four issues of importance that reflect Tigard's priorities for the 2013 League of Oregon Cities legislative agenda.

This Council discussion is also the first opportunity to provide staff guidance about Council's priority issues for Tigard's 2013 legislative agenda, which will be developed and discussed further in fall 2012.

**KEY FACTS AND INFORMATION SUMMARY**

Each year the League of Oregon Cities' eight policy committees develop specific actions that become the League's annual state legislative agenda. The policy committees have developed 19 legislative objectives which are transmitted to each city. Each city in Oregon is asked to give input to the League of Oregon Cities Board of Directors as the 2013 agenda is developed and adopted.

City councils are asked to review the list of issues and determine which four of the 19 are most important, and provide this input to the League by July 31. The Board will develop the League's priority agenda beginning in August.

Revenue and land use reform have remained the League's top legislative priorities and will continue to be key areas of focus for the legislative agenda in addition to the identification of these priority objectives.

Mayor Craig Dirksen serves on the League's Community Development Committee, and the Transportation Committee. Council President Buehner serves on the Finance and Taxation Committee. Council has received regular updates during Council communications about evolving issues in these three committees throughout the year.

**OTHER ALTERNATIVES**

The Council could provide no input on cities' state legislative agenda.

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

One of the five-year Council goals: Support the legislature to address the financial needs of Oregon state and local governments.

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

---

**Attachments**

LOC 2013 Draft Agenda

---



P.O. Box 928 • Salem, Oregon 97308  
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863  
[www.orcities.org](http://www.orcities.org)

Dear Chief Administrative Official:

For the past three months, eight policy committees have worked very diligently to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2013 session. They have identified 19 legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

The LOC Board of Directors has made long term commitments to two issues critical to cities: revenue and land use reform. **As a result of their designation as top legislative priorities on an ongoing basis neither of these issues appear on the enclosed ballot.**

The League will continue to advocate for a constitutional amendment that gives local voters the opportunity to pass local option levies outside of compression for a maximum length of 10 years. Currently, statewide property tax limitations can prevent local voters from providing the services they demand via local option levies. This amendment would enable voters to determine the level of services they desire and the associated level of taxation. The League is currently building a coalition of stakeholder groups to support the measure and with consultants on a communication strategy. The League will engage in specific legislative efforts to streamline population forecasting for land use planning purposes and reform the urban growth boundary amendment process. The requirements to implement both of these land use requirements have become increasingly difficult for all cities to implement – with increased costs, time and frequency of appeals. The League is currently working with the governor's office and constituent stakeholders to craft legislation for 2013.

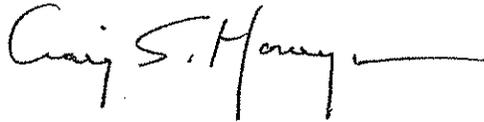
Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2013 legislative agenda. After your city council has had the opportunity to review the 19 proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on in the 2013 session. **The deadline for response is July 31, 2012.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2013 legislative agenda.

*Helping Cities Succeed*

Your city's participation and input will assist the board in creating a focused set of specific legislative targets that reflect the issues of greatest importance for cities. Thank you for your involvement, and thanks to those among you who gave many hours of time and expertise in developing these proposals.

Do not hesitate to contact me or any member of the Intergovernmental Relations Department with questions.

Sincerely,

A handwritten signature in black ink that reads "Craig S. Honeyman" followed by a horizontal line.

Craig S. Honeyman  
Legislative Director

cc: Oregon Mayors

# LOC Policy Committees' Legislative Recommendations

| Priority   | Description  |
|--|--|
| <b>Community Development</b>   |  |
| <p>A. Jobs /Economic Development Initiative:</p> <ul style="list-style-type: none"> <li>○ Recapitalize the Brownfields Redevelopment Fund Program (<i>OBDD Budget, \$10 million</i>);</li> <li>○ Support the Patient Capital for Industrial Lands Infrastructure Pilot Program (<i>OBDD Budget, \$20 million</i>);</li> <li>○ Support the Employment Site Re-Use/Redevelopment Pilot Program (<i>OBDD &amp; DLCD, \$15 million</i>)</li> </ul> | <p>Support three policy option packages in the Oregon Business Development Department's budget that will create, retain, expand and attract businesses that provide sustainable family wage jobs for Oregonians through public-private partnerships, leveraged funding and support economic opportunities for Oregon companies and entrepreneurs.</p> <p>The Brownfields Redevelopment Fund Program provides gap financing to clean-up industrial sites; the Patient Capital for Industrial Lands Infrastructure Pilot will provide funding to cities to install infrastructure and necessary feasibility studies needed for industrial sites to be "shovel" ready for development; the Employment Site Re-Use/Redevelopment Pilot will assist communities with funding incentives to reuse/redevelop existing industrial lands.</p> |
| <b>Energy</b>  |  |
| <p>B. Support the efforts of the Governor's office and Department of Energy to submit and obtain a \$2 million grant to pursue a statewide public building energy efficiency strategy.</p>   | <p>The Oregon Department of Energy will be applying for a \$2 million grant to pursue developing a state-wide public building energy efficiency strategy.</p> <p>Identifying public buildings that can benefit from energy efficiency retrofits and tracking energy consumption will allow building owners, tenants, and managers access to information that would benefit decisions on operations, leasing, financing and construction. An energy efficiency strategy will enable building owners and operators the ability to identify opportunities for energy improvement, track progress over time and demonstrate achievements in energy efficiency and carbon reduction goals.</p>  |
| <b>Finance &amp; Taxation</b>  |  |
| <p>C. Allow local governments a more flexible use of transient lodging tax revenues.</p>   | <p>Current preemptions restrict municipal control over locally generated transient lodging tax revenues. Tourism activities can place increased demands on city infrastructure and services, but current law restricts the ability of local governments to determine how best to use these local revenues and maintain and foster tourism.</p> <p>The League will support efforts that remove these preemptions and enable local governments to determine how best to invest transient lodging tax revenues.</p>   |
| <p>D. Restore equity in our property tax system by resetting assessed value to real market value when a property is sold or constructed.</p>   | <p>Major inequities have been built into the state's property tax system because of Measure 50. As a result, property tax payments are often no indication of a property's actual value or of a property owner's ability to pay taxes. This results in many property tax payers not paying their fair share for local services.</p> <p>The League will work to restore equity in our property tax system by resetting assessed value to real market value upon the sale or construction of a property. This measure will be pursued with a goal of not negatively affecting local option levies.</p>   |
| <p>E. Eliminate the 3% discount for the early payment of property taxes.</p>   | <p>Oregon offers taxpayers a discount for paying their property taxes en masse on or before November 15<sup>th</sup>. Many states instead charge a reasonable interest rate on taxes owed that are not paid by the initial state-designated deadline. Oregon's policy offers an unwarranted subsidy and a free loan to property tax payers that pay in installments – a policy that costs local governments tens of millions of dollars annually.</p> <p>The League will work to eliminate the discount for early payment and instead incentivize early payment by assessing a fair interest rate on property owners that choose to pay in installments.</p>   |

## LOC Policy Committees' Legislative Recommendations

| <b>General Government</b>  |   |
|--|---|
| F. Reform the court fines system in a manner that recognizes the value of both state and local courts.   | 2011 the Oregon Legislature, required cities to submit the first \$60 of a traffic fine to the state. This requirement, along with changes made to fine amounts, has resulted in detrimental fiscal impacts to municipal courts and threatens their continued operations. The current fines system ought to be further reformed so that payments to cities are an equal priority to payments made to the state.   |
| G. Amend the public contracting code to remove costly requirements that do not aid in the delivery of public improvements and defend against any new requirements that do not serve the public interest.   | In 2011 the Oregon Legislature required cities to use a qualifications based analysis in the award of architectural and engineering contracts that has proven to be costly and inefficient. Additionally, recent sessions have seen a myriad of bills introduced that would add costs to public improvements but not improve the quality or scope of projects or services.  |
| H. Pass legislation that will allow cities greater authority to regulate liquor serving establishments.  | Cities are currently prohibited from placing limits of the number and operation of OLCC licensed establishments in their communities and must rely on the OLCC to take corrective action. Cities have sought the ability to place emergency closures on bars where violent crimes have been committed and the authority to limit the sales of certain types of alcoholic beverages where there is need. These efforts have failed both at the OLCC and at the Legislature but public safety and livability concerns have not abated.  |
| <b>Human Resources</b>   |   |
| I. Eliminate the requirement that public employers provide subsidized health insurance for retirees.   | Public employers in Oregon are required to make available health insurance to retired employees but are not allowed to charge the employees based on their actuarial risk. As a result, retired employees receive a subsidy on their health insurance from their former employer and active employees on the plan. This requirement also creates complexities when employees bargain for an insurance plan that does not accept retirees.   |
| J. Clarify that binding arbitration decisions may be overturned when those decisions violate public policy interests as defined by a local government.   | Currently an arbitrator's decision to reinstate a terminated employee may be overturned if that decision is in violation of public policy. However the way statute has been implemented and interpreted, a violation of state public policy is required to overturn the ruling. The League believes that a city council is responsible for making those determinations in their jurisdiction.   |
| <b>Telecommunications</b>  |   |
| K. Pass legislation renewing the 9-1-1 tax containing the following elements: <ul style="list-style-type: none"> <li>○ A tax rate sufficient to ensure adequate resources for both the management of the system and the acquisition of the latest technology.</li> <li>○ No sunset provision.</li> <li>○ Requirement that the state use 9-1-1 tax revenues for 9-1-1 services, thereby ending the practice of diverting both the revenues and the interest earned on those revenues to the state's General Fund.</li> <li>○ Payment of the 9-1-1 tax by purchasers of pre-paid cell phones and Voice Over Internet Protocol (VoIP) services, if pending</li> </ul> | <p>Revenues derived from 9-1-1 taxes are an important source of local revenue. Net of collection costs recovered by the Department of Revenue (1%), administrative fees received by the Office of Emergency Management (4%) and payment to a sub-account covering the costs of the circuits and equipment (35%), cities receive over \$13 million per biennium which they must pass through to the governing authority of the 9-1-1 jurisdiction serving that city. This is the backbone of the budget that supports the planning, installation, maintenance, operation and improvements of the 9-1-1 reporting system. These funds are supposed to be used <u>only</u> for purposes of handling citizen calls to a network of primary and secondary PSAPs and local emergency responders. The statutory authorization for the collection of this tax contains a six-year sunset provision and is due to expire on December 31, 2014.</p> <p>The state currently diverts portions of 9-1-1 tax revenues and the investment interest earned on them to the general fund in support of positions and activities not related to 9-1-1 services. Oregon is one of the only states to do so as this practice is frowned upon by the federal government – indeed it makes the state ineligible to receive federal emergency services grants (Oregon has been on the federal government's list of offending states for three years).</p> <p>Finally, pre-paid cell phone and VoIP users do not currently pay the 9-1-1 tax. All other users of telecommunications services, including standard cell phone users, do pay the tax.</p> |

## LOC Policy Committees' Legislative Recommendations

|   |  |
|---|--|
| <p>rulemaking and litigation that may follow overturns the opinion of Legislative Counsel (LC) stating that such authority already exists and legislation is unnecessary (HB 2075 from 2011).</p>   | <p>Legislation correcting this inequity has been introduced in prior sessions but failed to gain traction. Currently LC is stating that such legislation is unnecessary because authority to levy this tax already exists. A rule soon to be promulgated by Oregon's Office of Emergency Management verifying this is expected before year-end. However, litigation is likely to follow if that rulemaking upholds LC's opinion. If either the rulemaking or the litigation does not go in favor of cities, HB 2075 from 2011 should be reintroduced as part of the reauthorization of the 9-1-1 tax itself, or as a separate bill.</p> <p>It is anticipated that the League will be one of several stakeholder groups involved in gaining passage of this legislation. Others include: Associated Public Safety Communications Officers, the Oregon Association of Chiefs of Police, Oregon State Police Officers Association, Oregon State Sheriffs Association and others.</p>  |
| <p>L. Defeat legislation mandating the consolidation of Public Safety Answering Points (PSAPs).</p>   | <p>In an effort to save state revenues, the Joint Ways and Means Committee of the Legislature has called for the consolidation of 47 PSAPs currently in operation. This would free up 9-1-1 revenues for possible diversion for purposes other than what they are supposed to support. While consolidation may not be a bad management decision, cities will continue to resist <u>mandated</u> consolidation and decision-making other than at the local level. Issues relating to call routing and dispatch affect cities and should be managed by cities. Moreover, efforts to achieve efficiencies are already underway at the local level.</p>  |
| <p><b>Transportation</b></p>  |  |
| <p>M. Defeat legislation that would extend or make permanent the moratorium on raising existing or levying new local gas taxes and/or any legislation that proposes to restrict or preempt cities' ability to charge any transportation-related fee or tax.</p>                 | <p>HB 2001, passed by the 2009 Legislature increasing the state gas tax for the first time since 1993, also established a four-year moratorium on the enactment of new or increased gas taxes by cities (cities already levying a gas tax were grandfathered). The moratorium expires January 2, 2014. Following expiration of the moratorium the bill also requires cities to refer any local gas tax-related measure to the voters. It is reasonable to assume, indeed likely, that advocates opposing a city's right to levy a local gas tax will be active in the 2013 session to extend or make permanent the restriction on cities' ability to generate revenue in this manner.</p> <p>In a study first published in 2007 and updated in 2011, the League estimates that, in the aggregate, city street budgets fall approximately \$190 million short of their annual need. To address the shortfall created by inadequate revenues coming from state and local gas taxes cities also may implement local transportation utility fees (TUFs) – fees assessed on utility bills of water/sewer customers and dedicated to city transportation infrastructure projects. Transportation-based systems development charges (SDCs) can also be established to fund the construction of new roads and to accommodate growth on existing road infrastructure. Finally, local improvement districts (LIDs) and urban renewal districts generate revenues through tax increment financing that can contribute to the transportation component of a local revitalization plan. These tools must be maintained.</p> |
| <p>N. Continue to support the development of greenhouse gas emission toolkits and scenario planning models and standards for Metropolitan Planning Organization (MPO) cities as long as they are funded with new revenue and do not expose cities to additional litigation.</p> | <p>The 2009 Jobs and Transportation Act (HB 2001) contains language requiring the Portland MPO (Metro) to undertake land use modeling and planning processes to mitigate climate change caused by the transportation sector. In the same bill, the Lane County MPO is required to undertake modeling only. Then, in 2010, the Legislature enacted SB 1059 instructing the Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT) to develop guidelines to assist five of the state's six MPOs (Portland is omitted by virtue of inclusion in HB 2001). These guidelines specifically include: a toolkit to help local government planners achieve emissions reductions; consideration of steps that can be taken generally and through regional transportation planning to reduce emissions; rulemaking by DLCD and ODOT to identify reduction targets for each MPO; and reporting by the agencies to the Legislature on financing issues and scenario planning development progressing towards a statewide program.</p> <p>So far, it is understood by DLCD and ODOT that there must not be any negative fiscal</p>  |

## LOC Policy Committees' Legislative Recommendations

|   |  |
|---|--|
|   | <p>impact on cities as a result of these program requirements. It is the intent of the League, as the program matures and is applied more broadly, that no unfunded mandates occur. It is also important to the League, given the largely voluntary nature of the program to date, that cities be protected from any litigation that might arise should they decide not to adopt one or more of the elements contained in the program.</p>   |
| <p>O. While supporting the creation of a dedicated, non-roadway transportation fund, oppose any attempt to fund it from existing revenue streams – especially transfers from local governments to the state.</p>  | <p>In late 2011 and early 2012 a Non-Roadway Funding Work Group was appointed to look at ways to establish a dedicated fund in support of rail, port, aviation and bike/ped facilities and programs in Oregon. Dozens of ideas were identified and scored. While the final recommendations remain forthcoming, several concepts involved funding transfers between government entities and previously established programs. One of these, for example, contemplates the sequestration of property tax revenues derived from rail properties for channeling into the non-roadway fund, with local governments being “made whole” by a yet-to-be identified (or enacted) telecommunications tax. While the League generally supports adequate funding for the entire transportation system, it will not do so at the expense of its own resources, particularly strategies involving funding transfers without nexus and subject to political outcomes over which it has little or no control.</p>   |
| <p>P. Support legislation to supplement and perhaps eventually replace the gas tax as the principle road user fee funding the state’s road and highway system, ensuring:</p> <ul style="list-style-type: none"> <li>○ All users of the roadway system, regardless of the type of vehicle they operate, pay their fair share.</li> <li>○ City authority to exercise local control over the types and amounts of fees/taxes they levy.</li> <li>○ Distribution of all revenues derived from a new road user fee system continues to use the 50-30-20 (state, county, city) formula that is currently in place.</li> </ul> | <p>Technology (more fuel-efficient vehicles, hybrids and electric cars) and price elasticity (high price of gas due to general economic conditions and international developments) have resulted in a decline in revenues derived from the state gas tax. In fact, it is likely that any road user fee based upon the sale of motor fuels will one day be obsolete. To source a replacement user fee, the Road User Fee Task Force (RUFTF) was appointed. In 2011 they introduced a bill to collect a fee from electric vehicles based on vehicle miles traveled (VMT) but it did not pass. Since then the RUFTF has been meeting to consider several options including: a pilot project to experiment with VMT technology options and the introduction of new “in lieu of” gas tax legislative alternatives.</p>  |
| <p><b>Water/Wastewater</b></p>  |  |
| <p>Q. Recapitalization of state municipal infrastructure funds to assist communities with investments required for compliance with environmental mandates, to meet capacity, or to implement economic development strategies. The Special Public Works Fund, Water Wastewater Fund, and the Clean Water State Revolving Fund should receive a level of funding of \$50 million. The Feasibility Grants Funds should receive \$2 million. Endorse the continued development of innovative finance tools that will allow communities to access loans for the lowest costs.</p>  | <p>State funds have failed to keep pace with growing local infrastructure demand that totals billions of dollars. In December of 2009, the League released a survey in which 124 cities identified 593 infrastructure projects (sewer systems, solid waste disposal facilities, stormwater systems, water systems) needing in excess of \$1.8 million to complete.</p> <p>The state’s Special Public Works Fund and the Water/Waste-water Fund are used to finance water and sewer systems, public buildings, road construction, downtown revitalization and clean up, energy and communications, and port facilities.</p> <p>The Water Conservation, Reuse and Storage Grant Program (WCRS) is designed to fund the qualifying costs of planning studies that evaluate the feasibility of developing water conservation, reuse or storage projects.</p> <p>The Clean Water State Revolving Fund loan program provides low-cost loans for the planning, design or construction of projects that prevent or mitigate water pollution.</p> |

## LOC Policy Committees' Legislative Recommendations

|   |  |
|---|--|
| <p>R. Partner with the Oregon Water Resources Department (WRD) to develop legislation that would allow the state to act, under appropriate circumstances, as a contracting agent with federal entities to facilitate water procurement from federal systems and resell it through contracts with Oregon water purchasers.</p> | <p>There are federal systems today with water available for purchase. Under certain circumstances, Oregon Water Resources Department would work directly with the US Corp of Engineers (USCOE) and the Bureau of Reclamation (BOR) to expedite Oregon water purchases. The USCOE has indicated they would prefer one point of contact for water purchases; they support WRD in this effort, and do not want to deal directly with multiple water purchasers.</p> <p>There is a diverse group of stakeholders working on a re-allocation strategy for water held in the Willamette River Basin Project; legislation of this nature could be instrumental in assisting in the re-allocation process.</p>   |
| <p>S. Advocate for a statewide, toxics (pesticides) collection and disposal strategy that would be based on free (to customers) events held throughout the state in partnership other local governments and state agencies involved in advocating for the collection and disposal of toxics.</p>                              | <p>Toxics, stored improperly over long periods of time, can be released accidentally into the environment causing significant pollution issues. Many times urban and rural landowners do not have access to the resources necessary to adequately and safely dispose of toxics- and waste pesticides in particular.</p> <p>There is an Oregon Agricultural Pesticide Collection Strategy under development. The initial short-term plan for pesticide collection has the following components:</p> <ul style="list-style-type: none"> <li>○ Open events to all public, commercial and institutional operations, but maintain outreach focus on agricultural sector.</li> <li>○ Secure enough resources to offer a sustainable number of events for no charge.</li> <li>○ Support 5 or 6 toxics collection and disposal events annually for the next 3 years.</li> <li>○ Identify, evaluate and pursue potential funding sources – both public and private. Allow for donations to be accepted at all events.</li> <li>○ Identify and prioritize regions of the state that have the greatest need for toxics collection and disposal.</li> <li>○ Evaluate potential partnerships with permanent, county-run household hazardous collection facilities in regions identified as having the most need.</li> </ul> |

## INSTRUCTIONS

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2013.
2. Simply place an X in the space to the left of the city's top four legislative proposals.
3. The top four do not need to be prioritized.
4. Return by **July 31<sup>st</sup>** via mail, fax or e-mail to:

Angela Carey  
League of Oregon Cities  
P.O. Box 928  
Salem, Oregon 97308  
Fax – (503) 399-4863

[acarey@orcities.org](mailto:acarey@orcities.org)

Thank you for your participation.

City of: \_\_\_\_\_

Please mark 4 boxes with an X that reflects the top 4 issues that your city recommends be added to the priorities for the League's 2013 legislative agenda.

**Community Development**

- A. The Jobs/Economic Development Initiative that supports funding for industrial site development.

**Energy**

- B. Energy Efficiency Strategy for Public Buildings.

**Finance & Taxation**

- C. Allow local governments a more flexible use of transient lodging tax revenues.
- D. Restore equity in our property tax system by resetting assessed value to real market value when a property is sold or constructed.
- E. Eliminate the 3% discount for the early payment of property taxes.

**General Government**

- F. Reform the court fines system in a manner that recognizes the value of both state and local courts.
- G. Amend the public contracting code to remove costly requirements that do not aid in the delivery of public improvements and defend against any new requirements that do not serve the public interest.
- H. Pass legislation that will allow cities greater authority to regulate liquor serving establishments.

**Human Resources**

- I. Eliminate the requirement that public employers provide subsidized health insurance for retirees.
- J. Clarify that binding arbitration decisions may be overturned when those decisions violate public policy interests as defined by a local government.

**Telecommunications**

- K. Pass legislation renewing the 9-1-1 tax.
- L. Defeat legislation mandating the consolidation of Public Safety Answering Points (PSAPs).

**Transportation**

- M. Defeat legislation that would extend or make permanent the moratorium on raising existing or levying new local gas taxes and/or any legislation that proposes to restrict or preempt cities' ability to charge any transportation-related fee or tax.
- N. Continue to support the development of greenhouse gas emission toolkits and scenario planning models and standards for Metropolitan Planning Organization (MPO) cities as long as they are funded with new revenue and do not expose cities to additional litigation.
- O. While supporting the creation of a dedicated, non-roadway transportation fund, oppose any attempt to fund it from existing revenue streams – especially transfers from local governments to the state.
- P. Support legislation to supplement and perhaps eventually replace the gas tax as the principle road user fee funding the state's road and highway system.

**Water/Wastewater**

- Q. Recapitalize the Special Public Works Fund, Water Wastewater Fund, Water Conservation, Reuse and Storage Grant Program, and the Clean Water State Revolving Fund.
- R. Support state authority for Oregon Water Resources Department to act as contracting agency with federal entities to facilitate water procurement.
- S. Advocate for toxic pollution prevention through proper collection and disposal strategies.

AIS-963

**7.**

Item 10

Renumbered on

7/9/2012

**Business Meeting**

**Meeting Date:** 07/10/2012

**Length (in minutes):** 40 Minutes

**Agenda Title:** Preparatory Discussion for Annexation Policy Background Report

**Submitted By:** Susan Hartnett, Community  
Development

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

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

---

**Information**

**ISSUE**

This discussion is In preparation for the background report on annexation scheduled for the July 17 workshop meeting, Staff will provide an update to council on some related efforts in advance of that meeting.

**STAFF RECOMMENDATION / ACTION REQUEST**

Receive and discuss information, provide direction to staff as needed.

**KEY FACTS AND INFORMATION SUMMARY**

Council's 2012 goals includes re-evaluation of the city's annexation policy and development of a philosophy and approach for the consideration of annexations. Council reaffirmed the current policy through Resolution 12-09 at the February 28, 2012 meeting and directed staff to prepare a background report to help inform the next steps in the discussion process. The background report will be presented at the July 17, 2012 workshop meeting and the full discussion is expected to begin at the August 21, 2012 workshop meeting. Prior to beginning that series of steps, staff would like to update the council on some related work efforts.

**OTHER ALTERNATIVES**

NA

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

2012 Tigard Council Goal:

4. Annexation

a. Re-evaluate the city's annexation policy

b. Develop a philosophy and approach to consider annexations, including islands

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

February 28, 2012

---