



City of Tigard
Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME: July 26, 2016 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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

PUBLIC NOTICE:

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

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

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-718-2419, (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: 503-718-2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

VIEW LIVE VIDEO STREAMING ONLINE:

<http://live.tigard-or.gov>

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 26, 2016 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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

6:30 PM

- STUDY SESSION

- A. COUNCIL LIAISON REPORTS

- B. RECEIVE BRIEFING ON CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS **6:45 p.m. estimated time**

- 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. 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. Citizen Communication – Sign Up Sheet

3. CONSENT AGENDA: 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. CONSIDER RESOLUTION EXTENDING WORKERS' COMPENSATION COVERAGE TO CITY VOLUNTEERS
 - B. APPROVE CITY COUNCIL MINUTES:
 - May 10, 2016
 - May 17, 2016
- *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. DISCUSS NATIONAL WATER TRAIL DESIGNATION FOR THE TUALATIN RIVER
7:40 p.m. estimated time
5. CONSIDER RESOLUTION AUTHORIZING METRO EQUITABLE HOUSING PLANNING AND DEVELOPMENT GRANT APPLICATION **7:55 p.m. estimated time**
6. PUBLIC HEARING - CONSIDERATION OF ORDINANCE AND RESOLUTION TO PLACE A GAS TAX ON THE NOVEMBER 8, 2016 BALLOT **8:00 p.m. estimated time**
7. PUBLIC HEARING - CONSIDERATION OF ORDINANCE AND RESOLUTION TO PLACE A MARIJUANA TAX ON THE NOVEMBER 2016 BALLOT **8:30 p.m. estimated time**
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. ADJOURNMENT **8:50 p.m. estimated time**

AIS-2587

B.

Business Meeting

Meeting Date: 07/26/2016

Length (in minutes): 15 Minutes

Agenda Title: Receive Briefing on Capital Improvement Plan (CIP) Projects

Prepared For: Lori Faha

Submitted By: Judy Lawhead,
Public Works

Item Type: Update, Discussion, Direct Staff
Meeting Type: Council Business Mtg - Study Sess.

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

The council will be briefed on Capital Improvement Plan (CIP) projects status for the 4th quarter of FY16.

STAFF RECOMMENDATION / ACTION REQUEST

No action is requested; the purpose of the meeting is to brief council.

KEY FACTS AND INFORMATION SUMMARY

In order to keep the council informed on the status of current CIP projects, staff will provide regular project briefings.

The attached file will be shown as a Powerpoint presentation at the meeting, providing a status summary for CIP projects currently underway that are managed by Engineering.

Copies of project status reports will be provided to the council in the Thursday, July 21 City Council Newsletter packet.

OTHER ALTERNATIVES

Not applicable.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Not Applicable

DATES OF PREVIOUS CONSIDERATION

Staff provides the council with regular briefings on the status of CIP projects. The last briefing was on April 26, 2016.

Attachments

CIP 4th Quarter Update

C I T Y O F T I G A R D

Respect and Care | Do the Right Thing | Get it Done



Capital Improvement Project Update

FY 2015-16

Fourth Quarter – End of Fiscal Year

Tigard City Council Meeting

July 26, 2016

Parks Projects

	<u>Budget</u>	<u>Schedule</u>
▶ Dirksen Nature Park		
▶ The Education Center <i>(Complete with reduced scope)</i>	●	●
▶ Oak Savanna Restoration	●	●
▶ State Parks Grant Application <i>(WE GOT IT!!)</i>		
▶ Tigard Street Trail <i>(High Ranking for Connect OR Grant)</i>	●	●
▶ Fanno Creek Trail – RFFA Grant <i>(still waiting on ODOT IGA)</i>	●	●
▶ Fanno Creek Remeander <i>(still waiting on CWS IGA)</i>	●	●
▶ Fanno Creek Trail/Tiedeman <i>(consultant selection underway)</i>	●	●
▶ <i>New:</i> Bull Mountain Park Trail <i>(added 20k Q2)</i>	●	●

● On Target

● Minor Issues

● Major Issues

● Change in Budget or Schedule

Streets Projects

	<u>Budget</u>	<u>Schedule</u>
▶ Pavement Management Program ▶ <i>(ramps & paving underway)</i>	●	●
▶ Walnut Street Improvements <i>(add water line replacement)</i>	● ^C	●
▶ Pacific Hwy / Gaarde / McDonald Intersection ▶ <i>(complete and under budget)</i>	●	●
▶ Upper Boones Ferry / Durham Adaptive Signals	●	●
▶ 95 th / North Dakota Sidewalk (CDBG) <i>(complete)</i>	●	●
▶ Hunziker Core/Wall St <i>(preliminary design complete)</i>	●	●

Water Projects*

	<u>Budget</u>	<u>Schedule</u>
▶ Aquifer Storage and Recovery Well #2 Rehab ▶ <i>(re-combine w/ ASR3, on hold)</i>		
▶ 550 Zone Connection to Price Reservoir ▶ <i>(on hold, Cach Reservoir moved up due to pace of River Terrace)</i>		
▶ Red Rock Creek Waterline Relocation ▶ <i>(design underway, moved up to match sewer & Wall St projects)</i>		
▶ Cach Reservoir & Pump Station <i>(scoping underway)</i>		

**not including Lake Oswego/Tigard project*

Sanitary Sewer Projects

	<u>Budget</u>	<u>Schedule</u>
▶ Barrows / Scholls Ferry Sewer Line Extension (Phase 3) <i>(Complete – on budget)</i>		
▶ East Tigard Sewer Replacement ▶ <i>(IGA in place, Design & Permitting Underway)</i>		
▶ Walnut Sanitary Sewer <i>(under construction)</i>		

Storm Projects

	<u>Budget</u>	<u>Schedule</u>
▶ Greenfield Drive WQF Reconstruction <i>(ready to bid)</i>	●	●
▶ Canterbury Lane Storm Line Upgrade <i>(in design)</i>	●	●
▶ Ridgefield Lane WQF Reconstruction <i>(ready to bid)</i>	●	●
▶ Outfall Retrofit Program <i>(cancelled to await Storm MP results)</i>	●	●
▶ Stormwater Master Plan <i>(data collection underway)</i>	●	●
▶ River Terrace Stormwater Implementation ▶ <i>(amended Plan will come to Council with Storm MP)</i>	● C	●

Facilities Projects

	<u>Budget</u>	<u>Schedule</u>
▶ Permit Center / City Hall / Police Building Exterior Wall Repairs <i>(Complete & Under Budget)</i>		
▶ Civic Center Vision (aka Citywide Facilities Plan) ▶ <i>(re-scoped to City Hall site, will need Q1, consultant contract awarded)</i>		
▶ Police Locker Room <i>(complete - concept plan only)</i>		

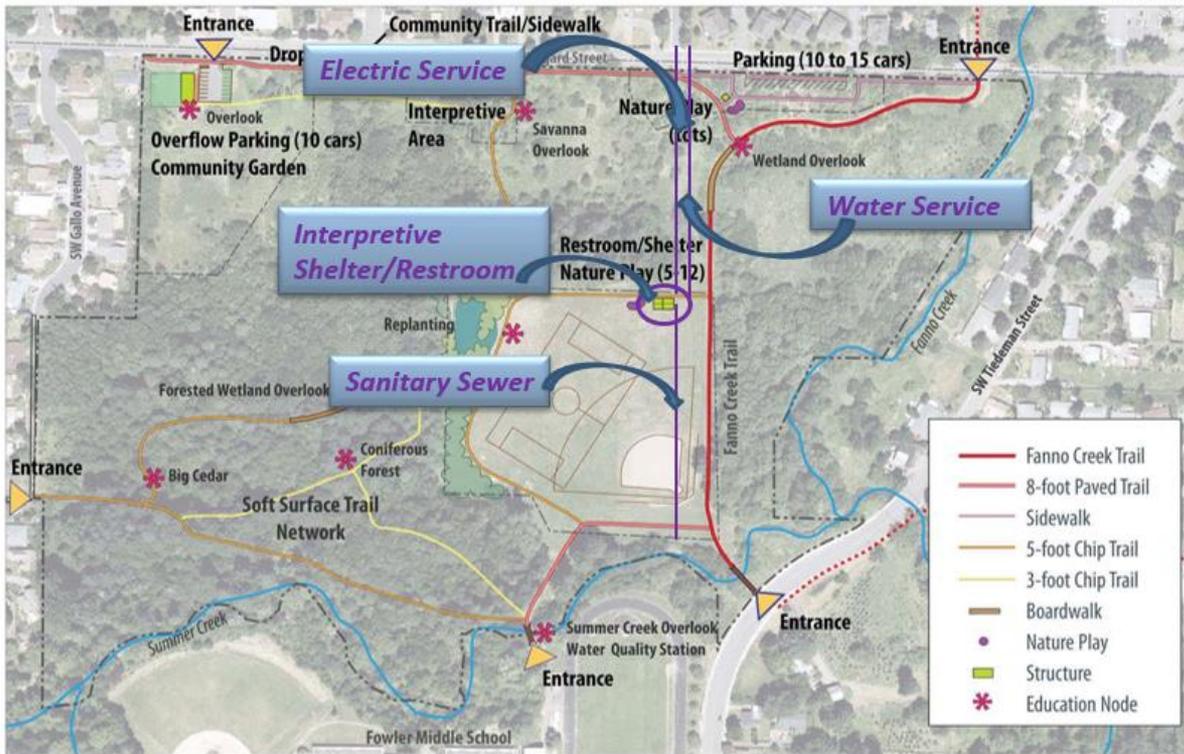
Other Projects

	<u>Budget</u>	<u>Schedule</u>
▶ Main Street Gateway Monuments <i>(Complete)</i>	●	●
▶ Public Works Yard Demolition <i>(Complete)</i>	●	●

Dirksen Nature Park: The Grant Project Components

Master Plan

June 2012

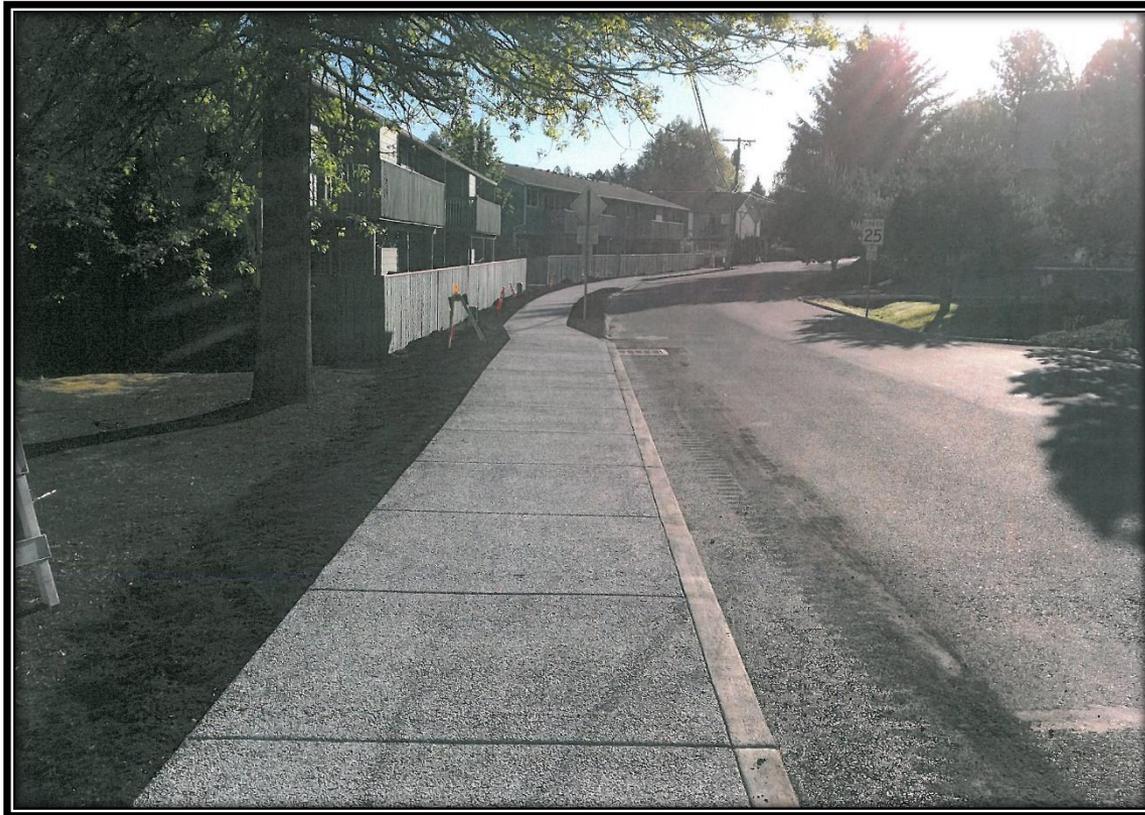


Dirksen Nature Park: Shelter/Restroom Concept



C I T Y O F T I G A R D

95th & North Dakota Sidewalks – porous concrete



AIS-2774

3. A.

Business Meeting

Meeting Date: 07/26/2016

Length (in minutes): Consent Item

Agenda Title: Consider Resolution Extending Workers' Compensation Coverage to City Volunteers

Submitted By: Kelly Burgoyne, Central Services

Item Type: Motion Requested Resolution **Meeting Type:** Consent Agenda

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

The city values the services of our volunteers and has historically provided workers' compensation coverage to protect volunteers who may be injured while volunteering. To provide that coverage, council must resolve to extend the existing workers' compensation resolution.

STAFF RECOMMENDATION / ACTION REQUEST

Approve resolution to provide workers' compensation coverage to city volunteers, basing assumed wages on the schedule attached.

KEY FACTS AND INFORMATION SUMMARY

This resolution extends a previously expired resolution last signed in 2014. Changes to the wages include an increase in the minimum wage based on state law, and correction of the assumed wage for police reserve officers based on the current average police salary. No other changes are recommended at this time.

Under the terms of our contract with CIS Insurance, we track volunteer work time, and report that to CIS. Tracking occurs within the departments utilizing volunteers, and reporting occurs through Risk Management.

The city has very few volunteers injured while working for us, and those are primarily medical treatment claims. By this resolution, the city agrees to provide medical and lost wage benefits, where needed, based on the scheduled wages for each position.

As previously discussed in 2014, volunteers must be under our direction and control to be provided workers' compensation coverage. Our Neighborhood Network Web Administrators are not provided workers compensation coverage because the nature of their work does not qualify. However, these volunteers are provided volunteer accident coverage, providing medical coverage only should they be injured while doing this volunteer work.

OTHER ALTERNATIVES

The other alternative to workers' compensation coverage is to provide volunteer medical coverage, which was explored in 2014/15 and determined to not fit the city's needs. Medical coverage would not provide lost wages in the event of an injury causing our volunteer to miss work.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

DATES OF PREVIOUS CONSIDERATION

The last resolution regarding this issue was Resolution No. 14-36 passed on on July 8, 2014.

Fiscal Impact

Cost: 13,573
Budgeted (yes or no): Yes
Where Budgeted (department/program): All Departments

Additional Fiscal Notes:

The cost of our volunteer workers' compensation coverage has decreased slightly, due in part to a variation in volunteer hours reported, and an overall decrease in workers' compensation premium related to decreased program costs over the past three years.

Attachments

Resolution

Exhibit A

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 16-__**

**A RESOLUTION EXPENDING CITY OF TIGARD'S WORKERS' COMPENSATION
COVERAGE TO VOLUNTEERS OF THE CITY**

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

WHEREAS, the City of Tigard strives to offer volunteers a safe and pleasant place to volunteer; and

WHEREAS, Oregon law allows cities to elect coverage for various classes of volunteers; and

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

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

SECTION 1: Pursuant to ORS 656.031, Workers' Compensation coverage will be provided to classifications listed on the attached Volunteer Program Worksheet (Exhibit A). Assumed wages for police reserve officers, boards and commissions, and the Mayor and Council are provided on attached Exhibit A. An assumed hourly wage of \$9.75 will be used for all other volunteers.

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

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

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

SECTION 5: The coverage affected by this resolution is for the 2016/2017 coverage year (July 1, 2016 to June 30, 2017) with the City's membership in the CIS Workers' Compensation Self-Insurance Services Group.

SECTION 6: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____, 2016.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

EXHIBIT A
City of Tigard Volunteers
Workers' Comp Program

Position Title	WC Code	Volunteers Anticipated	Volunteer Time Anticipated (in hours)	Assumed Wage (per hour unless otherwise marked)	Notes	Estimated Payroll	
Photographer	4361V	2	25	\$9.75	Photographer indoors and outdoors - can use ladder	\$244	
Painting Services (Interior)	5474V	1	40	\$9.75	Bldg. interiors with latex paint & ladders	\$390	
Traffic & Accident Data Coordinator	5506V	1	150	\$9.75	Office work and work within the ROW. Minimal traffic control & will require flagging training from certified COT staff member.	\$1,463	
Library Volunteers (Traveling)	7380V	8	300	\$9.75	Driving personal vehicles to homes of "shut ins" deliver materials - Friendly Visitor Program	\$2,925	
Community Service Supervisors	7720V	4	200	\$9.75	Supervision of community service, PEER Court & Municipal Court work crews/individuals	\$1,950	
Juvenile Court Offenders	7720V	0	0	\$9.75	Juveniles from Municipal Court providing community service	\$0	
CERT Volunteers Training/Activation	8411V	50	3,200	\$800/ month/ member	Training & activation. Estimated hours represent training only.	\$480,000	
Police Cadet Volunteers	8411V	11	1,700	\$800/ month/ member	Police Explorers are now called Cadets	\$105,600	
Reserve Police Officers	8411V	1	1,920	\$4,980/ month/ member	Note: Assumed wage is mid-range police officer salary	\$57,972	
Police Chaplain	8742V	1	328	\$9.75	Chaplain	\$3,198	
Boards & Committees	8742V	See membership listing below	N/A	\$2,500/ board /yr.	8 boards & commissions (see list @ bottom of page 2). Meetings & limited travel to view field sites.	\$20,000	
Grant Writer Assistants (Indoors Only)	8810V	1	40	\$9.75	Working in office setting or in the home.	\$390	
Library Volunteers (No travel)	8810V	450	27,000	\$9.75	All tasks in-house; check-in materials, shelving, data entry, processing new materials, translation, etc.	\$263,250	
Office Assistance	8810V	5	250	\$9.75	Clerical type work assignments in administrative offices.	\$2,438	
Translators	8810V	2	80	\$9.75	Working in office setting or in the home translating information from one language to another.	\$780	
PEER Court Service	8820V	25	450	\$9.75	Teenagers serving as attorneys, jurors, clerks in court room. Adults serving as judges and facilitation of process.	\$4,388	
Building Maintenance	9015V	2	25	\$9.75	Room set up & tear down, general cleaning.	\$244	
DARE Camp Supervisors	9015V	0	0	\$9.75	Mentoring kids at camp (does not including driving).	\$0	
Park Landscape Maintenance	9102V	50	1,500	\$9.75	Planting trees, blackberry removal, greenway cleanup, path cleanup, trail maintenance. This code allows use of gas powered leaf blowers and reciprocating weed eaters.	\$14,625	
Citywide Celebrations	9402V	500	1,750	\$9.75	Earth Day, Make A Difference Day, etc. Includes planting trees, library shelf cleaning, community cleanup, street cleanup patrols.	\$17,063	
Storm/Water Maintenance	9402V	250	600	\$9.75	Stenciling catch basins, Adopt-A-Creek program with weeding & limited trash removal & cleaning/painting water hydrants. This code allows use of gas powered leaf blowers and reciprocating weed eaters. Also, trail counting and review.	\$5,850	
Street Cleanup Program	9402V	100	600	\$9.75	Roadside cleanup. This code allows use of gas powered leaf blowers and reciprocating weed eaters.	\$5,850	
Door to Door Distribution	9410V	3	30	\$9.75	Delivery of brochures/door hangers.	\$293	
Changes in Red						TOTAL Estimated Payroll for FY 2016/17	\$988,910

NOTE: 8 boards, commission and task forces (WC Code 8742V) are as follows: Budget Committee (5 non-Council members), City Center Advisory Commission (10), Intergovernmental Water Board (Tigard only gets two appointees, three if the at-large/floating member is from Tigard), Library Board (9), Neighborhood Involvement Committee (10), Park & Recreation Advisory Board (9), Planning Commission (11), Tigard Transportation Advisory Committee (13)

Minimum wage increased to \$9.75 as of 7/1/2016.

Mayor and Council are not reported as volunteers because they are paid monthly stipends which are reported with payroll figures under WC Code # 8742.

AIS-2775

3. B.

Business Meeting

Meeting Date: 07/26/2016

Length (in minutes): Consent Item

Agenda Title: Approve City Council Meeting Minutes

Submitted By: Carol Krager, Central Services

Item Type: Motion Requested

Meeting Type: Consent
Agenda

Public Hearing:

Publication Date:

Information

ISSUE

Approve City Council meeting minutes.

STAFF RECOMMENDATION / ACTION REQUEST

Approve minutes as submitted.

KEY FACTS AND INFORMATION SUMMARY

Attached council minutes are submitted for City Council approval:

- May 10, 2016
- May 17, 2016

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

[April 19, 2016 Minutes](#)

[April 26 2016 Minutes](#)



City of Tigard
 Tigard Workshop Meeting Minutes
 April 19, 2016

WORKSHOP MEETING



1.

A. At 6:30 p.m. Mayor Cook called the City Council workshop meeting to order.

B. City Recorder Krager called the roll.

	Present	Absent
Council President Snider	✓	
Councilor Woodard	✓	
Mayor Cook	✓	
Councilor Henderson	✓	
Councilor Goodhouse	✓	

C. Mayor Cook asked those attending to stand with him for the Pledge of Allegiance.

D. Mayor Cook called for any non agenda items from council and staff. There were none.

2. JOINT MEETING WITH LIBRARY BOARD

Library Director Barnes introduced this item and was joined by Library Board Vice Chair Katie Harris, and members Linda Monahan, Becky Gauthier and Cole Webber. Vice Chair Harris said the library is a core service and should be a budget priority for the city. The library serves the educational, recreational and cultural needs of the entire community. This department serves children, youth, seniors, the business community and the marginalized more than any other city service and as such, should be a priority. Board Member Gauthier said the library is a hub for connecting with the city's vision. Board Member Cole noted that the library has seen reduced funding since 2010 and the board believes that the budget should not only be restored, but sustained. With passage of the WCCLS levy and funding from the city the library was able to reopen on Thursdays but with limited programs. She said the Library Board encourages supporting the library's budget so it can once again be a full service library like all the other city libraries in Washington County.

Board Member Monahan urged the council to restore funding for full service library programming. She said the Library Board understands Tigard's fiscal situation and that there is not enough general fund money to support all city services and the council goals. Ms. Monahan said if the city elects to go for a local option tax levy, support from library patrons is needed. She suggested that instead of reducing services to demonstrate need the city should galvanize support for the great service the library offers.

TIGARD CITY COUNCIL MINUTES – APRIL 19, 2016

In response to a question from Councilor Woodard about what additional resources were needed for Thursdays, Library Director Barnes replied that two options for library funding were presented to the Budget Committee last budget season and the option chosen provided limited Thursday hours without full restoration of all operational needs. Expanding this would include the possibility of actual programs on Thursdays and staffing beyond the level of a skeletal crew. Council President Snider asked what is not getting done and Vice Chair Harris said there is just basic circulation, checking materials in and out, but no reference service, technical service, collection development, literacy programming, or youth and senior programming. Library Director Barnes confirmed for Council President Snider that there is limited reference desk service on Thursdays but there are many gaps in scheduling. He said that translates into longer waiting time for patrons, not having technical resources to answer questions and slower return of material to shelves.

Councilor Woodard said one measurement is circulation and asked for the numbers for Thursdays and the rest of the week. Library Director Barnes said it is too soon after reopening on Thursdays to have that data. Councilor Woodard said he would like to see those numbers and asked if some processes could be done through the cloud. City Manager Wine said the Budget Committee will be hearing about choices and Library Director Barnes has prepared a white paper.

Mayor Cook asked about their support for a local option levy and Ms. Monahan said they understand that the city does not have money in the general fund to do everything and cannot raise the property tax. She reiterated that library patrons vote and if the city provides visible, good service they will be more supportive than if services are reduced. Mayor Cook noted that a local option levy would be packaged with library, public safety or parks and if it is too specific, you lose groups that support one but not the other. If too many services are included the amount is too high. However, he agreed that the library should be part of a future local options levy. Citizens want that but they also want police and parks. He said, "I think they pass when citizens come out and say 'we want this. Join me to get that.'"

3. RECEIVE UPDATE ON SAFE ROUTES TO SCHOOL

Safe Routes to School Program Coordinator Hormann gave the staff report and presented a PowerPoint. She was joined by Lenora Garcia, a Tigard parent with children in elementary and middle school who shared her experience with the SRTS program.

Ms. Hormann said bike safety education got assistance from a Jump Start grant with the Tigard Tualatin School District and the Bicycle Transportation Alliance. Teachers were trained in bicycle safety in March. Bicycles were obtained and given to Twality Middle School and will be going next to Metzger Elementary and then Fowler Middle School. Efforts were made to get parents excited about the national bike and walk to school event in May and some schools have since begun recurring events. Templeton Elementary has designated the first Wednesday of each month as a walk or bike to school day. Parents made signs encouraging children and their parents to make this a regular practice. Mary Woodward Elementary Principal Nihill started a weekly Walking Wednesday and is in the process of setting up a meeting spot because of the irregularities in their school's border.

TIGARD CITY COUNCIL MINUTES – APRIL 19, 2016

The schools are working on their Action Plans, which include lists of concerns, infrastructure recommendations and programmatic strategies. Templeton Elementary has adopted theirs and there will be two or three more completed by the end of the school year.

Ms. Hormann said two signalized crossings on Durham Road have been adjusted. Pedestrians now have a five-second head start before the vehicle signal turns green. She said these are low cost implementations and studies show they reduce pedestrian/vehicle accidents by 60 percent. A no parking zone was created near Mary Woodward at Katherine Street. Mary Woodward Elementary Principal Nihill reported that busses could not get through because of all the parents picking up and dropping off children. City and school district staff, including police traffic officers, observed the bottleneck and concluded that there was no reason not to block the area from parking as it did not front any homes and was not really wide enough to accommodate busses and parked cars. Now the crosswalk there is much more visible and the busses are getting through. A LQC project near Metzger Elementary called the Lincoln Street Trail, connects Lincoln Street with Oak Street. When the weather dries out Streets Division staff will clear the trail of brush and create a trail on the higher side out of the boggy area. This improved trail will hopefully draw parents and children away from using the nearby Lincoln Center driveway, a very active driveway not safe for children to be walking around.

Ms. Hormann showed a graph of concerns identified by parents of elementary school age children. While the time savings and convenience of driving their kids to school is important to them, what always rises to the top are infrastructure concerns such as sidewalks and safe crossings.

Parent Lenore Garcia shared her experience trying to walk with her children to school. She said many parents share her concerns. Their top two concerns are safe crossings and intersections and the amount of traffic along the walking route. She told council that most week days between 7-9 a.m. and 2-4 p.m. traffic is in total chaos. She said 32 percent of children attending Templeton Elementary are driven by parents and these cars are rushing along roads without bike lanes and sidewalks where children are trying to bike and walk to and from school. Car traffic at Murdock Street is often backed up from 97th Avenue to 98th Avenues. She described how her youngest son fell into one of the ditches on Murdock Street between 98th and 100th Avenues while dodging a car that approached very close to them as they walked. Ms. Garcia noted that 144 families walked to school safely on Walk or Bike to School Day. This was due to the collective efforts of crossing guards, volunteers and designated walking areas. She asked council to imagine the impact that even half of those 144 families walking to school would have. She said children would be safer and healthier and there would be improved traffic flow. She said while improvements have happened in the downtown and other parts of the city, Templeton Elementary students are facing hazards walking to school every day. Children are excited about walking or biking to school but these unsafe conditions make parents hesitant.

Councilor Goodhouse said he lives near Templeton and Twality and commented that many parents drive their kids to school in the morning but are more likely to walk in the afternoon. More sidewalks are needed and this is why he supports a sidewalk gap program. Councilor Woodard said Ms. Hormann and the community have done a great job. He said much work needs to be done to create safer routes and the city is chipping away at it. He thanked Ms. Garcia for coming forward to express her concerns. Councilor Henderson asked about using school assemblies to get the word out and Ms. Hormann said some schools have already planned assemblies promoting the May 4

TIGARD CITY COUNCIL MINUTES – APRIL 19, 2016

Youth Bike Fair and walking to school and she is meeting with the school district to discuss how to integrate this into the curriculum. Mayor Cook thanked her for kick starting the program.

4. CONSIDERATION OF THE FORMATION OF A TIGARD TRIANGLE CITIZEN ADVISORY COUNCIL

Community Development Director Asher and Senior Planner Shanks briefed council on the formation of a new citizen advisory council (CAC) for the Tigard Triangle urban renewal plan. This is a two-step process with one resolution to form the committee and another to appoint members. The Metro grant requires citizen outreach and to reach a broad number of citizens, staff publicized this volunteer opportunity through Cityscape and on the website. Ms. Shanks said staff also gave presentations to all city standing committees and a representative from each stepped up to be on this ad hoc CAC except the Parks and Recreation Board (PRAB). Four citizens also volunteered to be on the CAC, including an architect, a planner (Tigard resident who works at another city) a Tigard Triangle property owner and a housing advocate. There will also be a technical advisory committee (TAC) formed that will include representatives from the taxing districts that would be impacted by urban renewal. She said everyone was interested but she did not hear from the Lake Oswego business community. City of Lake Oswego staff said they did not have time to serve on the committee at this time.

Councilor Woodard expressed disappointment that no one from PRAB volunteered. He said the TTAC or Bicycle and Pedestrian Subcommittee representative may be able to share the vision on walkability, pathways, space activation and recreational activities. Senior Planner Shanks said she would work extra hard to make sure there is no gap and these things do not get lost in the conversation. She said they are aware of the need for parks in the Triangle.

Mayor Cook asked some questions about the composition of the CAC and commented that SW Portland neighborhood representatives were included in SW Corridor meetings and gave input on how they drive to work or shop in Tigard and he suggested the Lake Oswego neighborhoods across the freeway from this project be represented. Senior Planner Shanks said she will reach out to Lake Oswego neighborhood associations. Mayor Cook noted that the Tigard Youth Advisory Council representative will graduate soon and asked if another member of the TYAC will join to complete his term. Community Development Director Asher said the youth position could be created without a name and members can be identified in a later resolution.

Councilor Henderson mentioned previous service on a task force that explored securing financing for urban renewal for the downtown and asked about this process for the Triangle. Community Development Director Asher said the city needs to study what is necessary or desirable in the Tigard Triangle. He said they want committees that have interest in the Triangle and want to look at streetscape standards, code revision and urban renewal. The study is all part of the Metro grant award. The urban renewal plan will be prepared by fall and council will discuss when to place it to a vote. Metro agrees that the Triangle is a great candidate for urban renewal. He said the only reason to create an urban renewal area is to get the authority to do tax increment financing. The city's Charter requires a public vote if tax increment financing will be used and there be a separate urban renewal committee. He said we will learn many of our needs during this study. Senior Planner Shanks said there will be a project list produced at minimum, which will fulfill the Metro grant

TIGARD CITY COUNCIL MINUTES – APRIL 19, 2016

requirements. The resolutions establishing the CAC and appointing members will be scheduled for the April 26, 2016 council business meeting agenda.

5. RECEIVE A BRIEFING ON THE METZGER ELEMENTARY SCHOOL PARK PROJECT



Assistant Planner Smith and Community Development Director Asher presented this item and showed slides of ideas for a new community park drawn by students at Metzger Elementary. The city and Tigard-Tualatin School District have joined together through an intergovernmental agreement to allow the fields at Metzger Elementary to be used for a community park outside of school hours. Since the school is in a diverse neighborhood, an RFP was issued for a consultant team with multi-cultural experience. The contract was awarded to Verde, working with the Multicultural Collaborative and ESA Vigil-Agrimis. Planning has begun and student illustrations and ideas for the park are posted on the city's website. Site analysis and outreach will continue in May. The consultant team's approach is "focused on inclusivity, social enterprise and advocacy for community members."

Community Development Director Asher said this type of park planning is not the city's usual process. The consultant team wants to find out from the community what their needs are. He said the consultant will set up office hours at the school, go door to door in the neighborhood and produce materials in English and Spanish. They will also work with Supafresh and their constituents. He said this will not be done through a traditional committee and Verde's model is to empower citizens to design community parks through grass roots efforts.

Councilor Woodard asked if there would be all-day park use and Mr. Asher replied that non-school hours are for public use, and it is not uncommon for schools to share their space with the public. He commented that the more use it gets the safer the space will be. Councilor Woodard asked what the maintenance costs were and if they needed to be added to the budgeting process. Public Works Director Rager said they will need to be factored into the budget. The ball field and garden will remain. Community Development Director Asher said staff will keep council informed on progress.

6. DISCUSSION ON RIVER TERRACE AND CITY-WIDE SANITARY SEWER SURCHARGE FEES

Finance and Information Services Director LaFrance, Public Works Director Rager and City Engineer Faha presented this agenda item seeking direction from council on whether or not River Terrace and citywide sanitary sewer surcharge fees should be added to the Master Fees and Charges Schedule during the 2017 budget committee discussions. Mr. LaFrance said of any of the fees the most urgent is the sewer surcharge. Council will be considering a budget in the next few weeks and the forecast is that most funds are keeping positive balances. However, the sewer fund is in dire need and will be negative within two years without some changes.

Mr. LaFrance said Clean Water Services (CWS) sets rates and the cities' shares. For every dollar citizens pay, \$0.84 goes to CWS and \$0.16 goes to Tigard. Of the \$0.16, \$0.05 goes to the general fund and \$0.11 goes to the sewer fund towards operational/maintenance costs of the sewer system and capital improvements. Tigard and other cities are allowed to charge utility districts a franchise fee. Tigard is the only city within CWS boundaries that does not charge a sewer surcharge. A

TIGARD CITY COUNCIL MINUTES – APRIL 19, 2016

franchise fee cannot come out of the \$.084 cents paid to CWS but it could be applied against the \$.16 cents, putting more like \$0.14-\$0.15 into the sewer fund.

Council directed staff to go to CWS and dialog for a franchise fee and a lower surcharge. City Manager Wine and Finance and Information Services Director LaFrance have been working with them for the past year. There should be a decision that leads to CWS paying their fair share of the franchise fee but this will take time and the city's sewer system does not have time.

He said the city contracted with FCS Group to perform a sewer rate analysis to determine how much additional revenue would adequately fund sewer services and capital. A copy of the Sanitary Sewer Infrastructure Financing Services – Tigard Sewer Surcharge Draft Report was included in the packet for this meeting.

Mayor Cook asked if Tigard is the only city without a franchise and Mr. LaFrance said that was true. All of the other cities in the CWS area have a franchise fee. He verified that city managers and finance managers in the district have been meeting and a smaller group will go to CWS to discuss it with them. Mayor Cook noted that Tigard is not the only city in this situation and unlike some fees, which address wants, this is going towards a dire need. He said it is not last minute and council and staff saw this coming. City Manager Wine said the health of the system is important. The city has been deferring sewer projects for some time.

In response to a question from Council President Snider on whether CWS sets rates for the entire district, Mr. LaFrance said there is a possibility of a city rate and an unincorporated rate. All cities will have a franchise fee but someone in an unincorporated area would not be paying a city franchise fee.

Public Works Director Rager said like a street maintenance fee which extends the life of streets, there is money placed in the budget every year for emergency broken water mains or sewer segments. He said the city is keeping up with mandates to video inside the storm and sewer lines so needs are known already. There are sewer lines in creeks because that was how it was done in the past. In response to a question from Councilor Henderson he said he did not know if this would be enough money but it is a big step in the right direction.

Councilor Henderson said people think sewer lines should last forever but he just had to spend a lot of money for a cast iron pipe breaking in his basement. He said he wants a sustainable program ensuring a healthy system for future generations. City Engineer Faha said the city is due for a sewer master plan update but in the meantime there is a list of projects that keep getting pulled out of the budget including exposed sewer lines and old pipelines filling with grease due to bad past practices. The system is aging.

Mayor Cook, Councilor Woodard and Council President Snider expressed preference for scenario #2 for the Citywide Sewer Surcharge which will help with Tigard's sewer infrastructure needs. \$2.07 will be added to citywide utility bills. Council President Snider recommended simply calling the fee a "sewer fee."

Finance and Information Services Director LaFrance discussed the River Terrace Parks, Stormwater and Transportation fees. In previous discussions council made the decision not to implement a

TIGARD CITY COUNCIL MINUTES – APRIL 19, 2016

River Terrace Parks Fee due to park financing decisions. Council approved a River Terrace Transportation Utility fee currently set at \$5.

City Engineer Faha said stormwater plans in place for River Terrace have been changing. The big pipe on south River Terrace will not be built. Developers are putting in additional smaller sites. A \$12.00 per month River Terrace stormwater charge has been recommended but will not be implemented yet because the stormwater facilities developers are putting in have a three-year warranty. This reason and the fact that the city is also doing a stormwater master plan will buy time to determine an appropriate stormwater fee.

Mayor Cook asked if there is a way to give home buyers notice that this \$12 fee might be implemented at a future date. Council President Snider asked if it could be added to a covenants, codes and restrictions document. Public Works Director Rager said the city cannot enforce CCRs. Councilor Goodhouse agreed that people need to know what these fees are before they make the decision to buy a home.

7. NON AGENDA ITEMS None

8. EXECUTIVE SESSION

At 8:43 p.m. Mayor Cook announced that the Tigard City Council was entering into Executive Session to discuss property acquisition and exempt public records under ORS 192.660 (2) (e) and (f) and they would adjourn from the Red Rock Creek Conference Room immediately after the Executive Session.

9. ADJOURNMENT

At 10:02 p.m. Council President Snider moved for adjournment. Councilor Goodhouse seconded the motion and all voted in favor.

	Yes	No
Council President Snider	✓	
Councilor Woodard	✓	
Mayor Cook	✓	
Councilor Henderson	✓	
Councilor Goodhouse	✓	

Carol A Krager
Carol A. Krager, City Recorder

Attest:

John L. Cook
John L. Cook, Mayor

July 12, 2016
Date

TIGARD CITY COUNCIL MINUTES – APRIL 19, 2016



City of Tigard
Tigard City Council Meeting Minutes
April 26, 2016

STUDY SESSION – 6:30 p.m.

Councilor Woodard, Council President Snider and Councilor Goodhouse were present. Staff present: City Manager Wine, Utility Manager Goodrich, City Engineer Faha and City Recorder Krager

A. COUNCIL LIAISON REPORTS

Councilor Goodhouse reported on the JPACT meeting and noted the huge turnout in support of Safe Routes to Schools.

B. RECEIVE BREFING ON CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS

City Engineer Faha gave the the FY 2015-16 Third Quarter Project Update. Her PowerPoint showed projects divided by Parks, Streets, Water, Sanitary Sewer, Storm and Facilities. Council was briefed on issues with schedules and costs. Engineer Faha described a water line issue that was discovered during Walnut Street construction which will require replacement of 2500 linear feet of water line. She said it will cost about \$600,000 and it is logical to replace this line now during the road construction.

Council was reminded about Spring Council Outreach to be held on April 30, 2016 at the TVF&R Fire Station 50, 12617 SW Walnut Street, 9-11 a.m.

1. BUSINESS MEETING – April 26, 2016  

A. At 7:30 p.m. Council President Snider called the City Council and Local Contract Review Board to order.

B. City Recorder Krager called the roll.

	Present	Absent
Councilor Henderson		✓
Council President Snider	✓	
Councilor Woodard	✓	
Mayor Cook		✓
Councilor Goodhouse	✓	

C. Council President Snider asked everyone to stand and join him in the Pledge of Allegiance.

TIGARD CITY COUNCIL MINUTES – APRIL 26, 2016

D. Council President Snider asked Council and Staff for Non-Agenda Items. None.

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication – City Manager Wine reported on concerns raised by residents on April 12 that live near 92nd and Greenberg Road. Police staff investigated the parking issues. The street and utility pole meet city standards. The mailboxes are being blocked and need to be posted with signs. The city will stay in touch with residents to see if that solves the problem. If not, the city may consider options such as painting the curb near the mailbox to make it more noticeable as an area not to block.

B. Citizen Communication – Sign-up Sheet. No one signed up to speak.

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

A. PROCLAIM CONSTRUCTION INDUSTRY SAFETY MONTH

B. PROCLAIM MAY AS BIKE MONTH

C. LOCAL CONTRACT REVIEW BOARD: CONSIDER AWARD OF AUDIT CONTRACT

D. LOCAL CONTRACT REVIEW BOARD: CONSIDER AWARD OF STORMWATER MASTER PLAN

Councilor Woodard moved to approve the Consent Agenda and Councilor Goodhouse seconded the motion. The motion to approve the Consent Agenda passed unanimously.

	Yes	No
Councilor Henderson (absent)		
Council President Snider	✓	
Councilor Woodard	✓	
Mayor Cook (absent)		
Councilor Goodhouse	✓	

Council President Snider read the proclamation for Construction Industry Safety Week and William Kalapsa from Liberty Mutual Insurance was present to accept a signed copy. Council President Snider also proclaimed May as Bike Month and reiterated the city’s commitment to biking as part of the overall walkable city vision. He noted that May 4 is Bike and Walk to School Day, May 20 is Bike to Work Day and that the recent Youth Bike Fair was well attended.

TIGARD CITY COUNCIL MINUTES – APRIL 26, 2016

4. CONSIDER RESOLUTIONS TO FORM TIGARD TRIANGLE URBAN RENEWAL CITIZEN ADVISORY COUNCIL (CAC) AND APPOINT MEMBERS

Senior Planner Shanks gave the staff report for this item. She said this CAC will guide the development of the Tigard Triangle Urban Renewal Plan. She pointed out that based on council recommendation she reached out to three Lake Oswego neighborhood associations that directly abut the Triangle area and she heard back from two. They are personally too busy to attend the meetings but will make the information available and will post it on the Next Door website which connects neighbors online. She also reached out to the Lake Oswego planning director but did not hear back before this meeting. Council President Snider thanked her for making those efforts. Ms. Shanks said people are interested but may not have time to attend meetings and she can keep them informed by other means.

Councilor Goodhouse moved for approval of Resolution No. 16-15. Councilor Woodard seconded the motion. City Recorder Krager read the number and title of the resolution:

Resolution No. 16 - 15 – A RESOLUTION ESTABLISHING A CITIZEN ADVISORY COUNCIL TO ADVISE STAFF DURING DEVELOPMENT OF THE TIGARD TRIANGLE URBAN RENEWAL PLAN

Council President Snider conducted a vote and the motion passed unanimously.

	Yes	No
Councilor Henderson (absent)		
Council President Snider	✓	
Councilor Woodard	✓	
Mayor Cook (absent)		
Councilor Goodhouse	✓	

Councilor Woodard moved to approve Resolution No. 16-16 and his motion was seconded by Councilor Goodhouse. City Recorder Krager read the number and title of the resolution:

Resolution No. 16 – 16 – A RESOLUTION APPOINTING MEMBERS TO THE TIGARD TRIANGLE URBAN RENEWAL PLAN CITIZEN ADVISORY COUNCIL

Council President Snider conducted a vote and the motion passed unanimously.

	Yes	No
Councilor Henderson (absent)		
Council President Snider	✓	
Councilor Woodard	✓	
Mayor Cook (absent)		
Councilor Goodhouse	✓	

TIGARD CITY COUNCIL MINUTES – APRIL 26, 2016

Council President Snider noted that members Gary Jelinek, Katen Patel, Veronica Smith and John Goodhouse were present. He thanked them for agreeing to serve and gave the citizen members a City of Tigard pin.

5. ANNUAL ARBOR DAY REPORT AND RECOGNITION OF THE CITY OF TIGARD'S ACTIVITIES AND ACCOMPLISHMENTS IN URBAN FORESTRY

Public Works Confidential Executive Assistant Grass gave a presentation on Arbor Day, which in Tigard is actually Arbor Month. She presented a PowerPoint showing various activities celebrating trees in the city. The Tigard-Tualatin School District and the city joined for a tree planting by Tigard High CE2 students in Jack Park. Brian Wegener represented Oregon Community Trees and presented Tigard with a flag, stickers for the road signs and a 15-year award for being a Tree City. He commented that he is a longtime Tigard resident and is proud of the city's accomplishments including the Urban Forestry Code, Derry Dell Creek restoration and native habitat restoration at Dirksen Nature Park. He said Tigard is leading the way for other cities and pointed out that historical aerial photographs in Town Hall show evidence that Tigard's tree canopy is growing.

Council President Snider thanked staff for their efforts and said it is exciting to see that while we cannot do everything we want in one year, real progress can be made over 15 years.

6. BRIEFING ON WHOLESALE WATER CONTRACT EXTENSION MEMORANDUM OF UNDERSTANDING (MOU) WITH PORTLAND WATER BUREAU



Utility Manager Goodrich introduced this item and said the city is in the final stages of completing the Lake Oswego/Tigard Water Partnership Project construction and while the project is on schedule to meet the June 30 deadline there is risk that a delay could affect when the water supply is available. Tigard has an existing contract with the City of Portland who was approached about a provisional contract if the construction schedule is impacted. Portland said when the contract ends no water would be available. Over two years of discussion with Portland led to a water contract extension but with certain provisions. One is that a request for an extension must be provided to Portland by June 15. Portland also wanted a "take and pay" contract so Tigard will need to commit to this in 30-day increments but will only pay for what is used.

Councilor Woodard recollected that \$86,000 was budgeted for an extension. Council President Snider noted there are contractor penalties associated with not delivering the project on time that will offset the city's water purchase costs. In response to a question from Council President Snider about the project completion timeline, Mr. Goodrich said it is anticipated that by May 7 and no later than May 23 we will have the capacity to serve water to all Tigard customers. Council President Snider reiterated that this could be approved but not needed and in that case there would be no cost.

TIGARD CITY COUNCIL MINUTES – APRIL 26, 2016

Council agreed that this agreement could return for approval on the next Consent Agenda but Councilor Goodrich requested it be shared with Mayor Cook and Councilor Henderson, noting that if they have questions it may need separate consideration. City Manager Wine will brief the two absent council members.

- 7. NON AGENDA ITEMS None.
- 8. EXECUTIVE SESSION: None held.
- 9. ADJOURNMENT

At 8:04 p.m. Councilor Goodhouse moved for adjournment. Councilor Woodard seconded the motion. The motion passed unanimously.

	Yes	No
Councilor Henderson (absent)		
Council President Snider	✓	
Councilor Woodard	✓	
Mayor Cook (absent)		
Councilor Goodhouse	✓	

Carol A. Krager, City Recorder

Attest:

Jason Snider, Council President

Date

TIGARD CITY COUNCIL MINUTES – APRIL 26, 2016

AIS-2761

4.

Business Meeting

Meeting Date: 07/26/2016

Length (in minutes): 15 Minutes

Agenda Title: Discuss National Water Trail Designation for the Tualatin River

Prepared For: Steve Martin, Public Works **Submitted By:** Steve Martin, Public Works

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

Public Hearing: No

Publication Date:

Information

ISSUE

Discussion of National Water Trail designation for the Tualatin River.

STAFF RECOMMENDATION / ACTION REQUEST

Requesting Council direction in support of a National Water Trail designation for the Tualatin River.

KEY FACTS AND INFORMATION SUMMARY

Tualatin Riverkeepers is initiating an application to the Secretary of the Interior to designate the Tualatin River as a National Water Trail (NWT). A representative from the Tualatin Riverkeepers will join staff to brief Council on the status of this application. The Riverkeepers are planning to submit the application later this summer.

The purpose of this effort is to bring more prominent stature to the Tualatin River Trail and the function it serves in this area. Benefits to designation include:

- National promotion and visibility, including use by the management entity of use the National Water Trails System logo in appropriate settings and trail publications
- Mutual support and knowledge sharing as part of a national network
- Opportunities to obtain technical assistance and funding for planning and implementing water trail projects

Criteria for designation include:

- The trail (and its access points) must be open to public use and be designed, constructed, and maintained according to best management practices, in keeping with the anticipated use. Water trail access points that demonstrate state-of-the-art design and management are especially encouraged to apply for national water trail designation.
- The trail is in compliance with applicable land use plans and environmental laws.
- The trail will be open for public use for at least 10 consecutive years after designation.
- The trail designation must be supported by the landowner(s), (public or private), on which access points exist.

Additional information is attached and can be found on the NWT web page for the National Park System (www.nps.gov/watertrails).

The City of Tigard’s access points are located in Cook Park. In order to move forward, all water trail access points must be open to the public and each jurisdiction must submit written owner consent. Tualatin Riverkeepers is having similar discussions with West Linn, Rivergrove, Tualatin, Washington County, and Hillsboro. The presentation will include information about the status of this effort in other agencies.

With Council direction, this item will be brought back in August for formal consideration.

OTHER ALTERNATIVES

n/a

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

Council has not discussed this issue before.

Fiscal Impact

Fiscal Information:

There is no financial impact known at the time of the preparation of this AIS.

Attachments

[NWT Information](#)

[Email Intro from Brian Wegner](#)

[Letter to Partners](#)

[Email 6-30-16](#)

[Draft Application](#)

Information found at:

<https://www.nps.gov/WaterTrails/Home/About>

National Water Trails: Who Designates Them? Who Manages Them?

Designation Authority

While national scenic trails and national historic trails may only be designated by an act of Congress, national recreation trails (including national water trails) may be designated by the Secretary of the Interior or the Secretary of Agriculture (for trails on or in cooperation with National Forest Service lands). The designations recognize exemplary trails of local and regional significance. Through designation, these trails are recognized as part of the National Trails System.

Management of Individual National Water Trails

Each designated national water trail is managed by a local management entity (e.g., local, state, or federal government agency; nonprofit organization; interagency organization). The ongoing management responsibility and associated costs of the designated national water trail are the sole responsibility of the management entity.

Coordination and Support for the Overall National Water Trails System

The National Water Trails System is a grassroots effort that relies on local management of the designated water trails. The National Park Service (NPS) Rivers, Trails, and Conservation Assistance Program (RTCA) is the primary administrator that works in partnership with a collaborative interagency group. RTCA staff serves as a clearinghouse for information sharing and national water trail networking efforts. Agencies may nominate individual water trail designations, work in collaboration with community organizations seeking designation, help strengthen the network of water trail managers, and build the community of practice for water trails.

RTCA coordinates the following functions undertaken by the interagency collaborative group:

- reviews national water trail applications for designation
- disseminates applicable information to management entities throughout the country (e.g., best management practices, water trail management strategies)
- develops and maintains the National Water Trails System website, which provides extensive information on the system and best management practices for water trails

What are the National Water Trail Criteria and Best Management Practices?

As a subset of the national recreation trail designation, trails in the National Water Trails System must meet the four criteria for National Recreation Trail designation as follows:

1. The trail (and its access points) must be open to public use and be designed, constructed, and maintained according to best management practices, in keeping with the anticipated

- use. Water trail access points that demonstrate state-of-the-art design and management are especially encouraged to apply for national water trail designation.
2. The trail is in compliance with applicable land use plans and environmental laws.
 3. The trail will be open for public use for at least 10 consecutive years after designation.
 4. The trail designation must be supported by the landowner(s), (public or private), on which access points exist.

In addition to the national recreation trails criteria, a designated water trail must incorporate the following best management practices:

- Recreation Opportunities: The water trail route has established public access points that accommodate a diversity of trip lengths and provide access to a variety of opportunities for recreation and education.
- Education: The water trail users are provided with opportunities to learn about the value of water resources, cultural heritage, boating skills, and outdoor ethics.
- Conservation: The water trail provides opportunities for communities to develop and implement strategies that enhance and restore the health of local waterways and surrounding lands.
- Community Support: Local communities provide support and advocacy for maintenance and stewardship of the water trail.
- Public Information: The public is provided with accessible and understandable water trail information, including details for identifying access and trail routes; cultural, historic, and natural features; hazards; and water quality. The water trail is promoted to the community and broad national audience.
- Trail Maintenance: There is a demonstrated ability to support routine and long-term maintenance investments on the water trail. Facilities are designed, constructed, and maintained by incorporating sustainability principles.
- Planning: Maintain a water trail plan that describes a vision, desired future conditions, and strategies to strengthen best management practices.
- What Are the Benefits of National Water Trail Designation?
- Benefits of designation into the National Water Trails System include
- designation by the Secretary of the Interior, including a letter and certificate announcing the designation as a national water trail
- national promotion and visibility, including use by the management entity of use the National Water Trails System logo in appropriate settings and trail publications
- mutual support and knowledge sharing as part of a national network
- opportunities to obtain technical assistance and funding for planning and implementing water trail projects

As a result of designation, national water trails may gain

- positive economic impact from increased tourism
- assistance with stewardship and sustainability projects
- increased protection for outdoor recreation and water resources
- contribution to public health and quality of life from maintaining and restoring watershed resources

- access to networking and training opportunities
- assistance with recognition and special events highlighting the trail

All national water trails will be included in the online searchable database of trails and have a page on this site to share trail information including water trail descriptions, maps, photographs, water trail manager contact information, links to applicable websites, and best management strategies and practices. Water trail managers are urged to provide updated information about their national water trail for the website database by sending updates and additions via email to NWTS@nps.gov.

How Do I Apply for National Water Trail Designation?

To take the first step toward national water trail designation, the management entity for a potential trail submits a formal application via an application account accessed through this site. The application will describe how the water trail and its management entity achieve the criteria and meet the best management practices outlined. Applications are currently accepted on a continual basis and reviewed by a team of water trail subject matter experts and a collaborative interagency group. The recommended trail nominations are forwarded to the Secretary of the Interior for review and designation.

Information sharing is a key element of the program because it fosters the development of a water trail community, creating a network of mentors and promoters of the National Water Trail System. Effective management approaches and best management practices identified in successful applications will likely become models for other water trail managers.

The following table identifies the general steps of the review and designation process.

National Water Trails System Review and Designation Process

Application Submittal to the National Park Service	The management entity (sponsor) submits the official application and a letter of support from the respective state trail administrator(s) through the application account.
Initial Review	The application is reviewed for consistency with the criteria for national recreation trail designation. The appropriate federal agency staff confirms and ground truths the water trail.
Water Trails Best Management Practices Evaluation	With assistance from subject matter experts in applicable federal agencies, applications are reviewed for the best management practices identified in the application.
Interagency Review and Recommendation	An interagency review team reviews final applications and nominates the proposed national water trail for designation to the Secretary of the Interior (except on or in cooperation with National Forests lands).
Announcement of New National Water Trail Designation	The Secretary of the Interior (except on or in cooperation with National Forests lands) makes official designation of the new national water trail.

Email from Brian Wegner on 6-23-2016

Dear Steve,

I've been working on an application to have the Tualatin River Water Trail designated as a National Water Trail. The National Parks Service requires a letter of consent from the owners of public access facilities on the water trail. I am hoping that you can provide that letter of consent.

Attached you will find:

- A letter explaining the National Water Trail Application;
- A draft letter of consent from Washington County supporting the National Water Trail designation;
- A draft ordinance for the Washington County Commissioners in support of the National Water Trail Designation.

I have been advised by the National Parks Service that there will likely be a new Secretary of the Interior with the new administration next year, so I would like to get everything submitted before the end of summer.

Thanks for your help.

--

Brian Wegener, Riverkeeper
Advocacy & Communications Manager
Tualatin Riverkeepers
11675 SW Hazelbrook Road
Tualatin, OR 97062
503-218-2580



[Join our e-mail list.](#)

www.tualatinriverkeepers.org



TUALATIN RIVERKEEPERS®

11675 SW Hazelbrook Road • Tualatin, Oregon 97062

phone 503-218-2580 • fax 503-218-2583

www.tualatinriverkeepers.org

July 5, 2016

Steve Martin
Parks and Facilities Manager
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

Dear Steve,

Tualatin Riverkeepers is initiating an application to the Secretary of the Interior to designate the Tualatin River Water Trail as a National Water Trail (NWT). The Trail runs 40 miles from Rood Bridge Park in Hillsboro to the confluence with the Willamette River. **In order to move forward, all water trail access points must be open to the public and submit written owner consent for this application to complete the application to the Secretary of the Interior.**

The National Water Trails System is a distinctive national network of exemplary water trails that are cooperatively supported and sustained. More specifically, the National Water Trails System has been established to

- Protect and restore America's rivers, shorelines, and waterways
- Increase access to outdoor recreation on shorelines and waterways.

Benefits of designation into the National Water Trails System include

- Designation by the Secretary of the Interior, including a letter and certificate announcing the designation as a national water trail
- National promotion and visibility, including use by the management entity of use the National Water Trails System logo in appropriate settings and trail publications
- Mutual support and knowledge sharing as part of a national network
- Opportunities to obtain technical assistance and funding for planning and implementing water trail projects

As a result of designation, national water trails may gain

- Positive economic impact from increased tourism
- Assistance with stewardship and sustainability projects
- Increased protection for outdoor recreation and water resources
- Contribution to public health and quality of life from maintaining and restoring watershed resources
- Access to networking and training opportunities
- Assistance with recognition and special events highlighting the trail

All national water trails will be included in the online searchable database of trails and have a page on this site to share trail information including water trail descriptions, maps, photographs, water trail manager contact information, links to applicable websites, and best management strategies and practices.

Attached you will find a draft letter of consent and a draft county ordinance in support of the National Water Trail designation. Please return the letter of consent to me at your earliest convenience. We hope to pair the celebration of the National Water Trail designation with the grand opening of Metro's Farmington Launch next spring.

Sincerely,

A handwritten signature in blue ink that reads "Brian Wegener". The signature is fluid and cursive, with the first name "Brian" being larger and more prominent than the last name "Wegener".

Brian Wegener, Riverkeeper
Advocacy & Communications Manager
brian@tualatinriverkeepers.org

Email from Brian Wegner on 6/30/2016

Water Trail Partners,

Here are some things that are going on with the Tualatin River Water Trail.

1. Marine Deputy Jerry Roley has flown the aerial survey of logjams and is compiling data. He will share the results soon.
2. Access Recreation will be shooting video of Cook Park launch on July 8 as part of their [project for Metro](#) to provide useful information about trails for people with disabilities.
3. I have completed a near-final draft of the application for the National Water Trail Designation (attached). I am gathering letters of consent from all of the parks with access points. So far, these cities have put resolutions in support of the National Water Trail Designation on their City Council Agenda.
 - o Rivergrove City Council - July 11
 - o West Linn City Council - July 11 (tentative)
 - o Tigard City Council - July 26 (work session), August 9 (resolution)
 - o Tualatin (Rich Mueller), Washington County (Carl Switzer) and Hillsboro (Dave Miletich) are working to advance resolutions in their jurisdictions.
 - o I am seeking letters of endorsement from other community partners. Please send them to brian@tualatinriverkeepers.org
4. Hillsboro Parks Board is meeting on July 20 at 11am at Rood Bridge Park to discuss water trail development issues. We will be doing a short canoe trip. They received a Nature in the Neighborhoods grant from Metro for the upgrade of the Rood Bridge Launch and are working on securing additional funding to complete the project in the summer of 2017.
5. Washington County Visitors Association has reprinted the Tualatin River Water Trail Map. You can order your supply at <http://tualatinvalley.org/industry/bulk-info-request/>
6. Tualatin Riverkeepers is hosting the second annual [paddle trip for people with disabilities](#) at Cook Park on August 20. Info at http://tualatinriverkeepers.org/post_events/paddle-trip-for-people-with-disabilities/
7. The 27th Annual Tualatin River Discovery Day was held on June 25 in Tualatin. 157 paddlers participated and 69 volunteers were involved. We hope to hold the 2017 Discovery Day at the new Metro Farmington Launch down to Eagle Landing and the 2018 Discovery Day from Rood Bridge Park to Metro Farmington.
8. We still need help getting Water Trail Road Signs installed to direct traffic to the launch sites. Tigard & Tualatin have their signs on the roads and West Linn has the signs in their parks. If you have influence with the road department in your jurisdiction, please encourage them to participate. Contact me if you need signs.

9. The map signs have been installed at Eagle Landing, Tualatin Community Park, Fields Bridge Park, and Willamette Park. If you need a map sign for a launch area or tourist information site please contact me.



Keep in touch!

--

Brian Wegener, Riverkeeper
Advocacy & Communications Manager
Tualatin Riverkeepers
11675 SW Hazelbrook Road

Tualatin, OR 97062
503-218-2580



[Join our e-mail list.](#)

www.tualatinriverkeepers.org

National Water Trail System Application

User Actions

- [Create a New Application](#)
- [Print This Application](#)
- [Log out](#)

Field Review Summary

Reviewer Name: ---

Date Assigned: ---

Field Review Status: ---

Date Completed: ---

Review and Submit Application for: Tualatin River Water Trail

Please review your application for completeness, accuracy, and proper spelling before submitting.

Jump to: [Top](#) • [Trail Information](#) • [BMP](#) • [Contacts](#) • [Owner Consent and State Support](#) • [Photo and Map](#) • [Additional Supporting Materials](#)
• [Signature Page](#)

Section 1: Trail Information

[Click to Edit Section 1](#)

BASIC TRAIL INFORMATION

Trail Name	Tualatin River Water Trail
Trail Location	In Washington County and Clackamas County Oregon including the cities of Hillsboro, Tigard, Tualatin, Rivergrove and West Linn and passing through the Tualatin River National Wildlife Refuge.
Directions to Trail	Various access points including Cook Park in Tigard, Tualatin Community Park in Tualatin, Rood Bridge Park in Hillsboro, Brown's Ferry Park in Tualatin.
Latitude and Longitude	45.393917° / -122.798858°
	City(ies)/Township(s): Hillsboro, Sherwood, Tigard, Tualatin, Durham, Rivergrove, West Linn County(ies): Washington, Clackamas
	State(s): In Washington County and Clackamas County Oregon U.S. Congressional District(s): In Washington County and Clackamas County Oregon
Short Description	The Tualatin River Water Trail runs 39 miles from Hillsboro Oregon to its confluence with the Willamette River in West Linn Oregon.
Long Description	The Tualatin River Water Trail runs through farm lands, cities, and the Tualatin River National Wildlife Refuge. It provides convenient access for paddling, fishing and wildlife observation to the Portland Oregon Metropolitan area. Eleven developed launch sites managed by city, county, and regional governments currently support the trail. Informal access occurs at road right-of-ways under 2 bridges. Metro Regional Government and the City of Tigard have acquired three additional parcels for future access development. Excellent promotion and marketing of the Tualatin River Water Trail is provided by Washington County Visitors Association and the Intertwine Alliance. Ecological and flow management is provided by Clean Water Services (a regional service district). Regional planning for habitat restoration and public access is provided by Metro (regional government). U.S Fish and Wildlife Service manages 2000 acres at various locations along the water trail. The Tualatin River has the significance as the first water body to successfully implement Total Maximum Daily Loads (water quality standards) under the Federal Clean Water Act. Tualatin Riverkeepers and Alder Creek Kayak and Canoe currently offer canoe and kayak rentals at two sites on the river in the summer. Tualatin Riverkeepers offers regular public guided trips. Washington County Visitors Association has funded new wayfinding signage for the trail. Tualatin Riverkeepers placed river mile signage along the river since 1990. Roamers Rest RV Park (privately owned) provides the only camping facility currently on the river.

TRAIL DETAILS

Length of trail open to public use	38.50 miles 61.96 KM Loop? No
	National Designations: None
	State Designations: None
Allowed Uses	Boating, non-motorized: Canoeing Boating, non-motorized: Kayaking Fishing

Swimming: Wading
Wildlife Observation

Other Uses/Notes	
Accessibility Information Available?	Trailhead Signage: Yes Brochures: Yes Website: Yes Other Information:
Primary Trail Surface	
Additional Surfaces	Water, slow moving Water, still

VISITING AND FEES

Open Dates	1/1 to 12/31
Times of Operation	Open 24 Hours
Seasonal Notes	
Fees	Admission Fee: None Parking Fee: None Permit Fee: None
Visiting and Fee Notes	Currently no fees at the public access facilities.

Section 2: Best Management Practices

Mission Statement

The Tualatin River is built for recreation. Perhaps the most family friendly river in the state, it is conveniently located within the Portland Metropolitan area and is very safe, having such a calm flow it is navigable upstream or downstream from most launch locations and is an ideal environment for families with children to paddle on. The Trail provides urban residents and out-of-town visitors with an opportunity to observe and get close to wildlife as they paddle through the Tualatin River National Wildlife Refuge.

[Click to Edit this BMP](#)

Recreation Opportunities

The Tualatin River Water Trail currently has 11 public access facilities over 40 miles with an additional facility to open in 2016. Local governments (Metro and the City of Tigard) have purchased 4 additional sites for future public access. The low gradient and easy access make the Tualatin River a perfect place for beginners to get their paddles wet. There is a short 1.6 mile Class 1 whitewater run during winter high flows. Tualatin Riverkeepers has monthly guided paddle tours for the public May through October. There are two canoe and kayak rental liveries that operate in the summer. Annual Events include Tualatin River Discovery Day on the last Saturday of June and the Political Paddle Race where elected official race in canoes and kayaks. The river is seeing more use by stand-up paddle boarders in recent years.

[Click to Edit this BMP](#)

Education

Tualatin Riverkeepers (TRK) partners with government and community organizations to provide educational paddle trips on the Tualatin River. In 2015 educational paddle trips were conducted with Adelante Mujeres, Oregon Zoo, Centro Cultural, Portland Community College, Community Partners for Affordable Housing, Adventures Without Limits, and Darma Rain Zen Center. TRK conducted 6 additional trips with nature day camps and 3 company sponsored volunteer clean ups. There were 3 paddle trips with employees of Clean Water Services (sewer district) and one with local elected officials.

The cities of Hillsboro and Tualatin have summer day camps at locations along the river. Tualatin Riverkeepers, Jackson Bottom Wetlands Preserve, Friends of the Tualatin River National Wildlife Refuge and Willowbrook Arts Camp all have day camps at sites on the river.

Clean Water Services, Friends of Trees and Tualatin Riverkeepers launched a new environmental education program for middle school student at the Tualatin River Farm 2016 are growing that program in 2016. The City of Hillsboro has nature education programs at Rood Bridge Park and Jackson Bottom Wetlands Preserve.

Private outfitters REI, Next Adventure, Alder Creek Kayak & Canoe, Educational Adventures, and Northwest Discoveries all offer recreation instruction on the Tualatin River.

The Student Watershed Research Project (SWRP), a self support program of Portland State University's Environmental Science and Management Department, uses the cooperation of teachers, students, scientists, businesses, governmental agencies, and community groups to couple watershed education with the collection of high quality data. It is the mission of SWRP to develop awareness, knowledge, skills, and commitment leading to responsible behavior and constructive actions with regard to water quality and watershed resources. Nine different high schools collect water quality data on tributaries of the Tualatin River.

The Tualatin River National Wildlife Refuge and the Friends of the Refuge have a comprehensive nature education program that includes teacher workshops, school field trips, public nature walks, birding, botany and photography classes and engage volunteers in habitat restoration, surveys and outreach.

[Click to Edit this BMP](#)

Restoration

Tree for All is a community partnership of cities, nonprofits, farmers, volunteers and others who have joined hands (and shovels) to plant native trees and shrubs along the Tualatin River and its tributaries. Streams lined with native vegetation provide cleaner, cooler water, better flood management, and

fish and wildlife habitat. It's good for Mother Nature and our community!

As a community-wide effort, the 2014-15 challenge was designed to celebrate 10 years of success and launch the next decade of Tree for All, which involves:

Underscoring the importance of native plants to our community

Encouraging stewardship of water resources and wildlife habitat

Celebrating and building upon a history of community partnerships

Promoting community pride in water resources and natural areas

Working together, we not only met but exceeded our goal, by planting more than 1.2 million trees and shrubs in one planting year. In fact, when you count all native plants--grasses and the like, along with trees and shrubs--the 2014-15 planting number crests the two million mark.

The Tualatin River National Wildlife Refuge has developed their own master plan.

[Click to Edit this BMP](#)

Community Support

Tualatin Riverkeepers(TRK)has successfully lobbied Metro and local cities for land acquisitions, water trail development and maintenance. Because of this advocacy and the activation of TRK's membership, the Tualatin River Water Trail is listed as the 3rd highest priority on the draft Water Trails Plan for Oregon State Parks.

Tualatin River Discovery Day is an event organized by Tualatin Riverkeepers on the last Saturday in June that gets over 200 paddlers on the water trail. The event has been held for 26 consecutive years with strong support from volunteers, agencies and corporate sponsors.

TRK sought and received grant funding for water trail signage and printed maps from the Washington County Visitors Association.

A representative of Tualatin Riverkeepers sits on the Oregon State Marine Board's Boat Oregon Advisory Team for non-motorized recreation.

Volunteers with Tualatin Riverkeepers lead monthly paddle trips on the water trail from May through October.

Volunteers with Friends of Trees, Tualatin Riverkeepers, SOLVE, and local cities perform invasive plant removal and native planting through the "Tree For All Program" of Clean Water Services. Clean Water Services has restoration agreements with Metro for riparian sites in the Tualatin River Basin including the Farmington launch.

Volunteers with Tualatin Riverkeepers do an annual river trash clean up in September with the support of the City of Tualatin.

In order to maintain and grow support from local governments, Tualatin Riverkeepers hosts an annual paddle race for elected officials in the summer.

[Click to Edit this BMP](#)

Public Information

Washington County Visitors Association (WCVA) published the Paddler's Access Guide to the Lower Tualatin River with Tualatin Riverkeepers. WCVA also funded 70 road signs directing people to the 13 launch sites on the Tualatin River Trail. Each of the sites will have a 4' x 6' water trail map. WCVA has a whole campaign around nature-based recreation in the Tualatin Valley. Their "Passport to Nature" describes 16 destinations for nature recreation. <http://tualatinvalley.org/activities-attractions-outdoors/exploring-nature-wildlife/>

Tualatin Riverkeepers maintains a blog that posts conditions and hazards to navigation reported by paddlers. <http://tualatinriverpaddling.blogspot.com/>

The Intertwine Alliance maintains an online interactive map for outdoor recreation that includes sites on the Tualatin River Water Trail. <https://www.theintertwine.org/trails/tualatin-river-water-trail>

Access Recreation received a grant from Metro to assess accessibility and produce online videos of parks and trails from the perspective of people with disabilities. They have completed assessment and videos of two parks on the Tualatin River Water Trail (Rood Bridge Park and Fields Bridge Park) and will be working on others in 2016. Videos may be seen at <http://acesstrails.org/AR-trail-info/Videos.html>.

[*Click to Edit this BMP*](#)

Trail Maintenance

Rood Bridge Park at River Mile 38.4 is maintained by The City of Hillsboro Parks and Recreation Department. They are currently working on an upgrade to the boat ramp and the addition of a floating dock.

Farmington Rd. & River Road Launch at River Mile 33.3 is being constructed by and will be managed by Metro Parks & Nature. Natural Habitat Restoration will be performed by Clean Water Services and includes a multi-year maintenance agreement. In association with their development of river access at the intersection of Farmington and River Roads, Metro will work cooperatively with Tualatin Riverkeepers, the Washington County Sheriff's Office and the Oregon State Marine Board to consider both short and long-term solutions to log jams located between river miles 38 to 24.

Eagle Landing Park at River Mile 29.6 is maintained by Washington County Parks.

The Scholls Bridge right-of-way at River Mile 26.9 is maintained by Oregon Department of Transportation.

The City of Tigard Parks and Recreation Department maintains Cook Park at River Mile 9.8. The City of Tigard also holds land for a future park and an easement for river access at River Mile 18.5.

The City of Tualatin Parks and Recreation Department maintains the 99W launch (RM 11.5), Jurgens Park (RM 10.6), Tualatin Community Park (RM 8.9) and Browns Ferry Park (RM 7.5).

The City of Rivergrove maintains the Stark Boat Ramp at River Mile 7.4.

Clackamas County owns and maintains the right of way on Shadow Wood Drive at River Mile 5.4 near the Shipley Bridge.

The City of West Linn maintains Fields Bridge Park (RM 1.6) and Willamette Park (Tualatin RM 0.0). Willamette Park is also on the Willamette River National Water Trail.

Metro holds lands for future development of access in the vicinity of River Mile(RM)24-25, RM 13.5, and RM 5.8.

Tualatin Riverkeepers organizes an annual trash cleanup on the river each September.

Under agreement with the Oregon State Marine Board, the Washington County Sheriff's Marine Patrol investigates and evaluates hazards to navigation on the water trail.

[Click to Edit this BMP](#)

Planning

Metro Regional Government has taken the lead in planning and acquiring land along the Tualatin River Water Trail. Bond measures approved in 1995 and 2006 buy land to protect clean water, wildlife habitat and opportunities to enjoy nature. A local option levy passed in 2013 helps care for this growing collection of natural areas by improving them for visitors, restoring habitat and engaging the community. Using these bond funds, Metro has purchased 5 sites along the water trail for future access and/or nature space, and assisted in the purchase of other properties by local cities. One of the Metro sites, at the Phillip Harris Bridge is under development and will open for public access early in 2017.

Goals and Objectives of the Tualatin River Greenway Target Area The area where the Property is located has long been a focus of a larger strategy to provide public access to the Tualatin River. The Property's location was identified as a Tier One objective in both the 1995 Open Spaces, Parks and Streams Bond Measure (the "1995 Bond Measure") and the 2006 Natural Areas Bond Measure (the "2006 Bond Measure"), mainly due to its inclusion in the 1992 Greenspaces Master Plan. In the Greenspaces Master Plan, the Tualatin River Greenway Target Area was described as follows: "The Tualatin River is typical of the slow flowing, meandering small rivers and streams that flow through the Willamette Valley floor. The relatively low slope makes it ideal for canoeing and for amateur boaters. There are few access points on the Tualatin along its course, which makes land acquisition for recreation uses more important." A Tier I objective of the 1995 Bond Measure Tualatin River Access Points Refinement Plan, adopted by the Metro Council in 1996, was to "acquire a minimum of 266 acres to establish four regional access point sites along the Tualatin River Greenway that meet the following objectives:

- Locations along the river at intervals of 5 to 10 river miles, allowing for day trips and shorter trips than is now practicable.
- Safe accessibility from a public roadway that can adequately accommodate additional traffic.
- Developable for boat ramps and/or docks by reason of existing shallow slopes and banks
- Associated with sufficient uplands for such features as parking, restrooms, picnic areas, and buffering from the River and adjacent uses."

The Tier I objectives of the 2006 Bond Measure's Tualatin River Greenway Target Area Refinement Plan are to:

- Protect natural areas adjacent to existing public lands to provide public access and improve wildlife habitat protection.
- Continue the work begun in 1995 to enhance the water trail by providing access point sites along the Tualatin River Greenway that meet the following criteria:

- o Locations along the river at intervals of 5 to 10 river miles, allowing for day trips and shorter trips than is now practicable.
- o Safe accessibility from a public roadway that can adequately accommodate additional traffic.
- o Developable for boat ramps and/or docks by presence of existing shallow slopes and banks.
- o Associated with sufficient uplands for such features as parking, restrooms, picnic areas and buffering from the river and adjacent uses.
- o Associated with key locations where there is particular interest in additional boat access/pull-outs including: south of Farmington Road, north side of the river in the vicinity of Rainbow Lane, and in the vicinity of Elsner Road

[Click to Edit this BMP](#)

Supporting Documents:

BMP	Type	Description	Link
Recreation	Brochure	Paddler's Access Guide to the Lower Tualatin River	42_Tualatin_Riverkeepers_Water_Trail_Map_ParallelFold_New_Size_8.pdf
Public	Photo	Tualatin River Water Trail Road Sign	42_TRWT_Logo_CMYK_SIGN.jpg
Public	Brochure	Tualatin River Water Trail Map	42_Tualatin_Riverkeepers_Water_Trail_Map_ParallelFold_New_Size_8.pdf
Education	Brochure	A Paddler's Access Guide to the Lower Tualatin River published by Washington County Visitors Association and Tualatin Riverkeepers	42_Tualatin_Riverkeepers_Water_Trail_Map_ParallelFold_New_Size_8.pdf
Public	Photo	Water Trail Map at Eagle Landing	42_DSCN0131.jpg
Public	Photo	Water Trail Road Sign on Durham Road	42_WTSign.JPG
Public	Map	Water Trail Map Sign	42_Tualatin_Riverkeepers_Water_Trail_Map_Sign_45x66_2.pdf
Planning	Other	Metro resolution revising the Tualatin River Water Trail Plan.	42_Metro_Council_Metro_Legislation_Reso_Areas_Acquisition_Refinement_Plan_For_the_Tualatin_River_Greenway_Target_Area_PDF
Planning	Map	Tualatin River Water Trail Map with Metro Acquisition Target Areas	42_Metro_Map_River_Greenway_Target_Area_With_2006_Natural_Areas_Bond_Measure_Proceeds_.pdf
		Newspaper article on Tualatin River	

Community Other Political Paddle Race organized by Tualatin Riverkeepers [42 Oregon Local News Officials race through Tualatin River Political Paddle Race.pdf](#) to engage elected officials support for the water trail and environmental protection

Edit supporting documents by editing the corresponding BMP above.

Section 3: Contacts

Agency/Unit	Name/Position	Mailing Address	Delivery Address	Phone/Fax	Email/Website	ACTIONS
Tualatin Riverkeepers	Mr. Brian C. Wegener Riverkeeper	11675 SW Hazelbrook Road Tualatin, OR 97062	11675 SW Hazelbrook Road Tualatin, OR 97062	(503) 218-2580	brian@tualatinriverkeepers.org www.tualatinriverkeepers.org	[edit] [delete]
Hillsboro Parks & Recreation Rood Bridge Park	Ms. Maria Davila Bores Parks Project Specialist	4400 NW 229th Ave Hillsboro, OR 97124		(503) 681-5319 (503) 681-6124	Maria.DavilaBores@hillsboro-oregon.gov http://www.ci.hillsboro.or.us/ParksRec	[edit] [delete]
Metro Parks & Nature Farmington Road Boat Launch	Mr. Rodney Wojtanik Senior Parks Planner	600 NE Grand Portland, OR 97232		(503) 797-1846 (503) 797-1849	Rod.Wojtanik@oregonmetro.gov http://www.oregonmetro.gov/news/new-boat-launch-will-provide-access-tualati	[edit] [delete]
City of Tualatin Parks and Recreation 99W, Jurgens, Tualatin Community,	Mr. Rich Mueller Parks and Recreation	18880 SW Martinazzi Ave. Tualatin,		(503) 691-3064 (503) 691-9786	rmueller@ci.tualatin.or.us http://www.tualatinoregon.gov/recreation/tualatin-river-water-trail	[edit] [delete]

Brown Ferry Parks	Manager	OR 97062				
West Linn Parks and Recreation Fields Bridge Park, Willamette Park	Mr. Ken Worcester Parks & Recreation Director	22500 Salamo Road West Linn, OR 97068	(503) 557-4700 (503) 656-4106	kworchester@westlinnoregon.gov http://westlinnoregon.gov/parksrec/about-west-linn-parks		[edit] [delete]
Tigard Parks & Recreation Cook Park	Mr. Steve Martin Parks and Facilities Manager	13125 SW HALL BLVD. Tigard, OR 97223	(503) 718-2583 (503) 684-8840	steve@tigard-or.gov http://www.tigard-or.gov/community/parks.php		[edit] [delete]
City of Rivergrove Stark Boat Ramp	Ms. Sheri Richards City Manager	P.O Box 1104 Lake Oswego, OR 97035	(503) 639-6919 (503) 624-8498	sheri@cityofrivergrove.com http://cityofrivergrove.com/		[edit] [delete]
Washington County Sheriff Marine Patrol	Mr. Jerry Roley Marine Patrol Deputy	215 SW ADAMS, MS 32 Hillsboro, OR 97123	(503) 846-5955 (503) 846-2719	Jerry_Roley@co.washington.or.us http://www.co.washington.or.us/Sheriff/FightingCrime/Patrols/marine-patrol.		[edit] [delete]
Washington County Parks Eagle Landing Park	Mr. Carl Switzer Parks Superintendent	169 N 1st Ave Hillsboro, OR 97124	(503) 207-8760 (503) 846-4851	Carl_Switzer@co.washington.or.us http://www.co.washington.or.us/support_services/facilities/parks/		[edit] [delete]
Tualatin Riverkeepers	Mr. Mike Skuja Executive Director	11675 SW Hazelbrook Road Tualatin, OR 97062	503-218-2580	mike@tualatinriverkeepers.org www.tualatinriverkeepers.org		[edit] [delete]

[Add a contact](#)

Public Contact: Tualatin Riverkeepers [\[edit\]](#)

Section 4: Owner Consent and State Support

Type	Description	Filename
None Available		

[Click to Edit Section 4](#)

Section 5: Photo, Map and Logo

Map Filename: [42_Tualatin_Riverkeepers_Water_Trail_Map](#) [Description](#)

Photo:



Paddling on the Tualatin River Water Trail

Photo Credit: John Driscoll

[Upload Photo](#), [Upload Map](#) or [Upload Logo](#)

Section 6: Additional Supporting Materials

Type	Description	URL/File name
Brochure	A Paddler's Access Guide to the Lower Tualatin River published by the Washington County Visitors Association in partnership with Tualatin Riverkeepers.	42_Tualatin_Riverkeepers_Water_Trail_Map_ParallelFold_New_Size_8.pdf
Website	Tualatin River Water Trail Web Page	http://tualatinriverkeepers.org/water-trail/
Website	Tualatin River Water Trail Facebook Page	https://www.facebook.com/TualatinRiverWaterTrail/?fref=ts
Website	Tualatin River Logjam and Navigation Report	http://tualatinriverpaddling.blogspot.com/
Website	Water Recreation in the Tualatin Valley	http://tualatinvalley.org/activities-attractions-outdoors/exploring-nature-wildlife/water-recreation/

[Click to Edit Section 6](#)

Section 7: Signature Page

Type	Description	URL/Filename
None Available		

[Click to Edit Section 7](#)

Jump to: [Top](#) • [Trail Information](#) • [BMP](#) • [Contacts](#) • [Owner Consent and State Support](#) • [Photo and Map](#) • [Additional Supporting Materials](#) • [Signature Page](#)

For questions and support, contact:

Corita K. Waters
NPS Rivers, Trails, and Conservation Assistance Program
Department of the Interior
202-354-6908
corita_waters@nps.gov



Application instructions can be found on the [NWTS site](#), which provides information and documents required for new applications. You may use this as a checklist to gather data for the online application. Basic information is entered on the application website, and supporting materials (maps, photos, etc.) can be uploaded but must be in standard electronic formats.

This application process is for trails on state, local, or private land, OR on federal land (outside the US Department of Agriculture). If your water trail is on National Forest, National Grassland, or other land managed by the Department of Agriculture, you should contact the US Forest Service National Recreation Trails Program.

The National Recreation Trails Program
American Trails, P.O. Box 491797, Redding, CA 96049-1797
Phone (530) 605-4395 • Fax: (530) 547-2035 •
nrt@americantrails.org • www.AmericanTrails.org



This online application and the NRT database are hosted and maintained by [American Trails](#).

AIS-2740

5.

Business Meeting

Meeting Date: 07/26/2016

Length (in minutes): 5 Minutes

Agenda Title: Consider Resolution Authorizing Metro Equitable Housing Planning and Development Grant Application

Submitted By: Sean Farrelly, Community Development

Item Type: Resolution

Meeting Type: Council Business Meeting - Main

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Shall Council approve a resolution authorizing an application for a Metro Equitable Housing Planning and Development Grant?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends approval of the resolution.

KEY FACTS AND INFORMATION SUMMARY

The City of Tigard is participating in the regional Southwest Corridor Plan with the goal of bringing light rail transit to Tigard's designated Town Center (Downtown Tigard and the Tigard Triangle) by 2025. Existing unregulated low income housing in these areas may be displaced both by construction of the light rail infrastructure, and by the rising rents that will result from high quality transit service. Much of the current housing stock in the Town Center could be described as "de-facto" affordable housing: older buildings with lower than average rent that are not designated as permanently affordable units.

To mitigate the potential effects of displacement, staff submitted a letter of interest to Metro's Equitable Housing Planning and Development Grant Program to fund the SW Corridor Affordable Housing Predevelopment project on June 8th, 2016. The Tigard Southwest Corridor Affordable Housing Predevelopment project is for predevelopment feasibility assistance that will lead to:

- Engagement with Town Center residents at risk of displacement to determine equitable

solutions for affordable housing.

- Identification of opportunity sites for affordable housing development near the proposed SW Corridor station locations in Downtown Tigard and the Tigard Triangle.
- An affordable housing funding analysis to support an anti-displacement strategy.
- A model relocation program for residents impacted by SW Corridor rail alignments and expected rental market price escalation.
- Building capacity and community leadership for affordable housing tenants and advocates.

The City of Tigard is proposing to partner with three non-profits on the project. Community Partners for Affordable Housing (CPAH), dedicated to the development of permanently affordable is interested in utilizing a public-private partnership to develop and maintain affordable housing in Tigard. The Community Housing Fund's goal is to secure new sources of capital, and make those funds available in strategic investments to create and preserve affordable housing in Washington County. 1000 Friends of Oregon advocates for affordable housing solutions throughout the state. All three nonprofits would provide technical assistance on the project and have representatives serving on the project advisory committee.

Staff briefed Council on the grant opportunity on June 28. On July 1, Metro notified the city that its letter of interest met the basic eligibility requirements for the program, and encouraged the city to move forward with a full grant application. A full application requires a formal action by Council.

OTHER ALTERNATIVES

Council could choose not to approve the resolution, which would mean the full application would not be submitted.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Tigard Comprehensive Plan

Housing

Goal 10.1: Provide opportunities for a variety of housing types to meet the diverse housing needs of current and future city residents.

Special Planning Areas: Downtown

Goal 15.2 Facilitate the development of an urban village

Policy 6: New housing in the downtown shall provide for a range of housing types, including ownership, workforce, and affordable housing in a high quality living environment.

DATES OF PREVIOUS CONSIDERATION

June 28, 2016 Study Session Discussion of Metro Equitable Housing Planning and Development Grant application

Cost: \$60,000

Budgeted (yes or no): yes-match

Where budgeted?: Community Development

Additional Fiscal Notes:

The grant request is for \$50,000. The city has proposed approximately \$10,000 of in-kind match (staff time).

Attachments

Council Resolution

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 16-

A RESOLUTION APPROVING AN APPLICATION FOR A METRO EQUITABLE HOUSING PLANNING AND DEVELOPMENT GRANT TO FUND THE SOUTHWEST CORRIDOR AFFORDABLE HOUSING PREDEVELOPMENT PROJECT

WHEREAS, Metro has funding available for Equitable Planning and Development Grant program, which supports local planning to eliminate barriers to equitable housing development; and

WHEREAS, the city wishes to mitigate the potential effects of low income housing being displaced in Downtown Tigard and the Tigard Triangle if the Southwest Corridor light rail project is built by funding the SW Corridor Affordable Housing Predevelopment project; and

WHEREAS, the SW Corridor Affordable Housing Predevelopment project is eligible for the Metro Equitable Planning and Development Grant program.

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

SECTION 1: Council approves an application for a Metro Equitable Planning and Development Grant to fund the Southwest Corridor Affordable Housing Predevelopment project.

SECTION : This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2016.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AIS-2696

6.

Business Meeting

Meeting Date: 07/26/2016

Length (in minutes): 30 Minutes

Agenda Title: PUBLIC HEARING - Consideration of Ordinance and Resolution to place a Gas Tax on the November 8, 2016 Ballot

Prepared For: Toby LaFrance

Submitted By: Carol Krager, Central Services

Item Type: Ordinance Resolution

Meeting Type: Council Business Meeting - Main

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Consider adoption of an ordinance with code amendments and a resolution to adopt ballot title language to increase the local motor vehicle fuel tax by \$.05/gallon, and referring the measure to voters for the November 8, 2016 election.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends Council adopt an Ordinance amending Tigard Municipal Code 3.65 and a Resolution for ballot title language to refer the measure to voters in November to increase the city's motor vehicle fuel tax by \$.05 per gallon. Council is requested to consider:

1. Adoption of the Ordinance amending Tigard Municipal Code, 3.65, effective upon voter approval
2. Passage of the Resolution submitting the Ordinance to the voters for approval

KEY FACTS AND INFORMATION SUMMARY

As discussed at the previous council meeting, the city's existing \$.03 per gallon fuel tax is no longer sufficient to fund construction, maintenance, improvement of public highways, roads, street and rights of way within the city. The current \$.03 per gallon in fuel tax primarily supports major transportation capital projects as designated by the Tigard Transportation Advisory Committee (TTAC). If approved, this measure would increase existing fuel tax

from \$.03 to \$.08 per gallon, on motor vehicle fuel sold in the city. The fuel tax would be collected by motor vehicle fuel dealers and paid to the city. The city's motor vehicle fuel tax would be collected on any gallon of gas sold to anyone buying fuel in Tigard. Each \$.01 per gallon increase in the fuel tax is estimated to generate \$200,000 in revenues annually. Therefore a \$.05/gallon fuel tax increase will generate approximately \$1,000,000 per year.

In alignment with previous discussions, it is anticipated that the majority of this additional revenue would be allocated to the Pavement Management Program (PMP) to address the current backlog of streets totaling approximately \$11 million identified in the Program. In addition to funding PMP, the increased revenues from a local gas tax could help support major capital transportation projects and pedestrian connections inside the right-of-way.

If this measure is approved at \$.05/gallon, the increase in the city's street maintenance fee (SMF), currently scheduled to begin January 1, 2017, would not go into effect. The budgeted January 1, 2017 increase to the SMF charged to city residents and businesses is expected to generate approximately \$500,000 annually. The SMF increase is intended to fund paving of the City's backlog of projects over the next twenty years. An approved \$.05 increase to the local motor vehicle fuel tax would replace the increase in the SMF and also allow for funding additional transportation projects in the backlog.

Attached to this AIS are:

- Proposed November 8, 2016 ballot language asking voters to approve a \$.05 per gallon increase in the local fuel tax. Ballot language includes council's recommendation as discussed at the previous council meeting. In addition, Alderbrook Drive, 130th Avenue and Fonner Street were added as potential examples for the Pavement Management Program.
- Memo noting potential transportation projects that could receive consideration with this additional revenue.
- Memo with questions for council's consideration and additional information.
- Ordinance which establishes the local gas tax and revises Tigard Municipal Code
- Resolution referring the measure to the ballot

Additional items to be included with the Thursday, 7/21/16, council newsletter packet:

- Draft language of the Explanatory Statement for the ballot

OTHER ALTERNATIVES

Council may elect to alter the amount of the motor vehicle fuel tax and direct staff to bring forth such recommendation. Council may advise staff not to proceed with a November 8, 2016 ballot to increase in motor vehicle fuels tax. If so, on January 1, 2017, the Street Maintenance Fee would increase as approved in the FY2017 budget.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Tigard Strategic Plan

Vision "To be the most walkable community in the Pacific Northwest where people of all ages and abilities enjoy health and interconnected lives."

Transportation System Plan

Tigard Municipal Code Chapter 3.65

Council Goal: Expand Opportunities to Engage People in the Community - community education for content of measures for voter approval

Strategic Plan Goal 4: Facilitate walking connections to develop an identity

Strategic Plan Goal 5: Fund the vision while maintaining core services

DATES OF PREVIOUS CONSIDERATION

Gas Tax - 03/01/16

SMF and Gas Tax - 03/22/16

SMF - 09/15/15

SMF - 03/07/15

Gas Tax – 07/12/16

Attachments

[Tigard Gas Tax Ballot Title](#)

[Potential Transportation Projects](#)

[Questions for Council's Consideration & Additional Information](#)

[Ordinance](#)

[Resolution](#)

Caption (10 words)

Fuel tax increase for street system improvements, repair, and maintenance

Question (20 words)

Shall Tigard enact ordinance to increase fuel tax by 5 cents per gallon for street system improvements, repair, and maintenance?

Summary (175 words)

Ordinance 16-xx, if approved, would amend municipal code to increase City motor vehicle fuel tax from 3 to 8 cents per gallon and dedicate revenue to street system, sidewalk and safety improvements and pavement and rights-of-way maintenance. Estimated to raise \$1 million per year. The revenue would address existing unfunded transportation needs.

Project categories with potential examples:

- Pavement Management Program: Repave neighborhood streets such as parts of Grant Avenue, Atlanta Avenue, Benchview Terrace, 121st Avenue, Alderbrook Drive, 130th Avenue and Fonner Street.
- Major Street Improvements: Contribute to North Dakota Street and Tigard Street bridge replacements, including sidewalks and bike lanes; Tigard Street along Dirksen Park.
- Pedestrian Connection and Safety Projects: Sidewalks on Hunziker Street, Barrows Road and neighborhood gaps; crosswalk improvements such as flashing signs and beacons; improved traffic signals for safer pedestrian crossings.

City of Tigard

Proposed Local Gas Tax Increase: Potential Transportation Projects

The city's existing fuel tax of \$.03/gallon does not provide sufficient funding for construction, maintenance, improvement of public highways, roads, street and rights of way within the city. Currently the \$.03/gallon fuel tax primarily supports major transportation capital projects. Through council and staff discussions, the city could consider an increase to the city gas tax to further support transportation related projects. An increase of \$.01/gallon in the city's tax would raise approximately \$200,000 in revenues annually.

Staff has identified transportation needs that this additional revenue could support. Three main transportation construction elements that a potential increase in city gas tax could support are:

1. Pavement Management Program
2. Major Capital Transportation Construction Projects
3. Pedestrian Connection Projects (inside the right-of-way) in support the strategic plan

The \$.05/gallon city gas tax increase is estimated to provide \$1,000,000 in revenues annually. This memo provides projects the city could consider for the proposed 5 cent/gallon increase in city gas tax. Identified transportation projects were categorized in the above three areas and noted in further detail below. (Additionally, some of the gas tax resources could be used to fund increasing right-of-way vegetation management needs)

1. Pavement Management Program

The increase in gas tax could provide an expansion of the current city Pavement Management Program (PMP) to help the city repave and provide accessible curb ramps on a larger proportion of city streets. The current PMP with an FY17 adopted budget of approximately \$2 million, paid by the city Street Maintenance Fee charged to city residents and businesses, is primarily focused over the next five years on larger arterial and connector streets (higher capacity, busier streets). It is anticipated that an additional \$600,000 annual revenues would help the city address the current backlog of PMP projects within the next ten years. The increased city gas tax would allow for more local, neighborhood streets to be repaved sooner. A potential list of candidate streets is shown in the following table. The table represents a potential street paving list over five years that would otherwise fall to later years.

City of Tigard

Proposed Local Gas Tax Increase: Potential Transportation Projects

Street Project	Street - From	Street - To	Classification	Project Cost
Cardinal Ln	72nd Ave	End of Street	Commercial	70,000
Johnson St	Hwy 99W	Grant Ave	Residential	60,000
Grant Ave	McKenzie St	Tigard St	Residential	170,000
Fonner St	Walnut St	115th Ave	Residential	220,000
Alderbrook Dr	Durham Rd	Oaktree Ln	Residential	40,000
Main St (Phase II)	Tigard St	Commercial St	Collector	30,000
Oak St	Hall Blvd	90th Ave	Collector	100,000
74th Ave	Durham Rd	1,300' S of Bonita	Commercial	230,000
Garden Place	Hwy 99W	Hall Blvd	Commercial	180,000
130th Ave	Scholls Ferry Rd	Hawksbeard St	Residential	80,000
Atlanta/69th	68th Pkwy	Baylor	Commercial	60,000
Beveland St	72nd Ave	End of Street	Commercial	70,000
115th Ave (Except at N. D.)	Tigard St	Cottonwood Ln	Residential	180,000
Fanno Creek Dr	Bonita Rd	Fanno Creek Lp	Residential	120,000
Greenfield Dr	Bull Mountain Rd	Summit Ridge St	Residential	60,000
Walnut St	Gaarde St	135th Ave	Arterial	200,000
69th Ave	Hampton St	Dartmouth St	Commercial	100,000
Benchview Terr	Alpine View	Clearview Dr	Residential	200,000
Sequoia Pkwy	Upper Boones Ferry Rd	Bonita Rd	Collector	290,000
121st Ave	Gaarde St	Hollow Ln	Collector	170,000
Kable Ln	72nd Ave	End of Street	Commercial	40,000
				2,670,000

2. Major Capital Transportation Construction Projects

Transportation capital projects are improvements that each cost more than \$50,000. They are funded by a mix of sources, including state gas tax, system development charges paid by new development, local city gas tax, city general funds from property tax revenues, and regional/state/federal grant programs. These sources may have specific limitations on when, where, how they can be used; limited funding available; and in the case of grants – fierce competition for the available funds. Most grants also require matching funds, anywhere from 10% up to 200% of the grant amount. The city’s current revenues do not meet the existing needs in our transportation system. Additional revenue generated by an increase in the city’s gas tax would help supplement the city’s ability to meet these needs. The city’s current \$.03/gallon gas tax provides approximately \$600,000 of revenues annually. Staff anticipates approximately \$300,000 in annual revenues could help the city start addressing the list of unfunded and underfunded major capital transportation projects.

The existing city \$.03/gallon gas tax is currently utilized to:

- pay off transportation bonds issued in 2010 for the Greenburg Road/Main Street/Pacific Highway Intersection
- to help fund local street and sidewalk projects

As mentioned above, there is a substantial backlog of unfunded or underfunded projects. An increase in the city’s gas tax could help chip away at larger street, bike and pedestrian project needs in city right-of-way. After the transportation bonds are paid off in 2020, another estimated \$300,000 annual revenues will be available for projects as well. City gas tax dollars can pay directly for projects, but also can be important leverage as matching dollars, allowing the city to apply and

City of Tigard

Proposed Local Gas Tax Increase: Potential Transportation Projects

qualify for various regional, state and federal grants. This is important as many unfunded projects are estimated to cost in the millions of dollars.

Potential capital projects that a local gas tax increase can help fund are listed below. These are projects from the city's "Qualified List", which includes priority safety projects identified by staff and other priority projects ranked by the Tigard Transportation Advisory Committee. Some of the projects are in the recently adopted FY17-22 Capital Improvement Program (CIP) but are underfunded or pushed to out to later years. Some are under consideration for County Major Streets Transportation Improvement Program (MSTIP) funding through Washington County, but all are not likely to receive funding. Other projects, while considered a high enough priority to make the Qualified List, are currently unfunded and not listed in the CIP.

High Priority Projects in the Current CIP that are Under-Funded:

- North Dakota Street (Fanno Creek) bridge replacement: The city has applied to ODOT for federal bridge replacement grant funds, as the bridge repairs the city completed in the summer of 2015 are only temporary. However, based on ODOT staff comments, it is anticipated that grant funds, if received, will not provide for a complete project that includes sidewalks, bike lanes, flood relief over adjacent roadway or other safety improvement needs. City gas tax funds could provide for filling the gap so this is a complete and fully functional project. Depending on level of ODOT funding, the gap is anticipated to be \$800,000 to \$1.4 million (a complete project is estimated to cost about \$3.75 million). The recently adopted FY17-22 CIP currently provides for \$800,000 city match.
- Tigard Street (Fanno Creek) bridge replacement: Inspection information suggests this bridge should be replaced immediately following the North Dakota Street bridge. This bridge did not qualify for the 2018-2021 round of grant funding through ODOT (bridges need to be in very bad, near failure condition to qualify, such as the North Dakota Street bridge), but may qualify for the subsequent round, and the city will need matching dollars. Replacement with a complete project including full pedestrian and bicycle accommodations is estimated in the range of \$3.6 million.

Projects Under Consideration for County MSTIP Funding:

Currently the City has three high priority sidewalk/bicycle lane projects and two high priority intersection signalization projects on the 150% project list for potential funding through the Washington County Major Streets Transportation Improvement Program (MSTIP). Local gas tax dollars could help partially fund one or more of these projects if all are not selected for MSTIP (funding selections by the County are anticipated to be made by September 2016). These projects are:

- 121st Avenue, Tippit to Whistler: bicycle and pedestrian facilities, cost estimate \$3.9 million
- Tiedeman Avenue, Greenburg Road to Fanno Creek: sidewalks and bike lanes, cost estimate \$6 million (note: a smaller project on Tiedeman from Greenburg Road to Tigard Street is in the adopted CIP at an estimated cost of \$978,000 as a fundable placeholder if the complete project is not selected for MSTIP funding)

City of Tigard

Proposed Local Gas Tax Increase: Potential Transportation Projects

- Hunziker Street, 77th to 72nd: sidewalk and bike lanes, cost estimate \$1 million
- Bonita Road at Sequoia Parkway: traffic signal, cost estimate \$600,000
- Hall Blvd at Pfaffle Street: traffic signal, cost estimate \$600,000

Other Unfunded High Priority Projects (these are projects not in the city's CIP, but are noted on the "Qualified List"):

- Hunziker Street, 72nd to 77th: add sidewalk on north side and bike lanes, cost estimate \$1 million.
- Tigard Street, Gallo Avenue to Fanno Creek: half-street improvement and sidewalk/trail adjacent to Dirksen Nature Park, cost estimate \$1.1 million. (Improvements required by conditions of approval for park improvements)
- 116th Avenue, Tigard Street to Katherine Street: new trail in existing unimproved right-of-way crossing Summer Creek, cost estimate \$200,000.
- Barrows Road, Springbrook to Anna: sidewalk on Tigard's side of the road, cost estimate \$150,000.
- Scoffins Street, Hall Blvd to Ash Avenue: add sidewalks, cost estimate \$1 million.

3. Pedestrian Connection Projects (inside right-of-way)

In addition to noted (1) and (2) above the city has identified a need for increased attention to pedestrian connections in support of the city's strategic plan. Revenues from an increase in the city's gas tax could supplement the Pedestrian and Cyclist Connections Program in the city's adopted Capital Improvement Program (CIP). There are many smaller projects that can individually and cumulatively increase pedestrian route connectivity and safety in Tigard. In addition, there is a tremendous backlog of sidewalk, pathway, and crosswalk gap projects throughout the city, and the additional funding would assist in chipping away at this backlog. The types of projects proposed for funding with the additional city gas tax revenues are noted below. The Tigard Transportation Advisory Committee or designated subcommittee would be asked to advise the city on project priorities to be funded from these categories.

- Short, "missing link" sidewalk or pathway gaps in public right-of-way
- Pedestrian crossing improvements, such as flashing pedestrian signs and beacons
- Improvements to street traffic signals to provide for safer pedestrian crossings

As discussed above the city has identified how approximately \$1,000,000 in increased local gas tax revenue could be used to address the current backlog of transportation projects and maintenance. A \$.05/gallon increase to the city's local gas tax is an option to meet this need.



City of Tigard Memorandum

To: Honorable Mayor Cook and Tigard City Council
From: Cara Fitzpatrick, Assistant Finance Director
Re: City Gas Tax Increase Discussion
Date: July 7, 2016

As you consider the information provided for the local gas tax ballot measure discussion for the July 12, 2016 business meeting, staff would like your direction and input on the following questions.

Council Questions:

1. Is 5 cents per gallon the right amount for the local gas tax ballot measure?

Below is a list of cities and the local gas tax according the League of Oregon Cities website. In addition to the list of cities, Washington County has a 1 cent gas tax and Multnomah County has a 3 cents gas tax.

- Portland voters approved 10 cents for four years – going into effect September 2016 and expires in late 2020.
- Clackamas County board approved a ballot measure for November 2016 of 6 cents for seven years.

City	Passage Date	Tax Rate (cents/gallon)
Astoria	2007	3 cents
Brookings	2015	4 cents
Canby	2008	3 cents
Coburg	2007	3 cents
Coquille	2007	3 cents
Cornelius	2009	2 cents
Cottage Grove	2003	3 cents
Dundee	2003	2 cents
Eugene	2003	5 cents
Hood River	2009	3 cents
Milwaukie	2007	2 cents
Newport	2009	1 cent (Nov.-May); 3 cents (June-Oct.)
Oakridge	2004	3 cents
Phoenix	2015	2 cents
Sandy	2002	1 cent
Sisters	2009	3 cents
Springfield	2003	3 cents
The Dalles	1980	3 cents
Tigard	2006	3 cents
Troutdale	2015	3 cents
Tillamook	1982	1.5 cents
Veneta	2004	3 cents
Warrenton	2007	3 cents
Woodburn	1989	1 cent

2. What projects should be highlighted in the ballot measure title (limited to 175 words)?

Staff proposed the following potential projects that could be addressed with the additional funding. Council has the flexibility to adjust project priorities and schedules based on circumstances such as grant availability, fluctuations in materials and construction costs.

- Pavement Management Program: Repave more neighborhood streets such as parts of Grant Ave, Atlanta, Benchview Terrace, 121st Avenue.
- Major Street Improvements: Contribute to North Dakota and Tigard Street bridge replacements, including sidewalks and bike lanes; Tigard Street along Dirksen Park.
- Pedestrian Connection & Safety Projects: Hunziker Street, Barrows Road, and neighborhood gaps; crosswalk improvements such as flashing signs and beacons; improved traffic signals for safer pedestrian crossings.

3. If the local fuels tax should sunset, when will that be?

Tigard – at \$.05/gallon will provide approximately \$1,000,000 annual revenues

5 years = \$ 5,000,000

10 years = \$10,000,000

As a reference, the city's current annual spend on pavement maintenance and major capital improvement transportation projects is approximately:

- Pavement Management Program – \$2,000,000 (from SMF)
- Other Capital Transportation Projects – \$1,600,000 (from state and local gas taxes and transportation development tax)

None of the above spending addresses the current backlog of transportation related projects. The \$2,000,000/year spent on PMP is enough to keep up with the paving needs that develop annually, but not sufficient to make progress on the backlog.

4. Is November 2016 the right time for the local gas tax ballot measure? Please note, the following are also likely on the November local ballot:

- Tigard: SW Corridor / Light-rail project
- TUSD: Tigard Tualatin School District \$290M Bond
- Tigard: Potential marijuana tax

5. Are Tigard residents and businesses willing to pay an increase in the city gas tax?

Fees paid by Tigard residents and business:

- Water / Sanitary Sewer / Storm charges – monthly, varies
- Park Utility Fee:
 - \$3.75/monthly for residential
 - \$3.75/monthly per EDU based on billed parking stalls for non-residential
- Sewer Surcharge – \$2.07/EDU / monthly effective 10/01/16
- Street Maintenance Fee (SMF) – monthly for:
 - \$5.30/residential
 - \$1.86/parking space for non-residential
 - Scheduled to increase on January 1, 2017 if a local gas tax ballot measure does not pass. This increase is expected to generate roughly half the revenue that a local \$.05/gallon gas tax could provide.

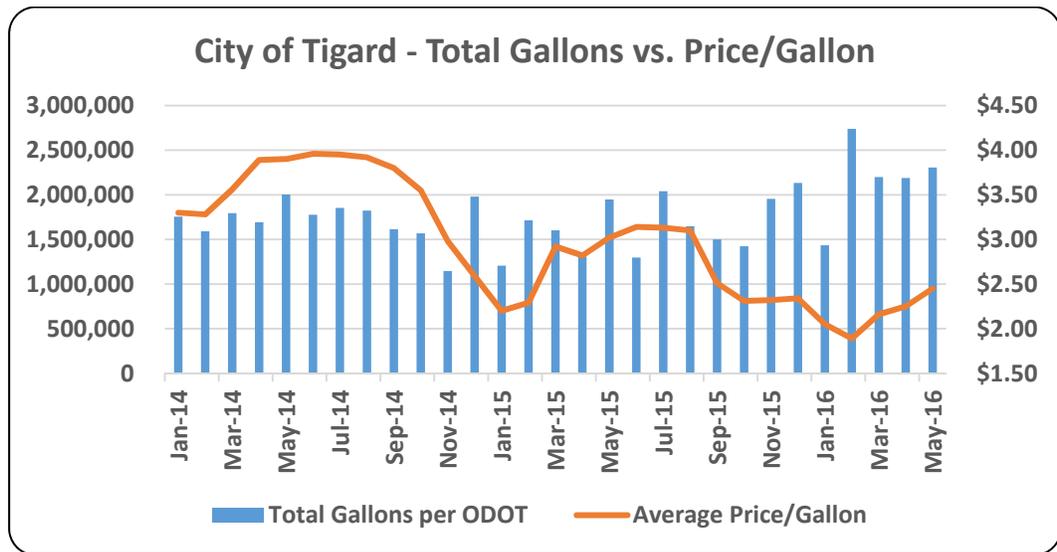
The January 1, 2017 increased SMF would be a total monthly fee for:

- \$6.56/residential
- \$2.15/parking space for non-residential

A local gas tax would be paid by both residents and non-residents alike that would alleviate the future burden of the SMF increase on January 1, 2017.

6. Does the price of a gallon of gas have an impact on the number of gallons sold?

The chart below represents a nearly 2 ½ year lookback at this correlation. Please note the gallons sold since February 2016 include the new Costco fueling station. Costco may have an impact in and of itself, however due to the very low gas prices it's difficult extrapolate what the impact of Costco is at this point in time.



Also for reference, the following table lists the gas stations within Tigard:

Number	Address	Station
1	11440 SW Pacific Hwy	76
2	11465 SW Pacific Hwy	Shell
3	7850 SW Dartmouth St	Costco
4	11747 SW Pacific Hwy	Chevron
5	11834 SW Pacific Hwy	Shell
6	12825 SW Pacific Hwy	Patriot
7	12885 SW Pacific Hwy	Astro
8	13970 SW Pacific Hwy	Chevron
9	10775 SW Greenburg Rd	76
10	15900 SW 72nd Ave	76
11	11290 SW Bull Mtn Rd	Shell
12	15055 SW 72nd Ave	Pacific Pride
13	15670 SW Upper Boones Ferry Rd	Chevron

7. What are FAQ's we should make sure to address?

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 16-**

AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE CHAPTER 3.65 TO INCREASE THE FUEL TAX BY 5 CENTS PER GALLON FOR STREET SYSTEM AND RIGHT OF WAY IMPROVEMENTS, REPAIR AND MAINTENANCE

WHEREAS, ORS 319.950 authorizes the City to enact or amend an ordinance taxing fuel for motor vehicles after submitting the proposed tax to the electors of the local government for their approval; and

WHEREAS, the Tigard Municipal Code currently imposes a three cent per gallon tax on motor vehicle fuel sold within the City; and

WHEREAS, the Tigard City Council wishes to amend the Municipal Code to increase the motor vehicle fuel tax to eight cents per gallon; and

WHEREAS, the Tigard City Council wishes to dedicate the revenues from the fuel tax increase to street system and safety improvements and pavement and rights-of-way maintenance; and

WHEREAS, voter approval of this ordinance will prevent the increase in the City's street maintenance fee, scheduled to begin January 1, 2017, from going into effect.

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

SECTION 1: Section 3.65.040 of the Tigard Municipal Code is hereby amended to read as follows (additional language is underlined; deleted language shown as ~~striketrough~~):

b. Pay a motor vehicle fuel tax computed on the basis of eight ~~three~~ cents per gallon of such motor vehicle fuel so sold, used or distributed as shown by such statement in the manner and within the time provided in this ordinance.

SECTION 2: Section 3.65.270 of the Tigard Municipal Code is hereby amended to read as follows (additional language is underlined; deleted language shown as ~~striketrough~~):

2. The net revenue shall be used only for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, and streets, and rights of way within the city. ~~The net revenue shall be used exclusively for improvements to the Greenburg Road/Highway 99/Main Street intersection until such improvements are fully funded.~~

SECTION 3: This ordinance shall be effective upon certification by the County Elections Official that it has received voter approval at an election conducted on November 8, 2016.

PASSED: By _____ vote of all council members present after being read by number and title only, this _____ day of _____, 2016.

Carol A. Krager, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2016.

John L. Cook, Mayor

Approved as to form:

City Attorney

Date

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 16-___**

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF TIGARD AT THE NOVEMBER 8, 2016 GENERAL ELECTION, THE QUESTION OF WHETHER TO INCREASE FUEL TAX BY 5 CENTS PER GALLON FOR STREET SYSTEM IMPROVEMENTS, REPAIR AND MAINTENANCE

WHEREAS, ORS 319.950 authorizes the City to enact or amend an ordinance taxing fuel for motor vehicles after submitting the proposed tax to the electors of the local government for their approval; and

WHEREAS, the City Council of Tigard adopted Ordinance No. ____, which amends the fuel tax from three cents to eight cents per gallon, for street improvements, repair and maintenance; and

WHEREAS, the City Council of Tigard, pursuant to ORS 319.950, desires to refer Ordinance No. _____ to the electors of the City of Tigard.

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

SECTION 1: Measure. A measure election is called in and for the City of Tigard, Washington County, Oregon, for the purpose of submitting a measure that would increase the fuel tax by five cents per gallon for street improvements, repair and maintenance. A copy of the measure is attached and incorporated as "Exhibit 1."

SECTION 2: Election Conducted by Mail. The measure election shall be held on Tuesday, November 8, 2016, which is the next general election. The precinct for the election shall be all of the territory within the corporate limits of the City of Tigard. As required by ORS 254.465, the measure election will be conducted by mail by the Washington County Elections Department, according to the procedures adopted by the Oregon Secretary of State.

SECTION 3: Notice of Ballot Title. The City Elections Officer is directed to publish notice of receipt of the ballot title in the Tigard Times or The Oregonian in compliance with ORS 250.275(5).

SECTION 4: Ballot Title. Pursuant to ORS 250.285 and ORS 254.095, the Tigard City Council directs the City Elections Officer to file a notice of City Measure Election in substantially the form of Exhibit 2, with the Washington County Elections Office, unless, pursuant to a valid ballot title challenge, the Tigard City Council certifies a different Notice of City Measure Election be filed, such filing shall occur no earlier than the eighth business day after the date on which Exhibit 2 is filed with the city elections officer and not later than September 8, 2016.

SECTION 5: Explanatory Statement. Pursuant to ORS 251.345, the Tigard City Council directs the City Manager to prepare a Measure Explanatory Statement for publication in the county voters' pamphlet; said statement shall be filed with the Washington County Elections Office at the same time the Notice of City Measure Election is filed by the city elections officer.

SECTION 6: Delegation. The Tigard City Council authorizes the City Manager or a designee of the City Manager to act on behalf of the City of Tigard and to take such further action as is

necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.

SECTION 7: Effect of “Yes” Vote. If a majority of eligible voters vote “yes” on the measure, Ordinance No. _____ will become operative, and the City’s fuel tax will be increased by five cents per gallon for street improvements, repair and maintenance.

SECTION 8: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____, 2016.

Mayor – City of Tigard

ATTEST:

City Recorder – City of Tigard

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 16-**

AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE CHAPTER 3.65 TO INCREASE THE FUEL TAX BY 5 CENTS PER GALLON FOR STREET SYSTEM AND RIGHT OF WAY IMPROVEMENTS, REPAIR AND MAINTENANCE

WHEREAS, ORS 319.950 authorizes the City to enact or amend an ordinance taxing fuel for motor vehicles after submitting the proposed tax to the electors of the local government for their approval; and

WHEREAS, the Tigard Municipal Code currently imposes a three cent per gallon tax on motor vehicle fuel sold within the City; and

WHEREAS, the Tigard City Council wishes to amend the Municipal Code to increase the motor vehicle fuel tax to eight cents per gallon; and

WHEREAS, the Tigard City Council wishes to dedicate the revenues from the fuel tax increase to street system and safety improvements and pavement and rights-of-way maintenance; and

WHEREAS, voter approval of this ordinance will prevent the increase in the City's street maintenance fee, scheduled to begin January 1, 2017, from going into effect.

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

SECTION 1: Section 3.65.040 of the Tigard Municipal Code is hereby amended to read as follows (additional language is underlined; deleted language shown as ~~strikethrough~~):

b. Pay a motor vehicle fuel tax computed on the basis of eight ~~three~~ cents per gallon of such motor vehicle fuel so sold, used or distributed as shown by such statement in the manner and within the time provided in this ordinance.

SECTION 2: Section 3.65.270 of the Tigard Municipal Code is hereby amended to read as follows (additional language is underlined; deleted language shown as ~~strikethrough~~):

2. The net revenue shall be used only for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, and streets, and rights of way within the city. ~~The net revenue shall be used exclusively for improvements to the Greenburg Road/Highway 99/Main Street intersection until such improvements are fully funded.~~

Exhibit 1

SECTION 3: This ordinance shall be effective upon certification by the County Elections Official that it has received voter approval at an election conducted on November 8, 2016.

PASSED: By _____ vote of all council members present after being read by number and title only, this ____ day of _____, 2016.

Carol A. Krager, City Recorder

APPROVED: By Tigard City Council this ____ day of _____, 2016.

John L. Cook, Mayor

Approved as to form:

City Attorney

Date

EXHIBIT 2

Notice of Measure Election

SEL 802

rev 1/14: ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

City

Notice

Date of Notice	Name of City or Cities City of Tigard	Date of Election November 8, 2016
----------------	--	--------------------------------------

The following is the final ballot title of the measure to be submitted to the city's voters.

Final Ballot Title Notice of receipt of ballot title has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure

Fuel tax increase for street system improvements, repair, and maintenance

Question 20 words which plainly phrases the chief purpose of the measure

Shall Tigard enact ordinance to increase fuel tax by 5 cents per gallon for street system improvements, repair, and maintenance?

Summary 175 words which concisely and impartially summarizes the measure and its major effect

Ordinance 16-___, if approved, would amend municipal code to increase City motor vehicle fuel tax from 3 to 8 cents per gallon and dedicate revenue to street system, sidewalk and safety improvements and pavement and rights-of-way maintenance. Estimated to raise \$1 million per year. The revenue would address existing unfunded transportation needs.

Project categories with potential examples:

- Pavement Management Program: Repave neighborhood streets such as parts of Grant Avenue, Atlanta Avenue, Benchview Terrace, 121st Avenue, Alderbrook Drive, 130th Avenue and Fonner Street.
- Major Street Improvements: Contribute to North Dakota Street and Tigard Street bridge replacements, including sidewalks and bike lanes; Tigard Street along Dirksen Park.
- Pedestrian Connection and Safety Projects: Sidewalks on Hunziker Street, Barrows Road, and neighborhood gaps; crosswalk improvements such as flashing signs and beacons; improved traffic signals for safer pedestrian crossings.

Explanatory Statement 500 words that impartially explains the measure and its effect, if required attach to this form

If the county is producing a voters' pamphlet an explanatory statement must be submitted for any measure referred by the city governing body and if required by local ordinance, for any initiative or referendum.

Measure Type	County producing voters' pamphlet		Local ordinance requiring submission		Explanatory statement required	
<input checked="" type="checkbox"/> Referral	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Not applicable		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Initiative	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Referendum	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Authorized City Official Not required to be notarized

→By signing this document, I hereby state that I am authorized by the city to submit this Notice of Measure Election and I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Name	Title	Work Phone
-------------	--------------	-------------------

Signature	Date Signed
------------------	--------------------

AIS-2728

7.

Business Meeting

Meeting Date: 07/26/2016

Length (in minutes): 20 Minutes

Agenda Title: Public Hearing: Consideration of Ordinance and Resolution to Place a Marijuana Tax on the November 2016 Ballot

Prepared For: Liz Newton

Submitted By: Carol Krager, Central Services

Item Type: Public Hearing - Informational

Meeting Type: Council Business Meeting - Main

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Shall the City Council refer a ballot measure to Tigard voters on the November 8, 2106 ballot that, if approved, would establish a tax on the sale of marijuana items?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends approval of the attached ordinance establishing a tax on the sale of marijuana items by marijuana retailers in the city, and approval of the attached resolution referring the question to voters at the November 8, 2016 election.

KEY FACTS AND INFORMATION SUMMARY

Oregon State Law (ORS 475 B.345) provides that a city council may adopt an ordinance to be referred to voters that imposes a tax on the sale of marijuana items by a retailer in the city. Council discussed a proposed ordinance to refer a 3% tax currently allowed by state law at its July 12, 2016 meeting. During the discussion the city attorney advised that it is possible the legislature may increase the percentage tax city' would be authorized to impose to as much as 8%.

Council consensus was to direct staff to prepare an ordinance that would establish the maximum allowed by state law and a resolution to refer the ordinance to voters at the

November 8, 2016 election and conduct a public hearing on the matter on July 26, 2016.

The attached ordinance has been modified to establish the tax at the maximum allowed by state law. The attached resolution, ballot title and explanatory statement have also been modified to allow the maximum tax allowed by state law.

OTHER ALTERNATIVES

Decline to refer the tax to voters in November 2016.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

N/A

DATES OF PREVIOUS CONSIDERATION

September 9, 2014

September 23, 2014

August 18, 2015

July 12, 2016

Attachments

Ordinance

Resolution

Public Testimony - Widmer

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 16-_____

AN ORDINANCE ESTABLISHING A TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER IN THE CITY OF TIGARD

WHEREAS, Section 34a of House Bill 3400 (2015) (codified at ORS 475B.345) provides that a city council may adopt an ordinance to be referred to the voters that imposes a tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city; and

WHEREAS, the Tigard City Council wishes to exercise that power to tax the sale of marijuana items by a marijuana retailer in the City of Tigard at the maximum rate allowed by law, which is currently three percent.

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

- SECTION 1: Tigard Municipal Code is amended by adding a new Chapter 3.80, Marijuana Tax, to read as attached in Exhibit A.
- SECTION 2: Severability. The sections, subsections, paragraphs and clauses of this ordinance or any intergovernmental agreement with any department or agency of the State of Oregon are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.
- SECTION 3: Savings. Notwithstanding any amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.
- SECTION 4: Intergovernmental Cooperation. After the effective date of this ordinance, the City may enter into an agreement whereby the State of Oregon is responsible for the administration, collection, distribution or enforcement of the tax authorized under this chapter, either in full or in part, without needing to obtain voter approval.
- SECTION 5: Tigard Municipal Code Chapter 3.70 is hereby repealed, as of the effective date of this ordinance.
- SECTION 6: This ordinance shall be referred to the electors of Tigard at the next statewide general election on Tuesday, November 8, 2016.
- SECTION 7: This ordinance shall be effective upon certification by the County Elections official that it has received voter approval at an election conducted on November 8, 2016.

PASSED: By _____ vote of all Council members present after being read by number and title only this _____ day of _____, 2016.

Carol Krager, City Recorder

APPROVED: Approved by Tigard City Council this _____ day of _____, 2016.

John L. Cook, Mayor

Approved as to form:

City Attorney

Chapter 3.80 MARIJUANA TAX

Sections:

- 3.80.010 Purpose
- 3.80.015 Definitions
- 3.80.020 Tax Imposed
- 3.80.025 Amount and Payment, Deductions
- 3.80.030 Marijuana Retailer Responsible for Payment of Tax
- 3.80.035 Penalties and Interest
- 3.80.040 Appeal
- 3.80.045 Refunds
- 3.80.050 Actions to Collect
- 3.80.055 Violation
- 3.80.060 Confidentiality
- 3.80.065 Audit of Books, Records, or Persons
- 3.80.070 Forms and Regulations
- 3.80.075 Intergovernmental Agreement

3.80.010 Purpose

The purpose of this chapter is to impose a tax upon the retail sale of marijuana items by marijuana retailers in the City of Tigard.

3.80.015 Definitions

As used in this ordinance, unless the context requires otherwise:

A. "Consumer" means a person who purchases, acquires, owns, holds or uses marijuana items other than for the purposes of resale.

B. "Director" means the Director of Finance for the City of Tigard or his or her designee.

C. "Retail sale price" means the price paid for a marijuana item, excluding tax, to a

marijuana retailer by or on behalf of a consumer of the marijuana item.

D. "Marijuana item" has the meaning given that term in ORS 475B.015(16).

E. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.

F. "Retail sale" or "Sale" means the exchange, gift or barter of a marijuana item by any person to a consumer.

G. "Marijuana retailer" means any person who is required to be licensed or registered or has been licensed or registered by the State of Oregon to provide marijuana items to consumers for money, credit, property or other consideration.

H. "Tax" means either the tax payable by the marijuana retailer or the aggregate amount of taxes due from a marijuana retailer during the period for which the marijuana retailer is required to report collections under this chapter.

I. "Taxpayer" means any person obligated to account to the Director for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.

3.80.020 Tax Imposed

A tax is hereby levied and shall be paid by every marijuana retailer exercising the taxable privilege of selling marijuana items as defined in this chapter. The Director is authorized to exercise all supervisory and administrative powers with regard to the enforcement, collection, and administration of the tax.

3.80.025 Amount and Payment, Deductions

In addition to any fees or taxes otherwise provided for by law, every marijuana retailer engaged in the sale of marijuana items in the City of Tigard shall pay a tax of three percent (3%) of the retail sale price paid to the marijuana retailer of marijuana items, or the maximum allowed by state law, whichever is greater. The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items.

3.80.030 Marijuana Retailer Responsible for Payment of Tax

A. Every marijuana retailer shall obtain a business license from the City of Tigard pursuant to TMC 5.04. The marijuana retailer will indicate on the business license application whether the marijuana retailer is licensed by or registered with the State of Oregon to provide marijuana items to consumers for money, credit, property or other consideration.

B. Every marijuana retailer shall, on or before the last day of the month following the end of each calendar quarter (in the months of April, July, October and January) make a return to the Director, on forms provided by the City, specifying the total sales subject to this chapter and the amount of tax collected under this chapter. The marijuana retailer may request, or the City may establish, shorter reporting periods for any marijuana retailer if the marijuana retailer or City deems it necessary in order to ensure collection of the tax and the City may require further information in the return relevant to payment of the tax. A return shall not be considered filed until it is actually received by the Director.

C. At the time the return is filed, the full amount of the tax collected shall be remitted to the City.

D. Payments shall be applied in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to the underlying tax. If the Director, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the City in a particular tax or factual situation, the Director may order such a change. The Director may establish shorter reporting periods for any marijuana retailer if the Director deems it necessary in order to ensure collection of the tax. The Director also may require additional information in the return relevant to payment of the liability. When a shorter return period is required, penalties and interest shall be computed according to the shorter return period. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by marijuana retailers pursuant to this chapter shall be held in trust for the account of the City until payment is made to the City. A separate trust bank account is not required in order to comply with this provision.

E. Every marijuana retailer must keep and preserve, in an accounting format established by the Director, records of all sales made by the marijuana retailer and such other books or accounts as may be required by the Director for a period of three (3) years or until all taxes associated with the sales have been paid, whichever is longer. The City shall have the right to inspect all such records at all reasonable times.

3.80.035 Penalties and Interest

A. Any marijuana retailer who fails to remit any portion of any tax imposed by this chapter within the time required shall pay a penalty of ten percent (10%) of the amount of the tax, in addition to the amount of the tax.

B. If the City determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in subparagraphs 1 and 3 of this section.

C. In addition to the penalties imposed, any marijuana retailer who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent (1%) per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

D. Penalties imposed, and such interest as accrues for violation of this chapter are separate from, and in addition to, the tax imposed on the sale of marijuana items.

E. All sums collected pursuant to the penalty provisions in this section shall be distributed to the City of Tigard General Fund to offset the costs of auditing and enforcement of this tax.

3.80.040 Appeal

Any marijuana retailer aggrieved by any decision of the Director with respect to the amount of such tax, interest and penalties, if any, may appeal pursuant to the Appeals to Civil Infractions Hearings Officer in Chapter 1.17 of this code, except that the appeal shall be filed within thirty (30) days of the serving or mailing of the determination of tax due. The hearings officer shall hear and consider any records and evidence presented bearing upon the Director's determination of amount due, and make findings affirming, reversing or

modifying the determination. The findings of the hearings officer shall be final and conclusive, and shall be served upon the appellant in the manner prescribed in Chapter 1.17. Any amount found to be due shall be immediately due and payable upon the service of notice.

3.80.045 Refunds

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the City under this chapter, it may be refunded as provided in subparagraph 2 of this section, provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Director within one (1) year of the date of payment. The claim shall be on forms furnished by the City.

B. The Director shall have twenty (20) calendar days from the date of receipt of a claim to review the claim and make a determination in writing as to the validity of the claim. The Director shall notify the claimant in writing of the Director's determination. Such notice shall be mailed to the address provided by claimant on the claim form. In the event a claim is determined by the Director to be a valid claim, in a manner prescribed by the Director a marijuana retailer may claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously collected or received. The marijuana retailer shall notify Director of claimant's choice no later than fifteen (15) days following the date Director mailed the determination. In the event claimant has not notified the Director of claimant's choice within the fifteen (15) day period and the marijuana retailer is still in business, a credit will be granted against the tax liability for the next reporting period. If the marijuana retailer is no longer in business, a refund check will be mailed to claimant at the address provided in the claim

form.

C. No refund shall be paid under the provisions of this section unless the claimant established the right by written records showing entitlement to such refund and the Director acknowledged the validity of the claim.

3.80.050 Actions to Collect

Any tax required to be paid by any marijuana retailer under the provisions of this chapter shall be deemed a debt owed by the marijuana retailer to the City. Any such tax collected by a marijuana retailer which has not been paid to the City shall be deemed a debt owed by the marijuana retailer to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City of Tigard for the recovery of such amount. In lieu of filing an action for the recovery, the City of Tigard, when taxes due are more than 30 (thirty) days delinquent, can submit any outstanding tax to a collection agency. So long as the City of Tigard has complied with the provisions set forth in ORS 697.105, in the event the City turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees, not to exceed the greater of fifty dollars (\$50.00) or fifty percent (50%) of the outstanding tax, penalties and interest owing.

3.80.055 Violation

A. Violation of this chapter shall constitute a Class 1 civil infraction which shall be processed according to the procedures established in Chapter 1.16 of this code, Civil Infractions. It is a violation of this chapter for any marijuana retailer or

other person to:

1. Fail or refuse to comply as required herein;
2. Fail or refuse to furnish any return required to be made;
3. Fail or refuse to permit inspection of records;
4. Fail or refuse to furnish a supplemental return or other data required by the City;
5. Render a false or fraudulent return or claim; or
6. Fail, refuse or neglect to remit the tax to the city by the due date.

B. Filing a false or fraudulent return shall be considered a Class B misdemeanor, subject to Chapter 7.28.020 of this code, Unsworn Falsification. The remedies provided by this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this ordinance prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance.

3.80.060 Confidentiality

Except as otherwise required by law, it shall be unlawful for the City, any officer, employee or agent to divulge, release or make known in any manner any financial information submitted or disclosed to the City under the terms of this chapter. Nothing in this section shall

prohibit:

A. The disclosure of the names and addresses of any person who is operating a licensed establishment from which marijuana items are sold or provided; or

B. The disclosure of general statistics in a form which would not reveal an individual marijuana retailer's financial information; or

C. The disclosure of information to any state agency related to the licensing or registration of the marijuana retailer or when required to carry out any part of this chapter.

D. Presentation of evidence to the court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the City or an appeal from the City for amount due the City under this chapter; or

E. The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures; or

F. The disclosure of records related to a business' failure to report and remit the tax when the report or tax is in arrears for over six (6) months or the tax exceeds five thousand dollars (\$5,000). The City Council expressly finds and determines that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.501(5).

3.80.065 Audit of Books, Records, or Persons

A. The City, for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designated by the City for

that purpose, any books, papers, records, or memoranda, including copies of marijuana retailer's state and federal income tax return, bearing upon the matter of the marijuana retailer's tax return. All books, invoices, accounts and other records shall be made available within the City limits and be open at any time during regular business hours for examination by the Director or an authorized agent of the Director.

B. If the examinations or investigations disclose that any reports of marijuana retailers filed with the Director pursuant to the requirements herein have shown incorrectly the amount of tax accruing, the Director may make such changes in subsequent reports and payments, or make such refunds, as may be necessary to correct the errors disclosed by its examinations or investigations.

C. The marijuana retailer shall reimburse the City for reasonable costs of the examination or investigation if the action disclosed that the marijuana retailer paid 95 percent or less of the tax owing for the period of the examination or investigation. In the event that such examination or investigation results in an assessment by and an additional payment due to the City, such additional payment shall be subject to interest at the rate of 1 percent per month, or the portion thereof, from the date the original tax payment was due.

D. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the City may immediately seek a subpoena from the Tigard Municipal Court to require that the taxpayer or a representative of the taxpayer attend a hearing or produce any such books, accounts and records for examination.

E Every marijuana retailer shall keep a record in such form as may be prescribed by the City of all sales of marijuana items. The records shall at all times during the business hours of the day be subject to inspection by the City or authorized officers or agents of the Director.

F. Every marijuana retailer shall maintain and keep, for a period of three (3) years, or until all taxes associated with the sales have been paid, whichever is longer, all records of marijuana items.

3.80.070 Forms and Regulations

The Director is hereby authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection of said marijuana tax and in particular and without limiting the general language of this chapter, to provide for:

A. A form of report on sales and purchases to be supplied to all vendors; and

B. The records which marijuana retailers are to keep concerning the tax imposed by this chapter.

3.80.075 Intergovernmental Agreement

The City Council may enter into an IGA with any department or agency of the State of Oregon whereby the State is responsible for the administration, collection, distribution, or enforcement of the tax authorized under this chapter, either in full or in part. The terms of that agreement shall apply in lieu of and shall supersede conflicting provisions of this chapter but shall not be construed as repealing any provision of this chapter.

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 16-_____**

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF TIGARD AT THE NOVEMBER 8, 2016 GENERAL ELECTION, THE QUESTION OF WHETHER TO ESTABLISH A TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER IN THE CITY OF TIGARD

WHEREAS, Section 34a of HB 3400 (codified at ORS 475B.345) provides that a city council may adopt an ordinance to be referred to the electors of the city that imposes up to a three percent tax or fee on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the City; and

WHEREAS, the City Council of Tigard adopted Ordinance No.____, which establishes a tax on the sale of marijuana items by a marijuana retailer in the city of Tigard equal to the amount allowed under State of Oregon law (currently three percent); and

WHEREAS, the City Council of Tigard, pursuant to Section 34a of HB 3400 (ORS 475B.345), desires to refer Ordinance No. _____ to the electors of the City of Tigard.

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

- SECTION 1: Measure. A measure election is called in and for the City of Tigard, Washington County, Oregon, for the purpose of submitting a measure that would establish a tax of the full amount allowed under State law (currently 3 percent) on the sale of marijuana items by marijuana retailers in the city of Tigard. A copy of the measure is attached and incorporated as “Exhibit 1.”
- SECTION 2: Election Conducted by Mail. The measure election shall be held on Tuesday, November 8, 2016, which is the next general election. The precinct for the election shall be all of the territory within the corporate limits of the City of Tigard. As required by ORS 254.465, the measure election will be conducted by mail by the Washington County Elections Department, according to the procedures adopted by the Oregon Secretary of State.
- SECTION 3: Notice of Ballot Title. The City Elections Officer is directed to publish notice of receipt of the ballot title in the Tigard Times or The Oregonian in compliance with ORS 250.275(5).
- SECTION 4: Ballot Title. Pursuant to ORS 250.285 and ORS 254.095, the Tigard City Council directs the City Elections Officer to file a notice of City Measure Election in substantially the form of Exhibit 2, with the Washington County Elections Office, unless, unless, pursuant to a valid ballot title challenge, the Tigard City Council certifies a different Notice of City Measure Election be filed, such filing shall occur no earlier than the eighth business day after the

date on which Exhibit A is filed with the city elections officer and not later than September 8, 2016.

SECTION 5: Explanatory Statement. The explanatory statement for the measure, for publication in the county voters' pamphlet, which is attached and incorporated as "Exhibit 3," is approved; said statement shall be filed with the Washington County Elections Office at the same time the Notice of City Measure Election is filed by the City Elections Officer.

SECTION 6: Delegation. The Tigard City Council authorizes the City Manager or a designee of the City Manager to act on behalf of the city of Tigard and to take such further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.

SECTION 7: Effect of "Yes" Vote. If a majority of eligible voters vote "yes" on the measure, Ordinance No. _____ will become operative, and the tax will be imposed on the sale of marijuana items by marijuana retailers in the corporate limits of the City of Tigard.

SECTION 8: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2016.

Mayor – City of Tigard

ATTEST:

City Recorder – City of Tigard

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 16-_____**

AN ORDINANCE ESTABLISHING A TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER IN THE CITY OF TIGARD

WHEREAS, Section 34a of House Bill 3400 (2015) (codified at ORS 475B.345) provides that a city council may adopt an ordinance to be referred to the voters that imposes a tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city; and

WHEREAS, the Tigard City Council wishes to exercise that power to tax the sale of marijuana items by a marijuana retailer in the City of Tigard at the maximum rate allowed by law, which is currently three percent

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

- SECTION 1: Tigard Municipal Code is amended by adding a new Chapter 3.80, Marijuana Tax, to read as attached in Exhibit A.
- SECTION 2: Severability. The sections, subsections, paragraphs and clauses of this ordinance or any intergovernmental agreement with any department or agency of the State of Oregon are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.
- SECTION 3: Savings. Notwithstanding any amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.
- SECTION 4: Intergovernmental Cooperation. After the effective date of this ordinance, the City may enter into an agreement whereby the State of Oregon is responsible for the administration, collection, distribution or enforcement of the tax authorized under this chapter, either in full or in part, without needing to obtain voter approval.
- SECTION 5: Tigard Municipal Code Chapter 3.70 is hereby repealed, as of the effective date of this ordinance.
- SECTION 6: This ordinance shall be referred to the electors of Tigard at the next statewide general election on Tuesday, November 8, 2016.
- SECTION 7: This ordinance shall be effective upon certification by the County Elections official that it has received voter approval at an election conducted on November 8, 2016.

PASSED: By _____ vote of all Council members present after being read by number and title only this _____ day of _____, 2016.

Carol Krager, City Recorder

APPROVED: Approved by Tigard City Council this _____ day of _____, 2016.

John L. Cook, Mayor

Approved as to form:

City Attorney

Chapter 3.80 MARIJUANA TAX

Sections:

- 3.80.010 Purpose**
- 3.80.015 Definitions**
- 3.80.020 Tax Imposed**
- 3.80.025 Amount and Payment, Deductions**
- 3.80.030 Marijuana Retailer Responsible for Payment of Tax**
- 3.80.035 Penalties and Interest**
- 3.80.040 Appeal**
- 3.80.045 Refunds**
- 3.80.050 Actions to Collect**
- 3.80.055 Violation**
- 3.80.060 Confidentiality**
- 3.80.065 Audit of Books, Records, or Persons**
- 3.80.070 Forms and Regulations**
- 3.80.075 Intergovernmental Agreement**

3.80.010 Purpose

The purpose of this chapter is to impose a tax upon the retail sale of marijuana items by marijuana retailers in the City of Tigard.

3.80.015 Definitions

As used in this ordinance, unless the context requires otherwise:

A. "Consumer" means a person who purchases, acquires, owns, holds or uses marijuana items other than for the purposes of resale.

B. "Director" means the Director of Finance for the City of Tigard or his or her designee.

C. "Retail sale price" means the price paid for a marijuana item, excluding tax, to a

marijuana retailer by or on behalf of a consumer of the marijuana item.

D. "Marijuana item" has the meaning given that term in ORS 475B.015(16).

E. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.

F. "Retail sale" or "Sale" means the exchange, gift or barter of a marijuana item by any person to a consumer.

G. "Marijuana retailer" means any person who is required to be licensed or registered or has been licensed or registered by the State of Oregon to provide marijuana items to consumers for money, credit, property or other consideration.

H. "Tax" means either the tax payable by the marijuana retailer or the aggregate amount of taxes due from a marijuana retailer during the period for which the marijuana retailer is required to report collections under this chapter.

I. "Taxpayer" means any person obligated to account to the Director for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.

3.80.020 Tax Imposed

A tax is hereby levied and shall be paid by every marijuana retailer exercising the taxable privilege of selling marijuana items as defined in this chapter. The Director is authorized to exercise all supervisory and administrative powers with regard to the enforcement, collection, and administration of the tax.

3.80.025 Amount and Payment, Deductions

In addition to any fees or taxes otherwise provided for by law, every marijuana retailer engaged in the sale of marijuana items in the City of Tigard shall pay a tax of three percent (3%) of the retail sale price paid to the marijuana retailer of marijuana items, or the maximum allowed by state law, whichever is greater. The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items.

3.80.030 Marijuana Retailer Responsible for Payment of Tax

A. Every marijuana retailer shall obtain a business license from the City of Tigard pursuant to TMC 5.04. The marijuana retailer will indicate on the business license application whether the marijuana retailer is licensed by or registered with the State of Oregon to provide marijuana items to consumers for money, credit, property or other consideration.

B. Every marijuana retailer shall, on or before the last day of the month following the end of each calendar quarter (in the months of April, July, October and January) make a return to the Director, on forms provided by the City, specifying the total sales subject to this chapter and the amount of tax collected under this chapter. The marijuana retailer may request, or the City may establish, shorter reporting periods for any marijuana retailer if the marijuana retailer or City deems it necessary in order to ensure collection of the tax and the City may require further information in the return relevant to payment of the tax. A return shall not be considered filed until it is actually received by the Director.

C. At the time the return is filed, the full amount of the tax collected shall be remitted to the City.

D. Payments shall be applied in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to the underlying tax. If the Director, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the City in a particular tax or factual situation, the Director may order such a change. The Director may establish shorter reporting periods for any marijuana retailer if the Director deems it necessary in order to ensure collection of the tax. The Director also may require additional information in the return relevant to payment of the liability. When a shorter return period is required, penalties and interest shall be computed according to the shorter return period. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by marijuana retailers pursuant to this chapter shall be held in trust for the account of the City until payment is made to the City. A separate trust bank account is not required in order to comply with this provision.

E. Every marijuana retailer must keep and preserve, in an accounting format established by the Director, records of all sales made by the marijuana retailer and such other books or accounts as may be required by the Director for a period of three (3) years or until all taxes associated with the sales have been paid, whichever is longer. The City shall have the right to inspect all such records at all reasonable times.

3.80.035 Penalties and Interest

A. Any marijuana retailer who fails to remit any portion of any tax imposed by this chapter within the time required shall pay a penalty of ten percent (10%) of the amount of the tax, in addition to the amount of the tax.

B. If the City determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in subparagraphs 1 and 3 of this section.

C. In addition to the penalties imposed, any marijuana retailer who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent (1%) per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

D. Penalties imposed, and such interest as accrues for violation of this chapter are separate from, and in addition to, the tax imposed on the sale of marijuana items.

E. All sums collected pursuant to the penalty provisions in this section shall be distributed to the City of Tigard General Fund to offset the costs of auditing and enforcement of this tax.

3.80.040 Appeal

Any marijuana retailer aggrieved by any decision of the Director with respect to the amount of such tax, interest and penalties, if any, may appeal pursuant to the Appeals to Civil Infractions Hearings Officer in Chapter 1.17 of this code, except that the appeal shall be filed within thirty (30) days of the serving or mailing of the determination of tax due. The hearings officer shall hear and consider any records and evidence presented bearing upon the Director's determination of amount due, and make findings affirming, reversing or

modifying the determination. The findings of the hearings officer shall be final and conclusive, and shall be served upon the appellant in the manner prescribed in Chapter 1.17. Any amount found to be due shall be immediately due and payable upon the service of notice.

3.80.045 Refunds

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the City under this chapter, it may be refunded as provided in subparagraph 2 of this section, provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Director within one (1) year of the date of payment. The claim shall be on forms furnished by the City.

B. The Director shall have twenty (20) calendar days from the date of receipt of a claim to review the claim and make a determination in writing as to the validity of the claim. The Director shall notify the claimant in writing of the Director's determination. Such notice shall be mailed to the address provided by claimant on the claim form. In the event a claim is determined by the Director to be a valid claim, in a manner prescribed by the Director a marijuana retailer may claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously collected or received. The marijuana retailer shall notify Director of claimant's choice no later than fifteen (15) days following the date Director mailed the determination. In the event claimant has not notified the Director of claimant's choice within the fifteen (15) day period and the marijuana retailer is still in business, a credit will be granted against the tax liability for the next reporting period. If the marijuana retailer is no longer in business, a refund check will be mailed to claimant at the address provided in the claim

form.

C. No refund shall be paid under the provisions of this section unless the claimant established the right by written records showing entitlement to such refund and the Director acknowledged the validity of the claim.

3.80.050 Actions to Collect

Any tax required to be paid by any marijuana retailer under the provisions of this chapter shall be deemed a debt owed by the marijuana retailer to the City. Any such tax collected by a marijuana retailer which has not been paid to the City shall be deemed a debt owed by the marijuana retailer to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City of Tigard for the recovery of such amount. In lieu of filing an action for the recovery, the City of Tigard, when taxes due are more than 30 (thirty) days delinquent, can submit any outstanding tax to a collection agency. So long as the City of Tigard has complied with the provisions set forth in ORS 697.105, in the event the City turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees, not to exceed the greater of fifty dollars (\$50.00) or fifty percent (50%) of the outstanding tax, penalties and interest owing.

3.80.055 Violation

A. Violation of this chapter shall constitute a Class 1 civil infraction which shall be processed according to the procedures established in Chapter 1.16 of this code, Civil Infractions. It is a violation of this chapter for any marijuana retailer or

other person to:

1. Fail or refuse to comply as required herein;
2. Fail or refuse to furnish any return required to be made;
3. Fail or refuse to permit inspection of records;
4. Fail or refuse to furnish a supplemental return or other data required by the City;
5. Render a false or fraudulent return or claim; or
6. Fail, refuse or neglect to remit the tax to the city by the due date.

B. Filing a false or fraudulent return shall be considered a Class B misdemeanor, subject to Chapter 7.28.020 of this code, Unsworn Falsification. The remedies provided by this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this ordinance prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance.

3.80.060 Confidentiality

Except as otherwise required by law, it shall be unlawful for the City, any officer, employee or agent to divulge, release or make known in any manner any financial information submitted or disclosed to the City under the terms of this chapter. Nothing in this section shall

prohibit:

A. The disclosure of the names and addresses of any person who is operating a licensed establishment from which marijuana items are sold or provided; or

B. The disclosure of general statistics in a form which would not reveal an individual marijuana retailer's financial information; or

C. The disclosure of information to any state agency related to the licensing or registration of the marijuana retailer or when required to carry out any part of this chapter.

D. Presentation of evidence to the court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the City or an appeal from the City for amount due the City under this chapter; or

E. The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures; or

F. The disclosure of records related to a business' failure to report and remit the tax when the report or tax is in arrears for over six (6) months or the tax exceeds five thousand dollars (\$5,000). The City Council expressly finds and determines that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.501(5).

3.80.065 Audit of Books, Records, or Persons

A. The City, for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designated by the City for

that purpose, any books, papers, records, or memoranda, including copies of marijuana retailer's state and federal income tax return, bearing upon the matter of the marijuana retailer's tax return. All books, invoices, accounts and other records shall be made available within the City limits and be open at any time during regular business hours for examination by the Director or an authorized agent of the Director.

B. If the examinations or investigations disclose that any reports of marijuana retailers filed with the Director pursuant to the requirements herein have shown incorrectly the amount of tax accruing, the Director may make such changes in subsequent reports and payments, or make such refunds, as may be necessary to correct the errors disclosed by its examinations or investigations.

C. The marijuana retailer shall reimburse the City for reasonable costs of the examination or investigation if the action disclosed that the marijuana retailer paid 95 percent or less of the tax owing for the period of the examination or investigation. In the event that such examination or investigation results in an assessment by and an additional payment due to the City, such additional payment shall be subject to interest at the rate of 1 percent per month, or the portion thereof, from the date the original tax payment was due.

D. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the City may immediately seek a subpoena from the Tigard Municipal Court to require that the taxpayer or a representative of the taxpayer attend a hearing or produce any such books, accounts and records for examination.

E Every marijuana retailer shall keep a record in such form as may be prescribed by the City of all sales of marijuana items. The records shall at all times during the business hours of the day be subject to inspection by the City or authorized officers or agents of the Director.

F. Every marijuana retailer shall maintain and keep, for a period of three (3) years, or until all taxes associated with the sales have been paid, whichever is longer, all records of marijuana items.

3.80.070 Forms and Regulations

The Director is hereby authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection of said marijuana tax and in particular and without limiting the general language of this chapter, to provide for:

A. A form of report on sales and purchases to be supplied to all vendors; and

B. The records which marijuana retailers are to keep concerning the tax imposed by this chapter.

3.80.075 Intergovernmental Agreement

The City Council may enter into an IGA with any department or agency of the State of Oregon whereby the State is responsible for the administration, collection, distribution, or enforcement of the tax authorized under this chapter, either in full or in part. The terms of that agreement shall apply in lieu of and shall supersede conflicting provisions of this chapter but shall not be construed as repealing any provision of this chapter.

EXHIBIT 2

Notice of Measure Election

SEL 802

rev 1/14: ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

City

Notice

Date of Notice	Name of City or Cities	Date of Election
	City of Tigard	November 8, 2016

The following is the final ballot title of the measure to be submitted to the city's voters.

Final Ballot Title Notice of receipt of ballot title has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure

Imposes city tax on marijuana retailer's sale of marijuana items

Question 20 words which plainly phrases the chief purpose of the measure

Shall City impose a tax on the sale of marijuana items by a marijuana retailer in the City?

Summary 175 words which concisely and impartially summarizes the measure and its major effect

Under current state law, a city council may adopt an ordinance to be referred to the voters of the city imposing up to a three percent tax or fee on the sale of marijuana items in the city by a licensed marijuana retailer.

If this measure is adopted, it would approve a Tigard Ordinance imposing a tax on the sale of marijuana items in the city by a licensed marijuana retailer. The tax amount would be the maximum amount allowed under state law, which is currently three percent (3%). The tax would be collected at the point of sale and remitted by the marijuana retailer. The measure also includes provisions regarding collection, administration and enforcement of the tax.

Explanatory Statement 500 words that impartially explains the measure and its effect, if required attach to this form

If the county is producing a voters' pamphlet an explanatory statement must be submitted for any measure referred by the city governing body and if required by local ordinance, for any initiative or referendum.

Measure Type	County producing voters' pamphlet		Local ordinance requiring submission		Explanatory statement required	
<input checked="" type="checkbox"/> Referral	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Not applicable		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Initiative	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Referendum	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Authorized City Official Not required to be notarized

→ By signing this document, I hereby state that I am authorized by the city to submit this Notice of Measure Election and I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Name	Title	Work Phone
-------------	--------------	-------------------

Signature	Date Signed
------------------	--------------------

EXHIBIT 3
EXPLANATORY STATEMENT

500 words

Under measure 91, adopted by the Oregon voters in November 2014, and amended by the Legislature in 2015, the Oregon Liquor Control Commission must license the retail sale of recreational marijuana. The 2015 Legislation provides that a city council may adopt an ordinance imposing up to a three percent tax on the sale of marijuana items (which include marijuana concentrates, extracts, edibles, and other products intended for human consumption and use) by retail licensees in the city, but the council must refer that ordinance to the voters at a statewide general election. The City of Tigard City Council has adopted an ordinance imposing a tax of the full amount allowed under State law, which is currently three percent (3%), on the sale of marijuana items by a marijuana retailer in the city, and, as a result, has referred this measure to the voters.

If this measure is adopted, it would approve Tigard Ordinance No. ____ imposing a three percent tax, or the maximum rate allowed by the State, whichever is greater, on the sale of marijuana items in the city by a licensed marijuana retailer. The tax would be collected at the point of sale and remitted by the marijuana retailer. The measure also includes provisions regarding collection, administration and enforcement of the tax. There are no restrictions on how the city may use the revenues generated by this tax.

To: Tigard City Council

RE: Upcoming vote on adding 3% marijuana tax to City Council agenda

I am writing this letter to review the impact this proposed tax could have on the City of Tigard and the potential economic benefit this tax could bring to the city and its residents.

Using our existing location in Woodstock as a baseline, we anticipate roughly a \$150,000-\$200,000 annual tax collection in Tigard. Our current shop in Portland does \$450,000 to \$500,000 a month in sales so the math becomes pretty simple. Moreover, we support the potential of an additional tax rate if the council moves in that direction. We feel that our location in Tigard could become the top Westside volume location in the Portland Metro Area with a target sales rate of \$750,000/month thus driving the tax revenue even higher (up to maybe \$250K annual). What would make this reality is a combination of store location and our current industry reputation and marketing plan.

Of course it is in our best interest to have the moratorium removed in Tigard for the current Main Street zoning restrictions but this tax is vital to what we can offer the residents of our city. So we write this in hopes of emphasizing the economic impact not only with this current issue but also future discussions on re-zoning Main Street back onto the approved list.

In regards to economic impact on employment, we currently support 25 well paid positions (12.00-20.00/hour) with plans to increase wages and opportunities with each additional shop we open. We can leave that for a later discussion. Just be aware that we are behind this tax and will be more than open to sharing our books with the council if asked.

Thanks for your consideration in this matter.

Sincerely,

John P. Widmer

Kaleafa Cannabis Company

Owner/C.O.O.