



**TALENT CITY COUNCIL  
EXECUTIVE SESSION & REGULAR COUNCIL MEETING AGENDA  
TOWN HALL  
July 6, 2016 – 6:00 P.M.**

*Study Session, Regular Council & TURA meetings are being digitally recorded and will be available on the City website*

The City Council of the City of Talent will meet in Executive Session at 6:00 PM Wednesday July 6<sup>th</sup> at the City Hall Conference Room 110 East Main Street. The City Council of the City of Talent will meet in Regular Council session at 6:45 P.M in the Town Hall, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

**EXECUTIVE SESSION – 6:00 PM**

- 1. Executive Session pursuant to:  
ORS 192.660 (2)(i) – To discuss the City Managers Evaluation**

**REGULAR COUNCIL MEETING- 6:45 PM**

*Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the “Citizens Heard on Non-agenda Items” section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.*

- 2. Adjourn to Regular Session**

- 3. Call to Order/Roll Call**

- 4. Pledge of Allegiance**

- 5. Community Announcements**

- 6. Public Hearings**

*Public hearings are conducted under a prescribed procedure depending on the topic. The presiding officer will conduct the hearing in accordance with those procedures which will allow for public input at the announced time.*

- 6.1 Community Development Fees.....Page 2-11**
- 6.2 Adopt Resolution 16-942-R, A Resolution establishing a fee schedule for the City of Talent Water Rates. Repealing Resolution 16-937-R.....Page 12-14**

- 7. Citizens Heard on Non-Agenda Items**  
*Limited to 5 minutes or less per Mayoral discretion*

- 8. Public Presentations**

*Items that do not require immediate Council action, such as presentations, discussion of potential future action items. Time limited to 15 minutes per presentation unless prior arrangements have been made.*

- 8.1 None**

- 9. Consent Agenda**

*The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.*

- 9.1 Approval of Regular Council Meeting Minutes for June 15, 2016.....Page 15-29**
- 9.2 Acknowledge receipt of the Parks Commission Minutes for May 11, 2016.Page 30-31**

- 9.3 Acknowledge receipt of the Planning Commission Minutes for April 28, 2016 and May 26, 2016.....Page 32-42
- 9.4 Appoint Lady Vanderlip to the Parks Commission.....Page 43-44
- 9.5 Re-Appoint: Alexis McKenna, John Harrison, Nancy Buono, Joe Wismann, Charlie Hamilton, Mike Davis, Bobby Townsend, Allison French, and Ryan Pederson to the Citizen Advisory Committee.....(no agenda report)

**10. Regular Agenda**

*Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.*

- 10.1 Second Reading of Ordinance 16-919-O, an Ordinance for the disposition and impounding of discarded vehicles and repealing Ordinance 16-888-O...Page 45-51
- 10.2 Second Reading of Ordinance 16-920-O, an Ordinance establishing rules and regulations for the installation of water meters in mobile home parks and multi-family dwellings and repealing Ordinance 15-894-O.....Page 52
- 10.3 Legislative Priority Packet.....Page 53-71
- 10.4 Heritage Resolution.....Page 72-73

**11. Information Items**

- 11.1 Review Together for Talent Ordinance.....Page 74-76
- 11.2 Elizabeth Zwick Rock Garden.....(no agenda report)
- 11.3 Council Rules.....Page 77-88

**12. City Manager & Other Department Reports**

*Items for discussion by the City Manager and Department Heads as needed.*

**13. Other Business**

13.1

**14. Mayor and Councilor - Committee Reports and Councilor Comments**

- Rogue Valley Area Commission on Transportation – Mayor Stricker (alternate)
- Together for Talent Committee – Councilor Collins
- Metropolitan Planning Organization – Mayor Stricker & Councilor Cooke (alternate)
- Planning Commission – Councilor Wise & Councilor Abshire (alternate)
- Public Art Advisory Committee – Councilor McManus
- Parks Commission – Mayor Stricker
- Traffic Safety & Transportation Commission – Councilor Cooke
- Rogue Valley Council of Governments – Councilor McManus & Mayor Stricker (alternate)
- Talent Historical Society –Councilor Abshire
- Harvest Festival Committee – Councilor McManus
- Economic Development - Councilor Pederson & Councilor McManus
- Chamber – Councilor Pederson
- Talent Charter Review – Councilor Cooke

**15. Adjournment**

The City of Talent is an Equal Opportunity Provider

**Note: This agenda and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are posted on the City of Talent website ([www.cityoftalent.org](http://www.cityoftalent.org)) in advance of each meeting.**

**In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.**

# Council Agenda Report

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Meeting Date:	July 6, 2016	Primary Staff Contact:	Zac Moody
Department:	Community Development	E-Mail:	zmoody@cityoftalent.org
Staff Recommendation:	Approval	Estimated Time:	10 minutes

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## ISSUE BEFORE THE COUNCIL

Review of Community Development Fee Schedule

### BACKGROUND

During the past three years, staff has been working to fine tune Community Development's fee schedule. Staff has spent a lot of time researching other city's fees and tracking the time it takes for the department to process land use applications and other special permits.

The results of this research is summarized in the attached proposed fee schedule. The proposed fee schedule has a different look than the previous one. Specifically, fees are now broken down by category, not application type. The attached fee schedule identifies new fees in teal and amended fees in yellow.

In September 2015 after the fee schedule had been adopted, the charge out rate was reduced from \$74.00/hr to \$58.00/hr. Nearly all of the amended fees have been reduced to reflect a change in the charge out rates for staff.

In addition, staff has taken some time to review the current fee schedule to amend how some fees are calculated. Specifically, the Miscellaneous ROW Construction Permit. The current fee schedule for this permit was originally adopted in 1997. The fee schedule as it is currently, requires staff to calculate fees based on costs per square and linear foot for all types of infrastructure. This is somewhat difficult since most projects have changes in materials that were not know until the project begins. The proposed schedule allows staff to easily calculate the cost of a permit and ensures that all staff time associated with a right-of-way construction project is paid by the applicant.

There are three new fees added to the proposed schedule:

- Temporary Use Review/Renewal
- Temporary Certificate of Occupancy
- Tree Removal Permit

Staff is currently working with the Planning Commission to develop a process to expedite the approval of a temporary use (e.g. food trucks, Christmas tree stands, etc.). In light of this potential changes, staff looked at fees from a variety of cities around the Valley and determined that based on their fees and the City's

current fee of \$296.00 for site plan review, \$156.00 which represents three hours of staff time was reasonable. A renewal would be required yearly to review the use for compliance and a small administrative fee of \$52.00 would be charged to cover one hour of staff time.

Staff is also in the process of updating the Temporary Certificate of Occupancy policy. Currently, the City issues Temporary Certificates of Occupancy when a building or developer has completed all fire, life and safety requirements, but still has some outstanding land use or other minor permitting issues. The fee is currently a \$500 deposit, but none of that deposit is retained to cover staff time for processing the deposit. Staff is proposing that \$100 of that deposit be retained to cover the City's administrative costs for processing.

Recently, the Council adopted a new tree removal ordinance to aid in the retention of trees in the City. As discussed during the public hearings, there are two fees that need to be established to handle removal of protected or heritage trees. As shown in the proposed schedule, there are two fees. The first fee is for a Type B permit, which is used when a protected or heritage tree is proposed for removal. The second fee is for a Type D permit, which will not be a commonly used permit. This permit covers the removal of multiple trees as part of an approved forestry management plan. There are no fees for a Type A permit which will be the commonly used permit aimed at educating the public on the benefits of tree retention.

The last new fee added to the proposed schedule is in anticipation of future Urban Growth Boundary applications. As with the other legislative applications, this is a deposit based application that will consume a large amount of staff time. However, the fee is consistent with the other legislative application types.

### **STAFF RECOMMENDATION**

The Staff recommends the City Council adopt Resolution 944 establishing a new fee schedule in accordance with Ordinance 920.

### **POTENTIAL MOTIONS**

*"I move to approve Resolution 944 establishing a new Community Development Fee Schedule".*

### **ATTACHMENTS**

Exhibit A – Proposed Community Development Fee Schedule Resolution

Exhibit B – Community Development Fee Explanation

**RESOLUTION NO. 16-944-R**

**A RESOLUTION AMENDING THE CITY OF TALENT “COMMUNITY DEVELOPMENT FEE SCHEDULE.”**

WHEREAS, Ordinance 920 authorizes the amendment of the Community Development fee schedule by Resolution.

WHEREAS, Exhibit “A” is the amended fee Community Development Fee schedule.

NOW THEREFORE BE IT RESOLVED by the Talent City Council that the fees imposed by this Resolution shall be effective immediately.

Duly enacted by the City Council in open session on \_\_\_\_\_ by the following vote:

AYES:            NAYS:            ABSTAIN:            ABSENT:

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Melissa Huhtala, City Recorder and Custodian of City records

EXHIBIT A

<b>Technical Review/Public Notice Deposit*</b>	
Technical Review/Public Notice Deposit	\$350.00
<b>Pre-Application</b>	
Conference (required for land division)	\$296.00
Meeting	148 (1/2 credited to application if submitted within 3 months)
<b>Land Divisions - Partitions*</b>	
Tentative Plan	\$518.00
Tentative Plan - Flaglot	\$814.00
Tentative Plan - Includes Street	\$1,081.00
Final Plat	\$222.00
<b>Land Divisions - Subdivision*</b>	
Tentative Plan	\$1,081.00 + \$25/lot
Final Plat	\$370.00
<b>Lot Line Adjustment</b>	
Lot Line Adjustment	\$222.00
<b>Site Development Plan Review*</b>	
Administrative Review	\$296.00
Accessory Dwelling Unit Review	\$370.00
Planning Commission Review	\$1,036.00
<b>Temporary Use Permits</b>	
Temporary Use Review	\$156.00
Temporary Use Renewal	\$58.00
<b>Conditional Use Permit*</b>	
Conditional Use Permit	\$592.00
<b>Variances*</b>	
Variance	\$592.00
<b>Home Occupations</b>	
Planning Commission Review*	\$222.00
Administrative Review	\$58.00
<b>Tree Removal Permit</b>	
Tree Removal Permit	Type A - No Charge
	Type B - \$150.00
	Type C - Included with consolidated application
	Type D - \$300.00
<b>Other Applications</b>	
Address Assignment	\$58.00
Architectural Review - Administrative Review	\$58.00
Architectural Review - Planning Commission Review	\$222.00
Floodplain Review*	\$148.00
Conditions Modification*	Original Application Fee
Street Naming Approval Fee	\$58.00
Vacation of Right-of-Way*	\$1,106.00
Encroachment Permit	\$26.00
Grading Permit Review*	51 to 100 Cubic Yards - \$100.00
	101 to 1,000 Cu/Yd - \$100.00 for first 100 Cu/Yd + \$25/100 Cu/Yd
	1,001 to 10,000 Cu/Yd - \$325.00 for first 1,001 Cu/Yd + \$25/1,000 Cu/Yd
	10,001 or more Cu/Yd - \$550.00 for first 10,001 Cu/Yd + \$25/10,000 Cu/Yd
Right-of-Way Closure Permit	\$222.00
Right-of-Way Excavation Permit	\$130.00 (minimum charge)
Street Cuts (Per Linear Foot)	Longitudinal                      Transverse
Less than 5 years	\$3.50                                      \$7.00
Between 5 and 10 years	\$3.00                                      \$6.00
Between 10 and 15 years	\$2.00                                      \$4.00
Over 15 years	\$1.00                                      \$2.00
Miscellaneous Construction Permit	
Miscellaneous Concrete	\$87.00
Construction	\$130.00
Planning Inquiry/Use Classification	\$58.00
Zoning Permit/Clearance	\$29.00

<b>Other Applications</b>	
Land Use Approval Extension	\$58.00
Sign Permit	\$29.00
Special Use Permit	\$58.00
Real Property Compensation Claims*	\$1,184.00
Temporary Certificate of Occupancy (30 Days)	\$500.00 Deposit (\$100.00 Administrative Fee)
Riparian Mitigation Plan	\$58.00
<b>Amendments*</b>	
Annexation	\$2,570.00
Zone/Comprehensive Plan Map Change	\$2,570.00
Comprehensive Plan Amendment	\$5,140.00
Development Code Amendment	\$5,140.00
Urban Growth Boundary Amendment	\$5,140.00
<b>Appeals*</b>	
Appeal to Hearings Officer	\$257.00
Appeal to Planning Commission	\$257.00
<b>Hourly Billing Rates</b>	
Community Development Director	\$58.00
Community Development Assistant	\$29.00
<b>Mapping &amp; Miscellaneous Items</b>	
Color Maps (8.5x11)	\$2.00
Color Maps (11x17)	\$3.00
Adopted Maps (24x36)	\$37.00
B&W Copies	\$0.25
Color Copies	\$1.00
GIS Hourly Rate	\$58.00
Deposits are the minimum charge for technical review and public notice.	
City-sponsored legislation and/or land use applications will no require a fee.	
Additional fees above the initial deposit are billed at the hourly rate of the City professional/Consultant providing application review.	

<b>Technical Review/Public Notice Deposit*</b>	
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Administrative Review	\$296.00
Accessory Dwelling Unit Review	\$370.00
Planning Commission Review	\$1,036.00
<b>Temporary Use Permits</b>	
Temporary Use Review	\$156.00 (new)
Temporary Use Renewal	\$58.00 (new)
<b>Conditional Use Permit*</b>	
Conditional Use Permit	\$592.00
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Construction	\$130.00 (previously averaged \$130 during past 3 years)
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<b>Other Applications</b>	
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## ORDINANCE NO. 16-920-O

**AN ORDINANCE REPEALING ORDINANCE NO. 759 (AS AMENDED BY ORDINANCES 775 & 806), AN ORDINANCE ESTABLISHING PROCEDURES FOR APPLYING AND UPDATING THE CITY OF TALENT “COMMUNITY DEVELOPMENT FEE SCHEDULE.” AND DECLARING IT AN EMERGENCY.**

WHEREAS, THE CITY OF TALENT ORDAINS AS FOLLOWS:

### **Section 1. Fee Schedule.**

Effective with this Ordinance, the City shall establish and amend by Resolution its fee schedule yearly to be effective July 1..

Inflationary cost impacts shall be measured and calculated each March by the Community Development Director and approved by City Council by using the Pacific Northwest Construction cost changes in the Engineering News Record Construction Cost Index (ENR Index). All calculations shall be carried out to the hundredths place. A final product ending in .49 or less shall be rounded down to the nearest dollar, .50 or more up to the next dollar.

### **Section 2. Application or Petition Processing Costs**

In order to cover the actual processing costs associated with an application or petition as required by the city's zoning and subdivision ordinances, the applicant is hereby required to pay the actual costs of preparing and mailing notices to abutting property owners or others required to be notified; the costs of any notices required to be published in newspapers; technical reviews of application materials by city-designated experts, including but not limited to engineers, attorneys, wetland specialists, geologists, arborists, and biologists; and any other mandated costs. At the time an application is filed, the applicant shall pay deposits established by resolution of the city council to cover these costs. The applicant shall be required to reimburse the city for actual costs over and above the required deposit.

### **Section 3. Penalty.**

The penalty for proceeding with development without required permits shall be double the normal permit fee.

### **Section 4. Tax Limitations.**

The fees imposed by this ordinance are not subject to the property tax limitations of Section 11(b), Article XI of the Oregon Constitution.

**Section 5. Effective Date.**

The fees imposed by this ordinance shall be effective immediately.

**Section 6. Repeal.**

Ordinances No. 759, enacted April 7, 2004; No. 775, enacted December 1, 2004; and No. 806, enacted July 19, 2006. The fee schedule enacted by Ordinance No. 759, as amended by Ordinance No. 775, is hereby repealed.

Duly enacted by the City Council in open session on \_\_\_\_\_ by the following vote:

Ayes:      Nays:                      Abstain:                      Absent:

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Melissa Huhtala, City Recorder and Custodian of City records

# Council Agenda Report

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Meeting Date:	July 6, 2016	Primary Staff Contact:	Tom Corrigan
Department:	Administration	E-Mail:	tcorrigan@cityoftalent.org
Staff Recommendation:	Approval		

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## **ISSUE BEFORE THE COUNCIL**

Talent Water Meter Rates.

## **BACKGROUND**

On January 4<sup>th</sup> 2011 the Environmental Protection Agency made Amendment to the Safe Drinking Water Act to reduce lead in drinking water. This requires that any fittings, meters or plumbing fixtures that come in contact with water to be lead free. Staff has been complying with this new standard since well before the date it was required.

Some of the fittings and meters installed for water service in the City of Talent have more than doubled in cost. This new mandate of installing Radio Meter Reading Equipment has left the City taking a loss every time a meter is installed.

## **STAFF RECOMMENDATION**

It is recommended that Council update the charges for new meter installations as presented. This to cover the added cost of the Lead Free Mandate, as well as the required radio installed at each meter.

## **POTENTIAL MOTIONS**

*‘I move to approve Resolution 16-942-R, a Resolution establishing a fee schedule for the City of Talent Water Rates, repealing Resolution 16-937-R.*

## **ATTACHMENTS**

Resolution 16-937-R.

**RESOLUTION NO. 16-942-R**

**A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR THE CITY OF TALENT WATER RATES.**

**WHEREAS**, the Medford Water Commission has approved a water rate increase effective January 1, 2016. In combination with 7 other water increases in the last 14 years.

**WHEREAS**, the City Council has determined that the water rates shall be adjusted as recommended to ensure that the City can meet the financial obligations for water infrastructure.

**WHEREAS**, March 1<sup>st</sup> the City will make annual step increase equal to the increase of the most recent Consumer Price Index (CPI-U) January-to-January, as determined by the U.S. Bureau of Labor Statistics.

**The City of Talent resolves as follows:**

**SECTION 1.** Water rates effective upon enactment of this Resolution are:

(A) MONTHLY CHARGE:

(1) Inside City Limits: For each month or fraction thereof during which the City furnishes water services, the minimum monthly rate shall be charged as follows and shall include the first 3,000 gallons of water:

<u>Meter Size (inches)</u>	<u>Minimum Billing Rate:</u>
3/4 - 5/8	\$16.14
1	35.64
1 1/2	68.14
2	143.00
3	247.00
4	364.00
6	689.00

and,

\$4.04 for each 1,000 gallons, or fraction thereof, for the next 3,000 gallons, and

\$4.44 for each 1,000 gallons, or fraction thereof, for the next 3,000 gallons, and

\$4.84 for each additional 1,000 gallons, or fraction thereof, for all additional gallons.

(2) Deposit for Service: A deposit of \$75.00 shall be charged for each customer served by the Water Department. In the event a customer's service is disconnected due to delinquency, and/or the deposit is depleted when applied to the account, a new deposit shall be required prior to service being restored.

(3) Outside City Limits: For water service users outside of the City limits, the water rates and deposit amounts shall be charged as twice the amount of the inside city limits rate.

(4) Reconnection Fees: In all instances where water has been turned off because of delinquency, a reconnection fee of \$25.00 shall be made prior to service being restored.

(5) Connection Charge: The basic water service connection charge is set as follows:

<u>Meter Size</u>	<u>New construction with a dry main and no asphalt or curb/gutter</u>	<u>Pre-existing live main with an asphalt road and/or curb/gutter, or improved right-of-way</u>
¾ inch	\$200.00 \$600.00	\$2,000.00
1 inch	\$300.00 700.00	2,150.00
1½ inch	\$1,000.00 2000.00	2,900.00
2 inch	\$1,250.00 2400.00	3,250.00

All of these rates apply unless excessive digging is required. Pipe over 40 feet shall be charged extra. For larger meters over 2", the charge shall be determined by the City of Talent. For any water meter installed to property located outside of the City limits, an additional charge of \$150.00 shall be made.

**SECTION 2.** All prior Resolutions and Ordinances setting water rate schedules are repealed.

**SECTION 3.** This Resolution shall be in full force and effective upon its passage by the Council and its approval by the Mayor of the City of Talent, Oregon.

Duly enacted by the City Council in open session on June 15, , 2016 by the following vote:

AYES:                      NAYS:                      ABSTAIN:                      ABSENT:

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Melissa Huhtala, City Recorder and Custodian of City Records



**TALENT CITY COUNCIL  
REGULAR COUNCIL MEETING DRAFT MINUTES  
TOWN HALL  
June 15, 2016 – 6:45 P.M.**

*Study Session, Regular Council & TURA meetings are being digitally recorded and will be available on the City website*

The City Council of the City of Talent will meet in a Regular Council session at 6:45 P.M on Wednesday, June 15th in the Town Hall, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

**REGULAR COUNCIL MEETING- 6:45 PM**

*Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the "Citizens Heard on Non-agenda Items" section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.*

**1. Call to Order/Roll Call**

**Members Present**

**Mayor Stricker  
Councilor McManus  
Councilor Cooke  
Councilor Pederson  
Councilor Collins**

**Members Absent**

**Councilor Abshire  
Councilor Wise**

**2. Pledge of Allegiance**

**3. Community Announcements**

- **Mayor Stricker introduced Chief Whipple**

**3.1 Pollinator Week Proclamation**

**Mayor Stricker read the Pollinator Week Proclamation (see attached).**

**4. Public Hearings**

*Public hearings are conducted under a prescribed procedure depending on the topic. The presiding officer will conduct the hearing in accordance with those procedures which will allow for public input at the announced time.*

**4.1 Adoption of the FY 2016-17 Budget**

**City Manager, Tom Corrigan gave a brief staff report.**

**Mayor Stricker opened the Public Hearing at 6:51 PM**

**Public input: None.**

**Mayor Stricker closed the Public Hearing at 6:51 PM**

- **Adopt Resolution 16-939-R, Certifying the City's eligibility to receive State Shared Revenues**

**Councilor Pederson moved to Adopt Resolution 16-939-R, Certifying the City's eligibility to receive State Shared Revenues. Councilor Collins seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.**

- **Adopt Resolution 16-940-R, electing to receive State Shared Revenues.**

**Councilor Collins moved to Adopt Resolution 16-940-R, electing to receive State Shared Revenues. Councilor Cooke seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.**

- **Adopt Resolution 16-941-R, Adopting the City of Talent annual budget, levying taxes and categorizing taxes**

**Councilor Collins moved to adopt Resolution 16-941-R, Adopting the City of Talent annual budget, levying taxes and categorizing taxes. Councilor Cooke seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.**

**5. Citizens Heard on Non-Agenda Items**

*Limited to 5 minutes or less per Mayoral discretion*

Dorian Hastings – Ms. Hastings spoke regarding the City of Talent supporting a Resolution for the Muslim Community and reaffirm Talent’s welcoming nature for all immigrants and refugees. (*see attached*).

**6. Public Presentations**

*Items that do not require immediate Council action, such as presentations, discussion of potential future action items. Time limited to 15 minutes per presentation unless prior arrangements have been made.*

**6.1 None**

**7. Consent Agenda**

*The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.*

**7.1 Approval of Regular Council Meeting Minutes for June 1, 2016**

**Councilor Pederson moved to approve the minutes. Councilor Collins seconded. Mayor Stricker seconded. Discussion: None. All Ayes. Motion passed unanimously.**

**7.2 Accounts Payable**

**Councilor Cooke moved to approve the accounts payable. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.**

**8. Regular Agenda**

*Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.*

**8.1 Noise Permit for Ginger Johnson & Larry Chase**

**Councilor Pederson moved to approve the noise permit for Ginger Johnson & Larry Chase. Councilor Cooke seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.**

**8.2 Noise permit for Little League**

**Councilor Cooke moved to approve the noise permit for Little League. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.**

- 8.3 Discretionary Fund disbursements:  
Together for Talent  
Talent Historical Society  
Talent Public Arts Committee  
Talent Chamber**

**Councilor Pederson moved to accept the Discretionary Fund as proposed by Councilor McManus:  
Together for Talent - \$2,810  
Talent Historical Society - \$1,000  
TPAC - \$2,690  
Talent Chamber - \$2,500  
Hold for Future - \$1,000  
Councilor Cooke seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.**

**8.4 Adopt Resolution 16-942-R, A Resolution establishing a fee schedule for the City of Talent Water Rates. Repealing Resolution 16-937-R**

Item 8.4 was tabled to the July 6<sup>th</sup> Council Meeting.

**8.5 Adopt Resolution 16-943-R, A Resolution extending workers' compensation coverage to volunteers of City of Talent**

Mr. Corrigan gave a brief staff report.

**Councilor Pederson moved to Adopt Resolution 16-943-R, A Resolution extending workers' compensation coverage to volunteers of City of Talent. Councilor Cooke seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.**

**8.6 CIP Town Hall Allocation**

Mr. Corrigan gave a brief staff report.

**Councilor Cooke moved to approve the allocation of \$4,432.25 from Unallocated Street funding to Town Hall Alley Improvements. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.**

**8.7 CIP Project Closing to Unallocated**

Mr. Corrigan gave a brief staff report.

**Councilor Pederson moved to move the remaining funds from the Community Center Building Project Funds, the Community Center Furnishing Project Funds and the Community Center Grounds Project Funds all to the unallocated General Funds. Councilor Cooke seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.**

**Councilor Pederson moved to approve the reallocation of the remaining Tennis Court Funds to the unallocated Parks Fund. Councilor Cooke seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.**

**8.8 Second Reading Ordinance, 16-918-O, An Ordinance amending the Talent Zoning Code**

Mr. Corrigan gave a brief staff report.

**Councilor Collins moved to approve the Second Reading Ordinance, 16-918-O, An Ordinance amending the Talent Zoning Code. Councilor Cooke seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.**

**8.9 First Reading of Ordinance 16-919-O, an Ordinance for the disposition and impounding of discarded vehicles and repealing Ordinance 16-888-O**

Mr. Corrigan gave a brief staff report.

**Councilor Cooke moved to approve the First Reading of Ordinance 16-919-O, an Ordinance for the disposition and impounding of discarded vehicles and repealing Ordinance 16-888-O. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.**

**8.10 First Reading of Ordinance 16-920-O, an Ordinance establishing rules and regulations for the installation of water meters in mobile home parks and multi-family dwellings and repealing Ordinance 15-894-O**

Mr. Corrigan gave a brief staff report.

**Councilor Cooke moved to approve the first reading of Ordinance 16-920-O, an Ordinance establishing rules and regulations for the installation of water meters in mobile home parks and multi-family dwellings and repealing Ordinance 15-894-O. Councilor Collins seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.**

### **8.11 Phoenix Water Agreement**

Mr. Corrigan gave a staff report. He gave Council a background of the Talent Ashland Phoenix Water (TAP) agreement. He spoke that there was an error in the water meters on the TAP line showing that Talents reads were too low and Phoenix was too high. He explained that over the last year Talent and Phoenix have been negotiating options. They concluded to pay a onetime payment to Phoenix in the amount of \$40,000. Staff would draft an agreement for Phoenix if Council approves this option.

Mayor Stricker spoke that this discrepancy was not an admission to fault for either City. And it was great to work together neighboring City to City to come to a conclusion to fix this matter.

**Councilor Pederson moved to authorize a onetime payment to the City of Phoenix in the amount of \$40,000. Councilor McManus seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.**

## **9. Information Items**

### **9.1 Legislative Priority Packet**

Mr. Corrigan gave a staff report. He spoke that this will need to be completed by July 22nd. Council decided to add this to July 6<sup>th</sup> Agenda.

### **9.2 Mowing City Property**

Mr. Corrigan explained that City Staff took care of a complaint quickly.

## **10. City Manager & Other Department Reports**

*Items for discussion by the City Manager and Department Heads as needed.*

Mr. Corrigan gave Department and City reports:

- A 40x60 sign was put up for the Talent Schoolhouse Sidewalk project (*see attached*).
- A water quality report was distributed.
- There will be Public Hearing for the Community Development Fee Schedule on July 6<sup>th</sup> Agenda.
- Staff is looking into getting an agreement with Central Point for an IT backup.
- There will be additional meter tracking this year at the Splash Pad.
- A couple of light poles were hit. The City should be receiving the insurance money soon.
- Franchise agreements will be coming to Council soon.
- A memorial tree was planted for Elizabeth Zwick at Chuck Roberts Park and a bench will be placed there too.
- Mayor Stricker and Mr. Corrigan met with the Food Bank to discuss locations.
- The City received the RARE Grant.

## **11. Other Business**

### **11.1**

Mayor Stricker asked Council if they would like to pursue the Muslim Resolution.

Council decided to bring the Resolution the first meeting in August. Staff will send the Resolution to legal and then go over the draft with Ms. Hastings and Sharon Anderson.

Councilor Pederson spoke that he would like to see actual numbers for CIP reallocations.

Councilor Pederson questioned the ODOT HWY 99 project on the sidewalk. Mr. Corrigan spoke that he has contacted Art Anderson and will follow up with this.

Councilor Pederson spoke that he would like to get the Economic Development Committee an enacting Ordinance.  
Councilor Pederson spoke that he would get some language to Staff to be worked on.

## 12. Mayor and Councilor - Committee Reports and Councilor Comments

Rogue Valley Area Commission on Transportation – Mayor Stricker (alternate)  
Together for Talent Committee – Councilor Collins  
Metropolitan Planning Organization – Mayor Stricker & Councilor Cooke (alternate)  
Planning Commission – Councilor Wise & Councilor Abshire (alternate)  
Public Art Advisory Committee – Councilor McManus  
Parks Commission – Mayor Stricker  
Traffic Safety & Transportation Commission – Councilor Cooke  
Rogue Valley Council of Governments – Councilor McManus & Mayor Stricker (alternate)  
Talent Historical Society – Councilor Abshire  
Harvest Festival Committee – Councilor McManus  
Economic Development - Councilor Pederson & Councilor McManus  
Chamber – Councilor Pederson  
Talent Charter Review – Councilor Cooke

Councilor McManus had no announcements.

Councilor Collins announced:

- Together for Talent has a new chair Dorian Hastings, new vice chair Mark Smith-Poelz, and secretary Rianna Koppel.
- They have a new subcommittee called the clean energy action plan.
- Friends of trees had a work party June 11. Some trees have been lost at the nursery due to hot weather. Repairs to the shed have been made.
- Discussed naming the library rock garden in honor of Elizabeth.
- The Together for Talent drafted Ordinance will be reviewed at the July 6<sup>th</sup> Council Meeting.

Councilor Pederson announced the Chamber Meeting is tomorrow and the Economic Development Meeting was cancelled.

Councilor Cooke announced the Traffic Safety and Transportation Commission Meeting is tomorrow.

Mayor Stricker announced that the Parks Commission Meeting and MPO Meeting was cancelled. She thanked Staff for the Staff reports in the Council Packet.

## 13. Adjournment

**The Council Meeting was adjourned at 8:40 PM**

**Respectfully submitted by:**

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**City Recorder, Melissa Huhtala**

**Attest:**

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**City Manager, Tom Corrigan**

**The City of Talent is an Equal Opportunity Provider**

**Note: This agenda and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are posted on the City of Talent website ([www.cityoftalent.org](http://www.cityoftalent.org)) in advance of each meeting.**

**In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.**

**City of Talent**  
**PROCLAMATION**

WHEREAS, pollinator species such as thousands of species of bees are essential partners in producing much of our food supply; and

WHEREAS, pollinator species provide significant environmental benefits that are necessary for maintaining healthy, biodiverse urban and suburban ecosystems; and

WHEREAS, pollination plays a vital role for the trees and plants of our community, enhancing our quality of life, and creating recreational and economic development opportunities; and

WHEREAS, for decades the City of Talent has managed urban landscapes and public lands that include many municipal parks and greenways, as well as wildlife habitats; and

WHEREAS, the City of Talent provides recommendations to developers and residents regarding landscaping to promote wise conservation stewardship, including the protection of pollinators and maintenance of their habitats in urban and suburban environments; and

NOW, THEREFORE, I, Darby Stricker, Mayor of the City of Talent, do hereby proclaim June 20 to June 26 of 2016 as our municipality's observance of

**National Pollinator Week**

And, the City of Talent as an affiliate of

**Bee City USA®**

and urge all citizens to recognize this observance.

In witness whereof, I have hereunto set my hand and caused the seal of City of Talent, to be affixed this 15<sup>th</sup> day of June, 2016

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Mayor Stricker



6/15/16

TALENT proposed resolution

A group of Talent citizens got together to propose a resolution in support of the Masjid al-Tawheed here in Talent that we would like to present to the city council: Dorian Hastings, Gerlinde Smith, Sharon Anderson, Mark Smith-Poeltz, Dolly Warden, and, before her passing, Elizabeth Zwick.

Some supporters of this resolution have met with the Masjid board, asking them if this would be helpful to them. They have read the resolution and are very appreciative of this expression of support. They also said they have had nothing but good experiences, both with the City of Talent in processing their needs in building the new house of worship, and with their immediate neighbors. Some individual Muslims, however, have been the objects of prejudice in the Valley, and some are even afraid to come to worship.

While relations in Talent are good now, the current political climate of unconsidered prejudice is concerning, especially since the Masjid is the only Muslim house of worship between Eugene and Redding. We would like to cement this support with the attached resolution draft.

The attached draft also notes the research that has been done.

>>\*\*\*<<

NOTE that the Portland resolution is based on the city charter's Civil Rights provision, Title 23: "WHEREAS, the City of Portland's values of nondiscrimination, as evidenced by the City's Title 23, call for this Council to take a public stand."

(Note that Talent has no civil rights provisions in any of its ordinances, charter, etc.)

Point of info re place of birth, native language, etc., in Talent:

<http://www.city-data.com/races/races-Talent-Oregon.html>

87.5% white (5,394); 5.4% Latino (330); 4.3% (265); 1.2% Asian alone (75); Amer. Indian alone, 1.2% (71); Black alone 0.2% (13). 170 residents are foreign born (1.2% Europe; 0.3% Latin American), 2.7% of total population

**SOME BACKGROUND**

This resolution herewith is based on two I found, 1<sup>st</sup> Portland, then I found the Beaverton resolution, which felt softer/warmer.

Link to Beaverton OR diversity resolution:

<https://assets.documentcloud.org/documents/2737205/Beaverton-council-OKs-resolution-supporting.pdf>

Link to Portland OR diversity resolution:

<https://www.portlandoregon.gov/mayor/article/557213>

**The Portland resolution** is based on their Civil Rights provision in their city charter (Title 23), and **the Beaverton resolution** is based on an established diversity committee.

Dorian Hastings looked through the Talent ordinances (there is nothing re diversity in the City Charter), and found two relevant: Ord. 73-296 protects religious organizations and those promulgating religious teachings involving spiritualism (so surely we can support Islamic teachings). The second, Ord. 73-290, guarantees a right to trial by jury as a U.S. Constitutional provision, so surely we can ask for freedom of religion and freedom from religious persecution.

>>\*\*\*<<

**Talent resolution to declare support for the city's Muslim community and reaffirm Talent's welcoming nature for all immigrants and refugees.**

WHEREAS, Talenteers pride themselves on their warm and welcoming nature; and

WHEREAS, our region has greatly benefitted from the addition of many immigrants and refugees, from all religious backgrounds, who moved here in past decades and have become valued and contributing citizens; and

WHEREAS, the Muslim community, both native born and immigrant, represent an increasingly important thread in the tapestry of American society and that of our local community; and

WHEREAS, the City of Talent continues to work toward a more inclusive society and welcomes cultural, ethnic and religious diversity; and

WHEREAS, anti-Muslim and anti-immigration rhetoric has increased in the national discourse, and rates of hate and violence targeting Muslim families and children are at record highs across our nation, which are detrimental to all people who cherish freedom and liberty; and

WHEREAS, this country was founded on principles of freedom of religion and freedom from religious persecution and protected by the U.S. Constitution; and

WHEREAS, the City of Talent strives to be a place where individuals and families from all backgrounds feel safe, are treated with respect and dignity, and are recognized for their contributions to building a strong and vibrant community; and

WHEREAS the Talent mosque, Masjid al-Tawheed is the only mosque between Redding and Eugene, and serves Sunni and Shia members from the USA, Middle East, Far East, Asia, Africa, and Fiji to name a few;

NOW, THEREFORE BE IT RESOLVED, Talent and its Council members stand in support of our Muslim and immigrant neighbors,

BE IT FURTHER RESOLVED, that the City of Talent does not tolerate discrimination, hate speech or violent acts committed against any individual or community, including those who are foreign born, and those who are Muslim, their places of worship, homes, businesses, schools and community centers. We encourage Talent residents to recognize and celebrate diversity and to make extra efforts to ensure the safety of Muslim, immigrant and refugee neighbors.

# PORTLAND RESOLUTION

## RESOLUTION No.

Declare support for the city's Muslim community and reaffirm Portland's welcoming nature for all immigrants and refugees (Resolution)

WHEREAS, Portlanders pride themselves on their warm and welcoming nature; and

WHEREAS, our city has greatly benefitted from the addition of the many immigrants and refugees, from all religious backgrounds, who moved here in the past decades and have become valued and contributing citizens significantly benefitting our community; and

WHEREAS, the Muslim population in the Portland Metro area is estimated to be around 20,000; and

WHEREAS, our Muslim community is an important part of Portland's diversity, and of our growing multicultural identity; and

WHEREAS, the City of Portland continues to work toward a more inclusive society and welcomes cultural, ethnic and religious diversity; and

WHEREAS, there has been an increase in anti-Muslim and anti-immigration rhetoric in the national media, with the intended outcome of increasing patriotism and loyalty through inciting fear and hatred; and

WHEREAS, this country was founded on principles of freedom of religion and freedom from religious persecution; and

WHEREAS, recent demands seeking a ban on Muslims entering this country are unconscionable, and if carried forward would constitute violations of the 1<sup>st</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution, as well as violating Article 1, Sections 2 and 3 of the Oregon Constitution, and is tragically reminiscent of prior historic profiling of race and religion;

WHEREAS, the City of Portland's values of nondiscrimination, as evidenced by the City's Title 23, call for this Council to take a public stand; and

WHEREAS, as a community, Portland is a city that does not tolerate hate speech;

NOW, THEREFORE BE IT RESOLVED, Portland and its Council members stand in support of our Muslim community and call for an end to the continued use of anti-Muslim and anti-immigration hate speech; and

BE IT FURTHER RESOLVED, Portland will continue to be a welcoming city to immigrants and refugees from all parts of the world, including the many Muslims fleeing from their violent and unstable countries.

Adopted by the Council:

Mayor Charlie Hales

Prepared by: Rachael Wiggins

Date Prepared: December 12, 2015

**Mary Hull Caballero**

Auditor of the City of Portland

By

Deputy

**IMPACT STATEMENT**

**Legislation title:** Declare support for the city’s Muslim community and reaffirm Portland’s welcoming nature for all immigrants and refugees (Resolution)

**Contact name:** Rachael Wiggins

**Contact phone:** 503-823-1129

**Presenter name:** Mayor Hales, Commissioner Novick, Commissioner Fritz, Commissioner Saltzman and Commissioner Fish

**Purpose of proposed legislation and background information:**

This resolution declares the City’s support for Portland’s Muslim community. Its purpose is to make clear that this city will not stand for such divisive, hateful and hurtful speech against our Muslim, immigrant and refugee population. Additionally, it recognizes that the most recent comment, calling for a ban on Muslims entering the United States, should be condemned. Finally, this resolution makes clear that the City will continue to welcome new immigrants and refugees into our community.

**Financial and budgetary impacts:**

This resolution has no financial or budgetary impact

**Community impacts and community involvement:**

With many Muslim citizens living within the city of Portland, it is important that city leaders defend their right to freely and safely practice their religion. This resolution, while not binding, does declare support for the Muslim, immigrant, and refugee populations living within the Portland Metro area.

**Budgetary Impact Worksheet**

**Does this action change appropriations?**

- YES: Please complete the information below.  
 NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

Title 23 of Portland, Civil Rights

23.01.010

Policy

(Amended by Ordinance No. 175158, effective January 15, 2001.) It is the policy of the City of Portland to eliminate discrimination based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity or source of income. Such discrimination poses a threat to the health, safety and general welfare of the citizens of Portland and menaces the institutions and foundation of our community.

Intent

(Amended by Ordinance No. 175158, effective January 15, 2001.) The City Council finds that discrimination on the basis of sexual orientation, gender identity and source of income exists in the City of Portland and that state law does not clearly prohibit such discrimination. It is the intent of the Council, in the exercise of its powers for the protection of the public health, safety, and general welfare and for the maintenance of peace and good government, that every individual shall have an equal opportunity to participate fully in the life of the City and that discriminatory barriers to equal participation in employment, housing, and public accommodations be removed.

BEAVERTON RESOLUTION

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** A Resolution to Declare Support for the Muslim Community and Reaffirm Beaverton as a Welcoming City

**FOR AGENDA OF:** 03-01-16 **BILL NO:** 16048

**Mayor's Approval:** Darryl Dore

**DEPARTMENT OF ORIGIN:** Mayor's Office

**DATE SUBMITTED:** 02-19-16

**CLEARANCES:** City Attorney W. Sker  
CAO CMG  
Strat. Initiatives HET

**PROCEEDING:** ACTION ITEM

**EXHIBITS:** Resolution

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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**RECOMMENDED ACTION:**

City Council approves the resolution.

**HISTORICAL PERSPECTIVE:**

The Diversity Advisory Board (DAB) has been tasked with advising the City on equity and inclusion strategies that strengthen connections between diverse communities and city government.

As part of the DAB's regular meeting agenda in January, the board discussed the increasingly hostile climate for refugees and the Muslim community after national and international events in late 2015. They brainstormed possible responses and among them emerged the idea to draft a council resolution.

Volunteers from the board researched responses by other cities and collaborated to draft the attached resolution. The draft was reviewed and approved by the whole DAB at their regular February meeting. DAB members visited the February 16 council meeting to share an update during the Visitor Comment period and ask City Council to consider the attached resolution.

**INFORMATION FOR CONSIDERATION:**

The Diversity Advisory Board recommends that City Council pass the attached resolution in support of the Muslim Community. They feel that this resolution will send a strong and meaningful message to the community. Members of the board have committed to sharing the resolution widely among the local Muslim and other immigrant and refugee communities if passed.

The messaging in the attached resolution aligns with Beaverton's ongoing Welcoming City initiative.

**A RESOLUTION TO DECLARE SUPPORT FOR THE MUSLIM COMMUNITY AND REAFFIRM BEAVERTON AS A WELCOMING CITY**

- WHEREAS,** actively fostering a welcoming and inclusive environment for all people, regardless of race, ethnicity, place of origin or religion, is a core value and priority of the City of Beaverton; and
- WHEREAS,** Beaverton officially declared itself a Welcoming City for immigrants and refugees in April 2015, joining other local jurisdictions across the country in leading the national welcoming movement; and
- WHEREAS,** anti-Muslim rhetoric has increased in the national discourses and rates of hate violence targeting Muslim families and children are at record highs across our nation, which is detrimental to all people who cherish freedom and liberty; and
- WHEREAS,** Muslims, both native born and immigrant, represent an increasingly important thread in the tapestry of American society and that of our local community; and
- WHEREAS,** one in four residents of Beaverton were born outside of the United States and a significant percentage of these immigrants and refugees are Muslim and have come to Beaverton seeking a safe place to work, study or raise a family; and
- WHEREAS,** Beaverton strives to be a place where individuals and families from all backgrounds feel safe, are treated with respect and dignity, and are recognized for their contributions to building a strong and vibrant community;
- WHEREAS,** the city's Diversity Advisory Board, which has been tasked with advising the city on equity and inclusion strategies that strengthen connections between diverse communities and city government, prepared this resolution;

**NOW, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:**

That the City of Beaverton does not tolerate discrimination, hate speech or violent acts committed against any individual or community, including those who are Muslim or perceived as being Muslim, their places of worship, businesses, schools, and community centers. We encourage our residents to recognize and celebrate the diversity that is represented in our city and to make extra efforts to ensure the safety of our Muslim, immigrant and refugee neighbors.

Adopted by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
CATHERINE JANSEN, City Recorder

\_\_\_\_\_  
DENNY DOYLE, Mayor



**Minutes**  
**Parks and Recreation Commission Meeting,**  
**May 11, 2016 - 6:30 PM – City Hall, City of Talent**

*Paul Hadella,*  
*Chair*  
*6/23/2016*

- I) **Call to Order/ Roll Call** – Commissioner Paul Hadella (Chair) called the meeting to order. Present at Roll Call were Commissioners: Gordon Mobley, Jenica Faye, Linda Heerema. Absent was Kittie Harrison. Present was City Manager, Tom Corrigan.
- II) **Consent Calendar** – Minutes from the April meeting were reviewed. **Motion** made to accept minutes made by Commissioner Mobley and seconded by Commissioner Heerema. All in favor.
- III) **Public Comment** – Helga Motley is interested in offering free summer Lego camps in a park once a week in the morning for 2 hours to 8-9 kids age 4+. Tom Corrigan made clear that she would need the appropriate license/certification from the city and that she would not be able to solicit business at the camp.  
Meadowsweet Levi thanked the commission for work on IPM and Tom for Public Works involvement. She said that there is work being done to remove milkweed from the noxious weed list and that the Weed Team is still active. Commissioner Hadella said that he will check to see when the “No Spray Policy” for Talent Commons and Old Town Park is up for its annual review. Meadowsweet also suggested having an Adopt-a-park (or park area) program whereby locals could weed small areas. Would need to locate and sign them.  
Jan Acord inquired about police interaction with park goers. Tom Corrigan said that there are 2 officers that are bilingual and one in reserve.
- IV) **Staff Park Report and Financial Report** --Tom Corrigan spoke about budget week. Hoping some money can go to next section of trail at Chuck Roberts Park in this fiscal (May/June). Striping of basketball courts at Kamerin Springs Park and Chuck Roberts Park will be done.
- V) **New Business:**
- A. Summer Recreation Program. **Motion** recommended to appropriate discretionary funds to the 2016 recreation partnership between the City of Talent and the Boys & Girls Club. Motion made by Commissioner Faye and seconded by Commissioner Heerema. All in favor.
  - B. Jan Acord’s application. Jan Acord is still considering applying to be a commissioner but for now has withdrawn her application.
  - C. Planning opening-of-summer event at Chuck Roberts Park, June 4th. Phoenix High High Ukulele Club will play, food trucks will be invited to park along Rogue River Parkway, drone competition at 2 pm. **Motion** recommended that the City obtain a plaque with a key to the city on it honoring Elizabeth Zwick, to be given at June 4<sup>th</sup> event. Motion made by Commissioner Faye and seconded by Commissioner Mobley. All in favor.
  - D. Citizen concerns about fence and bench. Both issues are not current priorities. **Motion** that recommending that the city not act upon these concerns. Motion made by Commissioner Heerema and seconded by Commissioner Mobley. All in favor.
- VI) **Ongoing Business** – None
- VII) **Council Liaison Report** – None
- VIII) **Committee Reports** – None





**TALENT PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
TALENT TOWN HALL  
April 28, 2016**

*Study Session and Regular Commission meetings are being digitally recorded and will be available on the City website: [www.cityoftalent.org](http://www.cityoftalent.org)*

The Planning Commission of the City of Talent will meet on Thursday April 28, 2016 in a regular session at 6:30 P.M. in the Talent Town Hall, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012. The Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

**REGULAR COMMISSION MEETING- 6:30 PM**

*Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the Minute Taker. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the "Citizens Heard on Non-agenda Items" section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the Planning Commission.*

**I. Call to Order/Roll Call 6:33 P.M.**

**Members Present:**

Commissioner French  
Commissioner Hazel  
Commissioner Heesacker  
Commissioner Milan  
Commissioner Pastizzo  
Commissioner Schweitzer

**Members Absent**

Commissioner Riley

**Also Present:**

Zac Moody, Community Development Director  
Betsy Manuel, Minute-Taker  
Daniel Wise, City Councilor

**II. Brief Announcements**

None.

**III. Consideration of Minutes for March 24, 2016**

**Motion:** Moody explained that proposed amendments for minutes from Commissioner Milan. Commission could table minutes and save for next meeting or take a few minutes during this meeting review proposed amendments and approve the minutes.

*Commissioner Pastizzo moved to approve the Minutes of March 24, 2016 with the amendments proposed by Commissioner Milan.*

*Commissioner Milan seconded and the motion carried.*

*Commissioners Schweitzer and Hazel abstained. Commissioner French was present as a non-voting alternate.*

**IV. Public Comment on Non-Agenda Items**

None.

**V. Public Hearing (Quasi-Judicial) Site Plan Review - Consideration of a Site Plan allowing the construction of a commercial building and parking lot at 105 W. Valley View Rd. and described as Township 38 South, Range 1 West, Section 23DD, Tax Lots 3200 & 3201 Files: SPR 2016-002 & SPR 2016-004. Decisions are based on the approval criteria found in Zoning Ordinance 8-3D.3 and 8-3L.1. Applicant: Embree Asset Group, Inc.**

The opening statement and approval criteria were read into the record. There was no ex parte contact.

**Staff Report:**

Moody noted that the primary application is SPR 2016-004, this file addressed the retail building. The secondary application is SPR 2016-002, which addresses the additional parking required to meet Talent Zoning Code (TZC) parking standards. Since the applications were submitted together, they are consolidated and only one public hearing is required. If the retail building (SPR 2016-004) is not approved, the parking lot site plan (SPR 2016-002) will not be approved either.

Moody explained that the subject tract is vacant, and part of a previous three-lot partition in 1994, approx. 1.72 acres, there are two legal lots of record. Zoned Highway Central Business District (CBH) surrounded to west and northeast by high-density residential; to the south there is CBH.

Moody explained the noticing requirements for this development includes: one public hearing at the Planning Commission level, public hearing notices mailed to adjacent properties 20-days prior, an on-site notice, and newspaper posting 10-14 days before. No comments received for this land use action.

Moody explained the approval criteria for this development includes: a pre-application conference, which occurred on Jul 29 2015.

Moody explained that following criteria has been met, or can be met subject to conditions of approval:

- Article 8-L.140 - Site Development Plan required data, met.
- Article 8-L.150 - Required findings for approval of site plan, provided by city staff (Proposed Final Order).
- Article 8-D.330 - Uses subject to type-2 review, because it is a new building, it has to be reviewed by Planning Commission.
- Article 8-J.180 Buffering – One of the proposed changes. 4 trees on site, adjacent to Anjou Club. 2 large cottonwood trees 2 small cottonwood trees. Condition of approval, vertical vegetation buffering so that apartment complex residents aren't looking straight at building when cottonwoods are removed. There is already a sizable buffer between these properties due to existing evergreens.
- 8-J.440 Development Standards – Retention of trees. Encourages retention of trees, however cottonwood roots could pose a hazard if not removed from site for construction of retail building.
- 8-J.560 Bicycle parking facilities – met with conditions. Provide revised site plan denoting bicycle parking locations prior issuance of building permits.
- 8-J.570 Parking area design standards – Stormwater quality plan required prior to issuance of building permits in accordance with RVSS stormwater design manual standards.
- 8-J.450 Parking area improvements – revise site plan with stormwater facility location, addition to buffer requirements, revised landscape plans to certify shading requirements. Revised site plan with lighting specifications. Stormwater quality plan approved by RVSS including an O & M agreement approved by RVSS.
- 8-3J.630 – Street access and circulation – met with conditions, sidewalk panels replaced adjacent to proposed driveway apron. Revise site plan to include additional sidewalks adjacent to parking areas leading to business (no clear area for pedestrians to get to building from parking lot). Sidewalk opening for Anjou residents to access the business (encouraging pedestrian oriented traffic). Storm drainage design standards provide revised site plan including location of SW facility and provide O & M plan agreement approved by RVSS.

Recommendations and motions:

Staff recommends approval based on Proposed Final Orders for site plan of Dollar General. Staff feels the site plan application meets the intent of the TZC.

Moody added that one public comment had been received, encouraging request but asked that no plants be used for landscaping that have pollen. He explained there are no provisions in TZC that prohibit using pollen producing landscape plants.

Schweitzer asked if landscaping buffer can require a minimum amount of vegetation, since some vegetation will be removed near the Anjou Club. Moody explained that one of the trees to be removed doesn't provide effective buffering, but the condition could be re-written if PC doesn't feel the fence and proposed vegetation is not adequate.

**PUBLIC HEARING OPENED**

**John Shields** of Embree Asset Group was called forward.

Shields stated that he has revised the site plan, to include: the addition of sidewalks between the business and parking lot, the addition of a fence along the western property line, and the relocation of a street light, back into the public right-of-way from subject parcel. Shields added that they could install a larger fence if requested.

Moody specified that the intent of buffering is to ease the transition from conflicting land uses (residential from commercial), and that a tall wall would not be as desirable as a vegetative installation.

French asked applicant how supplies to build the building would be sourced. Would they be from local sources or brought from out of state. Shields commented stating that for cost savings, most products would be from local sources.

Schweitzer explained that seeing the lot transition from a grassy field to a parking lot would be impactful to neighboring residences and should be considered when addressing buffering solutions. And asked if the unused portion of remaining land would be used for future expansion of some type.

Shields explained that the long-term goal was to keep that area open, some of it would be landscaped, other areas would be gated and have walkways to provide access from adjacent properties.

Pastizzo asked about what types of lights would be used, and asked if they'd be shielded to illuminate only the subject properties and not neighboring properties.

Shields explained that the lights are shielded downward.

Moody clarified that he had added a condition of approval to require revised site plans that indicate the type and location of lighting on the subject parcels.

#### **PUBLIC HEARING CLOSED**

French asked which way the business sign will face.

Moody explained that as proposed, the sign on the building façade will face snap fitness (to the east), and the ground (monument) sign will be between the commercial building and W. Valley View Rd. He also mentioned this is a separate permit process that will require a permit.

Hazel expressed concern that the design of the Shady Cove Dollar General store is an eyesore and did not want to see that pattern repeated.

Moody suggested reopening the public hearing to ask the applicant about architectural and design specifics; staff would not recommend a general condition requesting arbitrary aesthetic requirements because there is no finding/standard to support it. None of the old town or large retail building standards apply to this project.

**Motion:** *Commissioner Schweitzer motioned to reopen the public hearing. Commissioner Pastizzo seconded and the motion carried.*

#### **PUBLIC HEARING RE-OPENED**

**John Shields** of Embree Asset Group was called forward.

Schweitzer inquired if some type of wood could be used on the roof to soften the appearance of the building, explaining that based on site plans, it looks like a warehouse.

Shields explained that a faux wood material could potentially be added along portions of the building that face W. Valley View Rd. and elaborated that there is some flexibility in the outward appearance of the building and landscaping.

#### **PUBLIC HEARING CLOSED**

Moody asked which buffering methods would be used for the west elevation of the building. Commissioners agreed trellis, vining and paint would suffice.

Moody asked if the commission would like to add the following conditions of approval:

- Reduce lighting adjacent to boundaries with residential properties from 2-ft candle to 1-ft (denoted on site plan or prior to C-of-O), lighting will also be shielded.
- Buffering finding: include trellises with vining vegetation on west elevation
- Buffering finding: "Hardie board" and un-vegetated trellises on south elevation

**Motion:** *Commissioner Schweitzer moved to approve SPR-2016-002 & 004 with conditions as stated in the staff report with the addition of conditions of approval recommended by staff. Commissioner Hazel seconded and the motion carried unanimously by roll call vote.*

- VI. **Public Hearing (Legislative) Development Code Amendment - Consideration of Text Amendments to the Talent Zoning Code adding Title 8, Chapter 3, Division J, Article 10, Public Trees, amending Title 8, Chapter 3, Division J, Article 3, Fences and Hedges, and amending Title 8, Chapter 3, Division J, Article 4, Trees and Landscaping. New language allows the City to require a tree removal permit for heritage and significant trees and provides quantifiable standards for landscaping. File: DCA2016-001. Applicant: City of Talent.**

The opening statement and approval criteria were read into the record. There was no ex parte contact.

#### **Staff Report:**

Moody explained that the code has been submitted to Canopy LLC (Comments provided), Rogue Climate Talent (No comment) T4T (No Comment) Parks Commission (No Comment), City Manager (Comments provided), Public Works (Comments provided).

**Proposed timeline:**

28 Jan - work session

25 Feb - work session

28 Apr - 1<sup>st</sup> public hearing

18 May - (Tentative) City Council recommendation

**Goals:**

- Recognize importance of trees and landscaping and how they impact the character and beauty of Talent
- Provide clear regulation for management of private trees and public trees
- Provide incentives to preserve and incorporate existing trees into development plans
- Better define heritage and significant trees in Talent
- Provide Better oversight for mitigation and removal of significant and heritage trees
- Provide process for tree removal, street tree planting and landscaping that is clear and objective to property owners that is quantifiable.
- Organize existing and new code language in a manner that is easy for staff and public to implement

**New proposed changes:**

- Former "Fences and hedges" is now: Tree Preservation and Protection code.
- Redefined "heritage tree" and "significant tree"
- With the exception of hazard trees, heritage tree means any deciduous > 28" in diameter or conifer > 32" or larger (exception is Dogwood and Japanese Maple > than 10")
- Type A – not for mitigation, but for education (to encourage mitigation)
- Economic waiver option completely removed from newest revision
- Minimum landscape standards residential was: 20% central business district, 10% commercial 10%, industrial 5%; now residential 30%, central business district: 20%, commercial 20%, industrial 15%
- Public tree section: notification to property owners when trees would be maintained or removed expedited if hazard tree identified (formerly 5-day notice).

Moody asked commission if language pertaining to "plants and shrubs" should be removed from public tree code. Planning commissioners reviewed comments from Public Works Dept., Community Development Dept. and City Manager and decided to keep "plants and shrubs" language in place.

**PUBLIC HEARING OPEN**

No comment provided by city staff; no questions presented to city staff.

**PUBLIC HEARING CLOSED**

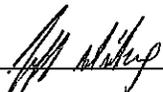
**Motion:** Commissioner Pastizzo motioned to recommend approval of the proposed amendments to the Talent City Council, as described in the attached Exhibit A, amending the Talent Zoning Title 8, Chapter 3, Division J, Article 10, Public Trees, amending Title 8, Chapter 3, Division J, Article 3, Fences and Hedges, and amending Title 8, Chapter 3, Division J, Article 4, Trees and Landscaping." And changing appropriate references in the code. Commissioner Milan seconded and the motion carried unanimously by roll call vote.

**IX. Discussion Items**  
There were none.

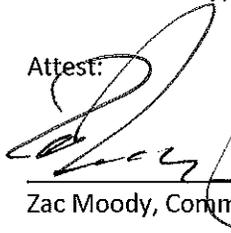
**X. Subcommittee Reports**  
French reported that she attended the Citizens Advisory Commission (CAC), they're discussing and working on the Economic Opportunity Analysis (EOA) with ECO Northwest. They're assessing economic development objectives. Her research has focused on jobs and growth in the next 20 years. The CAC will be looking at policies to determine if any are any missing and how are objectives going to be accomplished? French will be participating in Etsy maker space/city 2-day summit in Brooklyn, New York.

**XI. Propositions and Remarks from the Commission**  
Moody added that planning commission will see the EOA to adopt it before Comp Plan Economy element changes.

**XII. Adjournment**  
There being no further business to come before the Commission, the meeting was adjourned at 9:30 p.m.

Submitted by:  Date: 6/23/16

Attest:

  
Zac Moody, Community Development Director

  
Chair Heesacker

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In compliance with the Americans with Disabilities Act; if you need special assistance to participate in this meeting, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.



**TALENT PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
TALENT TOWN HALL  
May 26, 2016**

*Study Session and Regular Commission meetings are being digitally recorded and will be available on the City website: [www.cityoftalent.org](http://www.cityoftalent.org)*

The Planning Commission of the City of Talent will meet on Thursday May 26, 2016 in a regular session at 6:30 P.M. in the Talent Town Hall, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012. The Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

**REGULAR COMMISSION MEETING- 6:30 PM**

*Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the Minute Taker. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the "Citizens Heard on Non-agenda Items" section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the Planning Commission.*

**I. Call to Order/Roll Call 6:30 P.M.**

**Members Present:**

Commissioner French  
Commissioner Hazel  
Commissioner Heesacker  
Commissioner Milan  
Commissioner Pastizzo  
Commissioner Riley  
Commissioner Schweitzer

**Members Absent:**

None

**Also Present:**

Zac Moody, Community Development Director  
Jeff Wilcox, Minute-Taker

**II. Brief Announcements**

Moody explained that minutes for previous meeting are delayed but minutes from 28 April will be available at the June meeting, along with the minutes from the May meeting.

**III. Consideration of Minutes for March 24, 2016**

Minutes for the March 24, 2016 meeting were voted on and approved during the April meeting, but significant changes were requested by Commissioner Milan. These changes were made and Staff requested the minutes be re-approved with the corrections.

*Commissioner Milan moved to approve the Minutes of March 24, 2016.*

*Commissioner Pastizzo seconded and the motion carried.*

**IV. Public Comment on Non-Agenda Items**

None

**V. Public Hearings**

None

**IX. Discussion Item - Temporary Use Permits (no staff report)**

Moody explained that Temporary Uses are currently allowed subject to a Conditional Use review (Type-3), which is a long, drawn-out process. He explained that it would be beneficial to businesses to expedite the timeline for Temporary Uses by making the process administrative (Type-1), therefore the process wouldn't require noticing neighboring properties 14-days prior, then providing a 14-day appeal period). He elaborated that it currently takes at least 45-days to get through the Conditional Use review process. If standards remain clear and objective, a Type-1 review is all that's necessary.

Moody explained that the proposed Temporary Use permit could work for the following:

- outdoor storage,
- mobile food vendors,
- RV on property for construction of home,
- temporary office,
- temporary displays and sales for events,
- uses similar to those above

Moody continued, saying the following subjects need to be addressed:

- Approval standards (quantifiable, not subjective)
  - Setbacks
  - Ingress/egress & parking
  - Buffers
  - Waste management
  - Property management (vegetation)
  - Special provisions for signs to allow for advertising
  - Noise/vibration/odor
  - Limited hours
- Duration of Temporary Use permit (Temp., permanent?)
  - Does Temp Use become Site Plan Review after 1-year?
- Procedures for approval
  - How quick of a process should Temporary Use permits be?
- Controversial uses

- Procedures for renewal of Temporary Use permits
  - Veneta had renewal after 1-year
  - Smaller fee, gives opportunity to review for code violations

French asked how the Friday Market would be categorized.

Moody explained it would be considered a Temporary Use, but currently is processed as a Special Use Permit.

French asked about the food cart in the Ray's parking lot.

Moody replied that it was part of the 1996/1997 site plan.

Milan voiced concern over the possibility of dissent from brick-and-mortar establishments but saw temporary use permits as an opportunity to satisfy a particular niche for residents.

Moody asked the commission to also start thinking about aesthetic standards such as:

- Removal of material at close-of-business
- Type of vending: food cart vs. food truck
- Should colors of vehicles be limited
- Garbage cans being left out

Moody explained that permits should probably be limited to 1-year to update conditions of approval if new concerns emerge.

Riley explained that collocation of food trucks should be encouraged. Possibly designated by zone. And that Temporary Uses should be Type-1 since they're not permanent land uses.

French mentioned that these Temporary uses should adopt eco-friendly standards (restriction of plastic, Styrofoam, etc.)

Pastizzo asked what the fee for these mobile food vendors is, and what the fee currently is.

Moody explained that the last two mobile food carts were able to be processed as a Site Plan review (SPR), which is considered a permanent/ongoing use. The fee for SPR is \$244.

Moody explained that he could field additional questions and comments regarding Temporary Use Permits via email for discussion at future work groups.

#### X. **Subcommittee Reports**

French reported that she has continued to work with the Citizens Advisory Committee (CAC) on the Economic Opportunity Analysis (EOA) for Talent, which will eventually be used as input for the Economic section of the Talent Comprehensive Plan. She is working with Beth Goodman with ECO Northwest to review current policies and the EOA is currently in draft form.

Moody explained that CAC hopes to recommend the EOA to planning commission in July 2016. As part of the Housing Needs Analysis, it has been determined that there is a housing deficit and the housing element of Comp Plan (section G) will be updated accordingly.

French reported that she attended the Etsy maker city summit in Brooklyn, New York. She has discovered there are many small manufacturers in Talent. They're working to map out the makers, and network sellers with buyers. She got the message out about Talent being a Maker City on Jefferson Public Radio.

**XI. Propositions and Remarks from the Commission**

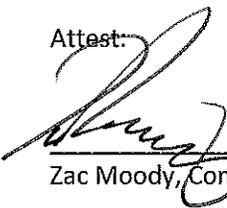
Moody explained that if there are no major updates, and there is no presentation from the Mayor and Commissioner French in June, there may not be a meeting for June 2016, he will notify commissioners of any changes.

**XII. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 7:49 p.m.

Submitted by:  Date: 6/23/16

Attest:

  
Zac Moody, Community Development Director

  
Chair Weesacker

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**APPLICATION FOR COMMISSION or COMMITTEE**

**City of Talent**

**110 East Main Street/PO Box 445**

**Talent, OR 97540**

**PH (541) 535-1566 FAX (541) 535-7423**

**Web: [www.cityoftalent.org](http://www.cityoftalent.org) E-mail: [talent@cityoftalent.org](mailto:talent@cityoftalent.org)**

1. I am applying for an appointment to a position on the following commission, committee, board or other body:

⇒⇒⇒ Parks and Recreation Commission ⇐⇐⇐

2. Name:

L. Venderlip

3. Mailing address:

535 Bell Rd

City

Talent

State

OR

Zip

97540

4. Residence address (if different)

City

State

Zip

5. Current occupation:

Instructor

(\*NOTE \* If retired or unemployed, state your general or past profession)

6. Phone number(s): Home:

541 529197

Work:

Cell:

541 261 5337

Email:

lady@venderlip.net

Fax:

7. How long have you lived in Talent?: 15

If you do not know if you live inside the city limits or urban growth boundary, please view the official zoning map at City Hall

8. How long have you lived in Jackson County?: 25

9. Are you an employee of the City of Talent, an occasional or potential contract employee, or have any other real or potential conflict of interest in working or serving in this capacity?

Yes

No

If yes, please describe:

10. I believe that I am qualified for and should be considered for the above position(s) and should be considered for the following reasons: (Attach additional sheet if necessary).

I love Talent!

11. Signature:

*Jay G*

Date:

*May 25/14*

**ORDINANCE NO. 16-919-O**

**AN ORDINANCE FOR THE DISPOSITION AND IMPOUNDING OF DISCARDED VEHICLES AND REPEALING ORDINANCE NO.16-888-O**

THE CITY OF TALENT ORDAINS AS FOLLOWS:

**Section 1. Definitions.**

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

Costs: shall mean the expense of removing, storing or selling a junked vehicle.

Chief of Police: includes any authorized law enforcement officer of the City.

Discarded Vehicle: shall mean any vehicle which does not have lawfully affixed thereto a valid license plate, current registration, or is in one or more of the following conditions:

- (a) Inoperative
- (b) Wrecked
- (c) Dismantled
- (d) Partially Dismantled
- (e) Abandoned
- (f) Junked

Discarded vehicles may be deemed to include major parts thereof, including but not limited to bodies, engines, transmissions or rear ends.

Vehicle Owner: shall mean any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

Person in Charge of Property: shall mean any agent, occupant, lessee, contract purchaser, owner or person having possession, control or title of property where a vehicle is located.

is or may be transported or drawn upon a public street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Structure: As defined in 8-3B.1 of the Zoning Code

## **Section 2. Declaration of Public Nuisance**

The open accumulation and storage of a discarded vehicle is hereby found to create a condition tending to reduce the value of private property, to promote blight, deterioration and unsightliness, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety, and general welfare. Therefore, the presence of a discarded vehicle on private or public property is hereby declared to constitute a public nuisance, which may be abated in accordance with the provisions of this ordinance.

## **Section 3. Prohibited Action**

A) Storage of a discarded vehicle upon any private property within the City of Talent is prohibited unless:

- 1) The vehicle is completely enclosed within a roofed structure or building that meets the setback requirements for its zoning district and the vehicle is not visible from the public right-of-way, or
- 2) It is in connection with a licensed business enterprise dealing in junked vehicles lawfully permitted by the Department of Motor Vehicles and conducted within the city.

## **Section 4. Investigation - Contents of Notice**

A) It shall be the duty of the Chief of Police, whenever a discarded vehicle is found upon private property, to:

- 1) Make an investigation to discover the owner of the vehicle and the person in charge of the property upon which such vehicle is located, and give written notice to them by personal service or by registered or certified mail that the vehicle is in violation of this ordinance; and
- 2) If the owner of the vehicle is not found, to place a notice upon the subject property, windshield of the vehicle, or some other part of the vehicle where it can be easily seen.

ordinance, and that within seven (7) days of the day of the sending or posting of the notice:

- 1) The vehicle must be removed from the city or to the storage yard of a licensed business enterprise dealing in junked vehicles, or
- 2) The vehicle must be completely enclosed within a structure or building. Fences are not acceptable.

C) The notice shall also state that the alternative to compliance with subsection (2) of this section is to petition the City Manager and request appearance in writing before the City Council within seven (7) days of sending or posting of the notice and show cause why such vehicle should not be immediately abated, as provided in this ordinance.

D) The notice shall also state that failure to comply with this ordinance authorizes the City to remove the vehicle and charge the cost against the property from which it was removed, and to sell the vehicle to satisfy the costs of removal and storage.

#### **Section 5. Entry upon Private Property**

A) The Chief of Police, or designee, is authorized at all reasonable times to enter upon private property and examine any vehicle for the purpose of determining whether or not it is in a discarded condition. However, before entering upon private property, the designated officer shall obtain the consent of an occupant thereof or a warrant of the **municipal** court authorizing his entry for the purpose of inspection, except when an emergency exists.

B) No search warrant shall be issued under the terms of this ordinance until an affidavit has been filed with the **municipal** court, showing probable cause for such inspection by stating the purpose and extent of the proposed inspection, citing this ordinance as the basis for such inspection, whether it is an inspection instituted by complaint or other specific or general information concerning the vehicle in question or the property on which it is situated.

C) It is unlawful for any person to interfere with or attempt to prevent the Chief of Police, or designee, from entering upon private premises and inspecting any vehicle when an emergency exists or the Chief exhibits a warrant authorizing entry.

## **Section 6. Hearing by City Council**

Pursuant to a request, the City Council shall fix a time for a hearing to show cause why a vehicle should not be immediately abated. It shall receive the evidence and testimony of the Chief of Police and other interested person concerning the existence, location, and condition of the vehicle. After the hearing, the Council may authorize and order the vehicle removed by the City in accordance with the provisions of this ordinance. The Council shall make its order in the form of a resolution, which declares the vehicle to be a public nuisance. The resolution may order the removal of more than one (1) vehicle, and may consolidate the hearings, and orders relating to more than one vehicle. The persons receiving the notice specified in Section 4 shall be sent copies of the resolution of the Council. In addition, the Council may impose conditions and take such other action as it deems appropriate under the circumstances in order to carry out the purposes of this ordinance. It may delay the time for removal of said vehicle where, in its opinion, the circumstances justify it. It shall refuse to order the removal of the vehicle where the vehicle, in the opinion of the Council, is not subject to the provisions of this ordinance. The Council shall not be bound by the technical rules of evidence in the conduct of the hearing.

## **Section 7. Abatement by City and Appraisal**

A) Seven (7) days after the giving of notice required in Section 4, or seven (7) days after adoption of a resolution declaring a vehicle to be a public nuisance, as set forth in Section 6, the City shall be deemed to have acquired jurisdiction to abate the nuisance and may remove the vehicle by use of City employees or duly authorized independent contractors. It shall be unlawful for any person to interfere with, hinder or refuse to allow such persons to enter upon private property for the purpose of removing a vehicle under the provisions of this ordinance.

B) City staff shall, in performing the appraisal, use available published data and reference material as it deems relevant and appropriate.

## **Section 8. Low Value Vehicle**

A) If the vehicle is appraised at \$750.00 or less, the Chief of Police shall file with the Motor Vehicle Division an affidavit describing the vehicle, including the license plates, if any, stating the location and appraised value of the vehicle, and stating that the vehicle will be junked or dismantled. The Chief of Police may, without notice and public auction, dispose of the vehicle and execute a certificate for sale.

B) The certificate of sale shall be on a form approved by the City Manager.

## **Section 9. Public Sale Notice**

A) If the vehicle is appraised over \$750.00, the Chief of Police shall cause to be published in a newspaper of general circulation within the city a notice of sale. The notice of sale shall state:

- 1) The sale is of discarded property in possession of the city.
- 2) A description of the vehicle, including the type, make, license number, I.D. number, and any other information, which will aid in accurately identifying the vehicle.
- 3) The terms of the sale.
- 4) The date, time, and place of the sale.

B) The notice of sale shall be published two (2) times. The first publication shall be made not less than ten (10) days prior to the date of the proposed sale, and the second shall be made not less than three (3) days prior to the date of the proposed sale.

## **Section 10. Public Sale**

A) If a vehicle is subject to Section 9, the Chief of Police shall hold a sale at the time and place appointed within the view of the vehicle to be sold.

B) The vehicle shall be sold to the highest and best bidder; providing that if no bids are entered, or those bids which are entered are less than the costs incurred by the city, the Chief of Police may enter a bid on behalf of the city in an amount equal to such costs.

C) At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser and the copy thereof filed with the City Manager of the city.

D) The certificate of sale shall be on a form provided by the City Manager.

## **Section 11. Redemption Before Sale**

A) A vehicle impounded under the provisions of this ordinance may be redeemed by its owner or by the person in charge of the property from which the vehicle is removed before a sale or disposition has taken place by applying to the Chief of Police. The person shall:

- 1) Submit evidence of his ownership or interest in the vehicle to the Chief of Police.

2) Pay the costs due and owing at the time the application to redeem is made.

3) Give evidence that the nuisance character of the vehicle will not be allowed to be resumed.

B) Upon compliance with subsection (1) of this section, the Chief of Police shall execute a receipt and cause the vehicle to be returned.

## **Section 12. Assessment of Costs**

A) After disposing of the discarded vehicle and deducting any money received from any sale of the vehicle from the costs, the City Manager shall give notice by personal service or by registered or certified mail to the person in charge of the property from which the vehicle was removed:

1) Of the unpaid costs of abatement.

2) That the costs as indicated will be assessed to and become a lien against the real property unless paid within thirty (30) days from the date of the notice.

3) That if the person in charge of the property objects to the cost of the abatement indicated, a written notice of objection may be filed with the City Manager within twenty (20) days from the date of the notice.

B) Within forty (40) days after the date of the notice of objection, objection to the proposed assessments shall be heard and determined by the Council.

C) If the costs of the abatement are not paid within thirty (30) days from the date of the notice, or within ten (10) days of a council determination made under subsection 2) of this section, assessment of the costs shall be made by resolution of the City Council and shall be entered in the docket of city liens, and upon such entry being made shall constitute a lien upon the real property from which the nuisance was removed or abated.

D) The lien shall be enforced in the same manner a liens for street improvements are enforced and shall bear interest at the rate of six percent (6%) per annum. Such interest shall accrue from the date of the entry of the lien in the lien docket.

E) An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void. The assessment shall remain a valid lien against the property.

**Section 13. Effective Date**

Under the provisions of the Charter of the City of Talent, Chapter VIII, Section 33, this Ordinance shall take effect on the thirtieth day after its enactment.

Duly enacted by the City Council in open session on \_\_\_\_\_ by the following vote:

Ayes: 0 Nays: 0 Abstain: 0 Absent: 0

\_\_\_\_\_  
Melissa Huhtala, City Recorder and Custodian of City records

ORDINANCE NO. 16-920-O

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE INSTALLATION OF WATER METERS IN MOBILE HOME PARKS; AND MULTI-FAMILY DWELLINGS PROVIDING A PENALTY FOR VIOLATION THEREOF. AND REPEALING ORDINANCE NO. 15-894-O.**

THE CITY OF TALENT ORDAINS AS FOLLOWS:

**Section 1.** A Master Meter shall be installed as the controlling meter, this installation will include a lockable curb stop before the inlet side of this meter.

**Section 2.** Effective June 15, 2016, no mobile home park and multi-family dwelling shall be permitted to install individual meters.

**Section 3.** Definition Multiple-Family Dwelling: A building or portion thereof, designed or used as a residence by three or more families or individual households, and containing three or more dwelling units. As defined by section 8-3B120 of the Talent Zoning Code.

**Section 4.** Any violation of any term of this Ordinance is an infraction and it should be punished as set forth in the laws of the City of Talent.

**Section 5.** It is hereby adjudged and declared that the existing conditions are such that this Ordinance is necessary for the immediate preservation of the public health and safety of the people of the City of Talent, and an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after the date of its passage by the Council and approval by the Mayor.

Duly enacted by the City Council in open session on \_\_\_\_\_ by the following vote:

Ayes: 0                      Nays: 0                      Abstain: 0                      Absent: 0

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Melissa Huhtala, City Recorder and Custodian of City records



1201 Court Street NE, Suite 200 • Salem, Oregon 97301  
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863  
[www.orcities.org](http://www.orcities.org)

June 6, 2016

Dear Chief Administrative Official:

For the past three months, eight policy committees have been working to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2017 session. They have identified 29 legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2017 legislative agenda. After your city council has had the opportunity to review the 29 proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on in the 2017 session. **The deadline for response is July 22, 2016.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2017 legislative agenda.

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

Do not hesitate to contact me or Craig Honeyman, Legislative Director, with questions.

Sincerely,

Michael J. McCauley  
Executive Director

## INSTRUCTIONS

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2017.
2. Simply place an **X** in the space to the left of the city's top four legislative proposals (last pages of the packet).
3. The top four do not need to be prioritized.
4. Return by **July 22<sup>nd</sup>** via mail, fax or e-mail to:

Paul Aljets  
League of Oregon Cities  
1201 Court St. NE, Suite 200  
Salem, OR 97301  
Fax – (503) 399-4863  
[paljets@orcities.org](mailto:paljets@orcities.org)

**Thank you for your participation.**

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

Please mark **4** boxes with an **X** that reflect the top 4 issues that your city recommends be the priorities for the League's 2017 legislative agenda.

## Legislation

<b>Community Development</b>	
A. Needed Housing Assistance Program	<input type="checkbox"/>
B. Natural Hazard Land Use Reform	<input type="checkbox"/>
C. DOGAMI Disaster Mapping	<input type="checkbox"/>
D. Floodplain Technical Assistance	<input type="checkbox"/>
<b>Energy</b>	
E. Green Energy Technology Requirement	<input type="checkbox"/>
F. Funding Public Energy Projects	<input type="checkbox"/>
G. Updates to Oregon Energy Code	<input type="checkbox"/>
<b>Finance and Taxation</b>	
H. Property Tax Reform - Market Value / Local Control	<input type="checkbox"/>
I. Property Tax Reform - Fairness and Equity	<input type="checkbox"/>
J. Local Lodging Tax	<input type="checkbox"/>
K. Nonprofit Property Tax Exemption	<input type="checkbox"/>
L. Marijuana and Vaping Taxes	<input type="checkbox"/>
<b>General Government</b>	
M. Restore Recreational Immunity	<input type="checkbox"/>
N. Increase Local Liquor Fees	<input type="checkbox"/>
O. Marijuana Legalization Implementation	<input type="checkbox"/>
P. Mental Health Investments	<input type="checkbox"/>
Q. Qualification Based Selection	<input type="checkbox"/>
<b>Human Resources</b>	
R. Subsidy for Retiree Health Insurance Repeal	<input type="checkbox"/>
S. PERS Reform	<input type="checkbox"/>
T. Arbitration Reform	<input type="checkbox"/>
U. Veterans Preference Clarifications	<input type="checkbox"/>
<b>Telecommunications</b>	
V. Rights of Way	<input type="checkbox"/>
W. Franchise Fees	<input type="checkbox"/>
X. 9-1-1 Emergency Communications	<input type="checkbox"/>
Y. Technology Funding	<input type="checkbox"/>
<b>Transportation</b>	
Z. Transportation Funding and Policy Package	<input type="checkbox"/>
<b>Water/Wastewater</b>	
AA. Funding Water System Resilience	<input type="checkbox"/>
BB. Enhanced Prescription Drug Take-Back	<input type="checkbox"/>
CC. Water Supply Development Fund	<input type="checkbox"/>

# Community Development

Legislation	Background
<p><b>A. <u>Needed Housing Assistance Program</u></b></p> <p><b>Create state grants and technical assistance to cities working to develop housing development programs directed at new or innovative means of providing housing solutions for low-income or senior populations.</b></p>	<p>Cities are looking for new ways to serve the needs of a variety of people needing housing options and putting more resources toward housing projects. However, there is a need for state resources and assistance in implementing these programs. Funds that cities could access could be used to assist in land purchases for leasing for long-term low income housing, incentives for creating single story housing for seniors, tiny housing development, and planned developments that serve a range of incomes. Technical assistance to other cities should help a city determine what programs or planning options are available tools to help cities reach the goals set in the comprehensive plan.</p>
<p><b>B. <u>Natural Hazard Land Use Reform</u></b></p> <p><b>Create process for communities to move the UGB from an identified hazard area to resource lands and planning for replacing significant urban areas lost after a natural disaster.</b></p>	<p>As science has better located some hazards areas and as regulations impact the expected development of other areas, cities need to find ways to respond more efficiently to address long-term planning for development. This requires a simplification of the process for changing the location of development, including adding new areas to the UGB, to account for lost development capacity. There also needs to be a streamlined process for a city to identify areas of new development should a disaster remove a large portion of the buildable land supply if a disaster should strike.</p>
<p><b>C. <u>DOGAMI Disaster Mapping</u></b></p> <p><b>Increase funding for DOGAMI to complete comprehensive disaster mapping of cities, including landslide and floodplain risk identification, and natural hazard related evacuation planning for additional potential risks such as tsunami or wildfire inundation.</b></p>	<p>The Oregon Department of Geology and Mineral Industries (DOGAMI) provides a number of technical resources to cities to identify hazards that could impact development. The department is also an integral partner in creating plans for the emergency response for many disasters that could occur in the state. Increasing funds for comprehensive maps will help with long-term planning for hazard mitigation, resilience, and survival.</p>
<p><b>D. <u>Floodplain Technical Assistance</u></b></p> <p><b>Provide DLCD funding for technical assistance to cities implementing required changes to floodplain development management practices from FEMA.</b></p>	<p>Because of the recent release of the Biological Opinion from the National Oceanic and Atmospheric Administration Fisheries Service related to the National Flood Insurance Program's potential to impact endangered species, there is a need for cities to receive significant assistance in implementing any changes required by the Federal Emergency Management Agency. As the federal process moves forward, the state must provide resources to help cities update comprehensive plans and development codes. This issue will have a number of impacts and assistance in the form of model codes, staff resources, grants, and other expertise will be necessary for cities trying to implement any changes or additional work.</p>

# Energy

Legislation	Background
<p><b><u>E. Changes to 1.5 Percent Green Energy Technology Requirement</u></b></p> <p><b>Advance legislation to statutorily modify the existing “1.5 percent green energy technology for public buildings” requirement to allow for alternative investment options such as offsite solar or community solar projects.</b></p>	<p>Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation.</p> <p>Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and provide for increased solar energy generation. In addition, the League will work to allow 1.5 percent funds to be invested in alternative projects that provide a greater economic or social return on investment. As an example, a city could use the funds on a community solar project to benefit low-income residents rather than being required to invest in solar generation at the site of the public building project.</p>
<p><b><u>F. Funding for Public Energy Projects</u></b></p> <p><b>Support enhanced incentives for public energy projects including grants for technical assistance, feasibility studies and resource recovery projects for energy and fuel generation.</b></p>	<p>There are programs that exist in Oregon for the purpose of incentivizing energy projects including renewable energy generation, alternative fuel vehicles, and energy efficiency. Programs such as the Business Energy Tax Credit (BETC), which was discontinued in 2014, and the State Energy Loan Program have been important tools for incentivizing energy projects for local governments. However, as a result of scrutiny over the administration of these incentives including private loan defaults, these programs are either no longer available, such is the case with the BETC program, or are at risk of being discontinued. It is critical for municipalities to have ongoing access to incentive opportunities as energy projects can be difficult to pencil-out and even more difficult for smaller communities to finance. The state of Oregon should take into consideration that loans for public energy projects, including cities, are lower-risk and should not be penalized in light of recent scrutiny. In addition, investments in these projects often result in environmental, social and economic benefits including long-term savings for taxpayers and reductions in greenhouse gas emissions.</p> <p>The League will work to enhance funding, including grants for technical assistance and feasibility studies for communities that currently do not have access to resources. The League will also advocate for incentives for energy and fuel generation projects. Examples of projects that warrant funding incentives include methane capture for fuel or energy generation, investments in community solar projects, renewable energy generation, and energy efficiency improvements.</p>

## Energy (Continued)

Legislation	Background
<p data-bbox="99 233 704 268"><b>G. <u>Require Updates to Oregon Energy Code</u></b></p> <p data-bbox="99 304 704 514"><b>Require the Oregon Building Codes Division (BCD) to engage in more frequent review of the state’s energy code to reduce greenhouse gas reductions and ensure that Oregonians can more affordably and efficiently heat their homes and businesses.</b></p>	<p data-bbox="704 233 1528 800">Oregon’s statewide energy code for commercial and residential buildings is an important tool for achieving greenhouse gas reductions through decreased energy consumption while helping to ensure that Oregonians are able to more efficiently and affordably heat their homes and businesses. Federal law requires each state to certify that their state energy code is equivalent to federal model energy codes. While Oregon was once a leader in energy code adoption and implementation, the state is now in a position of falling behind the federal code. This is due, in large part, to a decision made by the Oregon Building Codes Division in 2013 which changed the code cycle from a three-year update to a six-year update. Major code changes, including adoption of national codes, will now occur every six years with minor changes occurring every three years. This change will impact Oregon’s ability to keep pace with federal standards and new technologies in energy efficiency.</p> <p data-bbox="704 835 1528 1297">The League will work to support efforts to align new construction building codes with the state’s climate goal timelines. In addition, the League will support efforts to establish a periodic review schedule to ensure that Oregon more frequently updates the state energy code in order to reflect federal code requirements. Also, the League will encourage the state to set specific targets for increased energy efficiency in residential and commercial building construction with specific goals for increasing energy efficiency standards for affordable housing projects and increasing use of net-zero and passive house building requirements. Finally, the League will work to require BCD to make regular reports back to the legislature to update on energy code implementation and goals.</p>

# Finance and Tax

Legislation	Background
<p><b>H. <u>Property Tax Reform – Market Value / Local Control</u></b></p> <p><b>A legislative constitutional referral to reform the property tax system:</b></p> <ul style="list-style-type: none"> <li><b>a) to achieve equity, transitions to a market based property tax valuation system; and</b></li> <li><b>b) to restore choice, allows local voters to adopt tax levies and establish tax rates outside of current constitutional limits in their taxing jurisdictions.</b></li> </ul>	<p>Property taxes are regulated largely by Measure 5 (1990) and Measure 50 (1997), as provided in the Oregon Constitution. Measure 50 established a new method for assessing property, discounting the assessment at 10 percent of the real market value and calling this assessed value. Assessed value is capped at an annual growth limit of 3 percent. As a state total, due to the limits and market changes, the gap between real market value and assessed value has now grown to nearly 25 percent over the past 20 years. This gap varies widely on a property by property basis, creating considerable property tax inequities for properties that sell for similar prices in a city. In short, Oregon property taxes have become disassociated from real market value and the result is considerable inequity.</p> <p>For FY 2014-15, 60 percent of cities, 97 percent of counties, and 89 percent of school districts had some compression. This means that the Measure 5 caps of \$5 per \$1000 for education and \$10 per \$1000 for general government on real market value have been exceeded in most taxing jurisdictions. The caps are over 25 years old and were set low as voters were anticipating a sales tax to be coupled with it. Voters can no longer vote for the services they desire due to these caps. With looming PERS costs increases, paying for services with the present restrictions will become very difficult in some cities.</p>
<p><b>I. <u>Property Tax Reform – Fairness and Equity</u></b></p> <p><b>A bill that pursues statutory modifications to the existing property tax system that enhances the fairness and adequacy of the current system.</b></p>	<p>There are some adjustments to the property tax process and calculations that can be done statutorily. These include altering the changed property ratio statute and the statutory discount given to property owners who pay their taxes by November 15<sup>th</sup>. New property is added to the tax rolls using a county-wide ratio (assessed value to real market value) for determining the discount to apply to the real market value and that could be changed statutorily to a city-wide ratio in taxing districts who elect the change.</p>

## Finance and Tax (Continued)

Legislation	Background
<p data-bbox="102 199 370 231"><b>J. <u>Local Lodging Tax</u></b></p> <p data-bbox="102 268 690 300"><b>A lodging tax bill, the outcome of which, would:</b></p> <ul data-bbox="154 338 743 688" style="list-style-type: none"><li data-bbox="154 338 743 478"><b>a) Provide jurisdictions greater flexibility to spend local lodging tax revenue to plan for and provide services and infrastructure related to tourism;</b></li><li data-bbox="154 485 743 625"><b>b) Reduce or eliminate the required reimbursement charge that a lodging tax collector is allowed to retain for filing a local lodging tax return; and</b></li><li data-bbox="154 632 743 688"><b>c) Improve efficiency and collection of local lodging taxes in cooperation with the state.</b></li></ul>	<p data-bbox="797 199 1549 724">State law restricts how local lodging tax revenues may be expended. Post 2003, any new taxes or any tax increase requires a 70 percent revenue dedication to tourism promotion or tourism-related facilities. In addition, state statute provides that cities may not lower the actual percentage of lodging tax revenues that were dedicated to tourism prior to 2003. This means that cities have varied percentages of restricted local lodging taxes revenues. These numbers are arbitrary as they were set based on circumstances in 2003 that have often greatly changed. In addition, the legislative history shows that the legislature intended to provide some revenue flexibility and provide that certain infrastructure (roads, sewer lines, etc.) would qualify as tourism-related but the statutes need revision and clarification.</p> <p data-bbox="797 766 1549 1144">State law requires local governments to provide a 5 percent collector reimbursement charge if they impose a new lodging tax or tax increase after January 1, 2001. This is a deduction from the taxes that would otherwise be due. The state also provides a 5 percent collector reimbursement charge for state lodging taxes. In addition, local governments that had a reimbursement charge, must continue it. Thus, cities have very different reimbursement requirements—some are at zero, others are at 5 percent, and some are in between. When coupled with the state deduction, the deduction seems too generous.</p> <p data-bbox="797 1186 1549 1543">The Oregon Department of Revenue now collects state lodging taxes throughout the state and could collect and enforce local lodging taxes at the same time if given statutory authority. Local governments could then enter into voluntary agreements with the state to delegate the collection. This option could make collection much more efficient and cost-effective for some local governments. In addition, cities continue to struggle with collections and auditing, particularly from online companies and private home rentals (through Airbnb, etc.) and this area of the law could be improved.</p>

## Finance and Tax (Continued)

Legislation	Background
<p data-bbox="97 195 787 231"><b>K. <u>Nonprofit Property Tax Exemption</u></b></p> <p data-bbox="97 268 787 478"><b>Clarify and reform the statutory property tax exemption provided to nonprofit entities to address cost-benefit concerns for the continued full exemption in light of cost of city services provided to nonprofits and the changing services and business models of some nonprofit entity types.</b></p>	<p data-bbox="787 195 1550 514">Nonprofit organizations that are charitable, literary, benevolent or scientific are provided a property tax exemption that will cost more than \$194 million in the 2015-17 biennium. In addition, exemptions for the property of nonprofit religious organizations costs more than \$113 million for the biennium. For many cities, much of the city is exempt from property taxes due to the public property exemption and these nonprofit exemptions. This includes hospitals, nursing homes, etc.</p> <p data-bbox="787 552 1550 903">The Legislature has formed a work group to look at the nonprofit property tax exemption issue as the nature and number of nonprofits is changing and the administration of the exemption has become complex for county tax assessors. Nonprofit entities require significant services, including transportation, water, sewer, police, fire, etc. Thus, the legislature is looking at property taxes more as a service tax and considering how the full exemption could be adjusted to have nonprofits pay for their fair share of costs of services or otherwise meet a benefit test for continuing an exemption.</p>
<p data-bbox="97 940 787 976"><b>L. <u>Marijuana and Vaping Taxes</u></b></p> <p data-bbox="97 1014 787 1186"><b>Defend against restrictions and preemptions regarding local marijuana and vaping taxes and advocate for appropriate state shared revenue levels and distribution formulas for state marijuana taxes and potential vaping taxes.</b></p>	<p data-bbox="787 940 1550 1186">There are no revenue use restrictions on local marijuana taxes, but the local marijuana tax rate is capped at 3 percent. There are no restrictions on local governments imposing a vaping tax. The state has not imposed a tax on vaping products to date but is considering a tax. Often when the state imposes a tax (for example, cigarette or liquor), the state preempts local governments from also imposing a tax.</p> <p data-bbox="787 1224 1550 1575">10 percent of state marijuana taxes will be distributed to cities after state administrative costs. Distributions will be made per capita for revenues received prior to July 1, 2017. After July 1, they will be distributed based on the number of the various marijuana licenses issued in a city. Cities that prohibit establishments for recreational marijuana producers, processors, wholesalers or retailers will receive no state shared revenue. Likewise, cities that prohibit a medical marijuana grow site or facility will receive no state shared revenue.</p>

# General Government

Legislation	Background
<p data-bbox="115 205 540 233"><b>M. <u>Restore Recreational Immunity</u></b></p> <p data-bbox="115 275 760 373"><b>Cities should enjoy protection from unreasonable litigation when offering recreational opportunities to the public.</b></p>	<p data-bbox="808 205 1511 409">ORS 105.682 grants that a land owner is not liable for any personal injury, death or property damage that arises out of the use of their land for recreational purposes as long as no fee is charged in order to access that property. This statute allows cities to operate parks and trails without fear of lawsuit.</p> <p data-bbox="808 451 1503 655">However, in the recently decided Oregon Supreme Court case, <i>Johnson v Gibson</i>, It was held that even though the landowner may be immune from liability, their employees are not. As a result, two employees of the City of Portland were found liable for injuries sustained by a jogger in a park, employees who are indemnified by their employer.</p> <p data-bbox="808 697 1503 871">The practical effect of this ruling is that the immunity previously enjoyed by cities that allowed for robust park development have been eroded to the point of being non-existent. This priority directs LOC staff to seek to amend the ORS 105.682 to restore that immunity.</p>
<p data-bbox="115 917 472 945"><b>N. <u>Increase Local Liquor Fees</u></b></p> <p data-bbox="115 987 743 1085"><b>Cities play an important role in the review and investigation of liquor license applicants and should be able to recoup costs associated with that role.</b></p>	<p data-bbox="808 917 1511 1121">ORS 471.166 allows cities to adopt fees that are “reasonable and necessary to pay expenses” associated the review and investigation of liquor license applicants. However, the same statute limits the amounts of those fees to between \$25 and \$100 depending on the license or approval being sought by the applicant.</p> <p data-bbox="808 1163 1490 1297">This priority is to pursue changes to this statute that allow cities to recoup the actual costs associated with performing their role in the liquor licensing process and allowing for periodic increases.</p>

## General Government (Continued)

Legislation	Background
<p><b><u>O. Continue Marijuana Legalization Implementation</u></b></p> <p><b>Allow for civil enforcement of marijuana laws.</b>  <b>Ensure equitable distribution of marijuana shared revenues.</b>  <b>Eliminate limitations on shared revenue use.</b></p>	<p>One of the promises made by marijuana legalization advocates is that illicit sales and production of marijuana would shift into a legalized and regulated market. This has occurred to a large extent but many producers and retailers continue to seek the financial benefits or participation in the marijuana industry while avoiding the inconvenience of its regulatory framework. This priority seeks legislation that gives the Oregon Liquor Control Commission (OLCC) the same civil and administrative authority to prevent unlicensed sales and production of marijuana as it has in regards to liquor.</p> <p>Beginning in 2017, state shared revenue from marijuana will be distributed to cities based in the number of OLCC licensed commercial marijuana entities exist in their jurisdiction. This priority is to alter that arrangement so that is it distributed on a per capita basis to ensure equitable distribution among cities that are incurring costs.</p> <p>Measure 91 required that money distributed by the state to cities be used exclusively for costs associated with marijuana legalization. Tracking a dollar though a city's general fund and determining if a service was related to marijuana is inefficient if not impossible, and is not imposed for the receipt of liquor revenue. This priority is to advocate for legislation that removes this burden.</p>
<p><b><u>P. Protect Mental Health Investments Made in 2015</u></b></p> <p><b>Oregon made significant and strategic investments in protecting and caring for the mentally ill in 2015 that should be maintained.</b></p>	<p>The Legislature increased access to mental health care and expanded existing, proven programs designed to de-escalate police contacts with the mentally ill. Those programs could be vulnerable in a difficult budget environment made challenging by increased PERS rates.</p> <p>This priority is defensive in nature and seeks to preserve investments that are improving the lives of mentally ill Oregonians.</p>
<p><b><u>Q. Remove Qualification Based Selection Mandate</u></b></p> <p><b>Cities should be allowed to consider cost when making initial contract award decisions when hiring architects and engineers.</b></p>	<p>Cities are currently required to use a procurement method that prevents the consideration of cost when contracting with architects and engineers for public improvements. Instead, cities must base their initial selection for these services based solely on qualifications and can only negotiate the price after an initial selection is made.</p> <p>This mandate is not a cost effective means for procuring services and is poor stewardship of the public's dollars. This priority is to seek the removal of this mandate.</p>

# Human Resources

Legislation	Background
<p><b>R. <u>Repeal Requirement to Subsidize Retiree Health Insurance</u></b></p> <p><b>Public employers should not subsidize the health insurance of former employees when reasonable, cost competitive options exist.</b></p>	<p>ORS 243.303 mandates that local governments provide retirees with access to health insurance and requires that they be placed in the same risk pool as active employees. As retirees are approximately 2.5 times more expensive to insure than active employees this mandate results in employers and current employees subsidizing the health insurance costs of former employees. This subsidization, according to the Government Accounting Standards Board, must be shown on an audit as long term liability, thus creating an inaccurate perception of a city’s financial condition. Further, this requirement could be described as anachronistic as individuals are now able to purchase health insurance under the Affordable Care Act.</p> <p>This priority is to eliminate ORS 243.303 from Oregon’s laws.</p>
<p><b>S. <u>PERS Reform</u></b></p> <p><b>PERS benefits should be adjusted where legally allowable and investments should be maximized to ensure a sustainable and adequate pension system.</b></p>	<p>The PERS unfunded liability stands at \$22 billion and employer rates are anticipated to approach 30 percent of payroll in the coming biennium. Rates are expected to remain at that level for the next twenty years. This is not sustainable.</p> <p>This priority is to seek any equitable changes to benefits that will reduce employer rates while not pursuing options that are legally tenuous or counterproductive. Additionally, changes are to be sought to the investment portfolio that will maximize returns through improved risk management and efficiencies.</p>

## Human Resources (Continued)

Legislation	Background
<p><b>T. <u>Arbitration Changes</u></b></p> <p><b>Public employers should have greater influence over the disciplining of their employees.</b></p>	<p>Currently under the Public Employee Collective Bargaining Act, contested employee discipline matters must be submitted to an outside arbitrator for adjudication. Decisions by arbitrators are binding unless the conduct was a violation of public policy as defined by the state, there was serious criminal conduct or an egregious inappropriate use of force.</p> <p>This priority is to seek the following changes to the statute:</p> <ul style="list-style-type: none"><li>• Arbitrator decisions should also comply with local policies;</li><li>• Decisions should comply with policies related to any inappropriate use of force a;</li><li>• Arbitrator decisions should recognize all criminal misconduct related to employment not just “serious”;</li><li>• Employer disciplinary decisions as it regards employees who are supervisors as defined by the EEOC and BOLI should be given more weight.</li></ul>
<p><b>U. <u>Veterans Preference Clarifications</u></b></p> <p><b>Requirements that veterans be given preference in public sector hiring should be clear and unambiguous for the benefit of veterans and employers.</b></p>	<p>The State of Oregon requires and the League agrees that honorably discharged veterans deserve special consideration in public sector hiring. However, statutes describing how this is to be accomplished are unclear and ambiguous. Vague statutes do not serve the interests of employers or veterans.</p> <p>This priority seeks a clear definition of “preference” in the statute, ensure that recently separated veterans receive the consideration necessary for them to successfully enter the workforce and establishes clarity as to when the preference is to be applied.</p>

# Telecommunications, Cable & Broadband

Legislation	Background
<p><b>V. <u>Rights of Way</u></b></p> <p><b>Oppose legislation that preempts local authority to manage public rights-of-way and receive compensation for their use.</b></p>	<p>In its commitment to the protection of Home Rule and local control, the League consistently opposes restrictions on the rights of cities to manage their own affairs. From time to time, in the context of franchise fee and rights-of-way management authority discussions, proposals to restriction to this authority arise. These include a statewide franchise policy and revenue collection system as well as limiting the ability of cities to charge fees of other government entities. This is contrary to local government management authority, the ability to enter into agreements with service providers either by agreement/contract or ordinance and to derive revenues from business fees charged to users of public rights-of-way.</p>
<p><b>W. <u>Franchise Fees</u></b></p> <p><b>To ensure market fairness and equity, prepare legislation for possible introduction repealing ORS 221.515 (HB 2455 -7 in 2013, and HB 2172 in 2015) to remove franchise fee rate and revenue restrictions which currently apply to incumbent local exchange carriers but not to competitive local exchange carriers.</b></p>	<p>Oregon statute currently contains a discrepancy between how cities collect franchise fees from incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs). ORS 221.515 limits cities collecting franchise fees from ILECs to a maximum of 7 percent of revenues derived from dial-up services, which represents only a portion of ILEC total revenues due to the addition of a broader array of customer services. There is no such rate cap or revenue restriction on CLECs, hence the discrepancy. In the past the League has worked with CLECs to “level the playing field.” Repeal of ORS 221.515 would accomplish that.</p>
<p><b>X. <u>9-1-1 Emergency Communications</u></b></p> <p><b>Support legislation enhancing the effectiveness of the state’s emergency communications system through an increase in the 9-1-1 tax and/or a prohibition of legislative “sweeps” from accounts managed by the Oregon Office of Emergency Management.</b></p>	<p>The League worked with other stakeholder groups in 2013 to extend the sunset date on the statewide 9-1-1 emergency communications tax to January 1, 2022 (HB 3317). In 2014, the League also worked to pass legislation including prepaid cellular devices and services under the 9-1-1 tax (HB 4055). As concerns mount with regard to disaster preparedness and recovery and as new upgrades to communications technology becomes available, it is apparent that state and local governments do not have the resources necessary to address challenges or take advantage of opportunities. Additional funding is needed and the practice of periodically sweeping funds out of the state’s emergency management account for other uses should cease. It is worthy of note that the practice of “sweeps” disqualifies the state from receiving federal funds for emergency communications. It is unknown how many federal dollars have been foregone as a result of this policy.</p>

# Telecommunications, Cable & Broadband (Continued)

Legislation	Background
<p data-bbox="94 258 378 289">Y. <u>Technology Funding</u></p> <p data-bbox="94 327 639 359">Seek additional funding to assist for cities in:</p> <ul data-bbox="142 401 756 646" style="list-style-type: none"> <li data-bbox="142 401 756 468">• <b>Increasing high speed broadband deployment and close the digital divide.</b></li> <li data-bbox="142 474 756 541">• <b>Purchasing upgraded emergency management communications equipment.</b></li> <li data-bbox="142 548 756 646">• <b>Providing local match money for federal funding programs, such as high speed broadband deployment.</b></li> </ul>	<p data-bbox="787 258 1513 678">The deployment of broadband throughout the state of Oregon is critical to economic development, education, health and the ability of citizens to link with their governments. Additional funding, from various sources, including the state and federal government, needs to be allocated for this purpose. The need becomes even more acute when consideration is given to the certainty of a major seismic event. Often federal assistance comes with the requirement of a state or local match which is problematical for cities. A state mechanism for providing matching fund assistance would be helpful to those communities seeking to take control of their broadband destiny.</p>

# Transportation

## Legislation

### Z. Comprehensive, Multi-modal Transportation Funding and Policy Package

The League of Oregon Cities proposes that transportation infrastructure be raised to the same level of importance as other utilities, and be funded at a level capable of maintaining appropriate standards of operation and service. Therefore, the League will help draft and advocate for a comprehensive, inter-modal and statewide transportation funding and policy package that:

1. Provides a significant increase in resources available for the preservation and maintenance of city streets by:
  - Substantially increasing the state gas tax and licensing and registration fees.
  - Indexing the state gas tax.
  - Continuing efforts to identify and implement alternative funding mechanisms (VMT, tolling, public-private partnerships, etc.).
  - Disaster resilience and seismic upgrades for all transportation modes.
  - The completion of transportation projects begun but not yet completed due to lack of funding or changes in funding criteria.
  - Providing additional funding for voluntary jurisdictional transfer.
  - Funding transportation enhancements such as bike-ped facilities.
  - Increasing funding for the statutory Special City Allotment program while maintaining the 50%-50% ODOT/city split.
  - Repealing the referral requirement (2009 Jobs and Transportation Act) on cities seeking to create/increase local gas tax.
2. Addresses statewide needs relating to intermodal transportation through:
  - Additional funding for transit operations and capital projects.
  - Additional funding for freight rail capital projects and operations (*ConnectOregon*, short-line rail and transload facilities).

## Background

Maintenance and preservation needs have outpaced the resources available for streets, roads and highways. In its March, 2016 Infrastructure Survey Report the League identifies a \$3.7 billion capital need for highway and non-highway transportation projects (\$2.6 billion highway / \$1.1 billion non-highway). In addition, the report shows, for the 120 cities that participated, an aggregated street budget shortfall for operations and maintenance of approximately \$217 million per year. Safety and disaster resilience were cited as major challenges and needs by most cities. Cities also expressed support for a voluntary jurisdictional transfer program (the sensible alignment of highway facilities and management responsibility) provided the availability of adequate funding to facilitate the transfer and to maintain the asset.

Given the threat that inadequate funding represents to investments already made in the transportation system, the League will insist on a transportation package that increases and makes more sustainable the ability of all government jurisdictions to preserve and maintain these assets. Notwithstanding its emphasis on the need to preserve and maintain existing streets, the League of Oregon Cities agrees that the state's transportation system and the policy and funding programs that support it must be multimodal and statewide in scope. The League will therefore work to pass legislation in 2017 that addresses funding and policy initiatives relating to all modes (streets, bike/ped, transit, rail, aviation and marine) and in so doing address such issues as:

- Connectivity and capacity (especially truck mobility/rail)
- Safety for all users across all modes
- Resiliency and recovery (seismic retrofit across all modes)
- Jobs and economic development
- Impact on climate change
- Active transportation and public health
- Transportation access available on an equitable basis to all Oregonians
- Continuing and extending *ConnectOregon*
- Ensuring adequate new revenues for program/equipment such as the Oregon Department of Motor Vehicles technology upgrade
- Creative solutions to ongoing challenges (dedicated non-roadway fund, increased local authority to fund transit, bike-ped funding, etc.)

- 
- **Additional funding for passenger rail operations, equipment and capital projects (federal matching money and AMTRAK Cascades).**

**3. Does not:**

- **Preempt local government ability to self-generate transportation revenues for street maintenance and preservation.**
- **Change the dedication of State Highway Fund dollars to highway, road and street projects contained in Article 8, Section 3a of the Oregon Constitution.**
- **Reduce cities 20% share of the State Highway Fund.**
- **Create unfunded mandates requiring cities to undertake specific programs, such as greenhouse gas reduction scenarios.**
- **Further complicate the planning and regulatory process that currently governs the project delivery process.**

- **Maximizing local benefits of the federal FAST Act in Oregon**

# Water & Wastewater

## Legislation

### AA. Funding for Water System Resilience

**Secure dedicated funding for water and wastewater system resilience and emergency preparation. This would include additional funds to plan for and upgrade water systems to increase seismic resiliency and funding to better position communities to better prepare for water supply shortages due to drought, climate change or other emergency scenarios.**

## Background

In general, Oregon’s drinking water and wastewater systems are woefully underprepared for a catastrophic earthquake event. Restoration of water supply following such an event is critical for fire suppression, first aid, and for human health and safety. In 2013, the Oregon Resilience Plan provided estimates for service recovery of water and wastewaters systems in the event of a Cascadia earthquake under current infrastructure conditions. According to the plan, the estimated the timeframe for service recovery in the valley ranges from one to twelve months. For the coast, service recovery is estimated between one to three years.

In addition to risks associated with significant natural disaster events, recent drought conditions in Oregon have demonstrated the need for emergency supply planning and coordination with other water users to better address water supply challenges. It is critical that communities are able to acquire alternative and back-up water supplies from multiple sources in order to better prepare for supply shortages or emergency situations, such as natural disasters or supply contamination.

The League will work to identify and secure low-interest loans or grants to seismically upgrade drinking water and wastewater system infrastructure and to help ensure that these systems are more resilient and better positioned to respond to water supply shortages resulting from drought, climate change, natural disasters, or other system failures.

## Water & Wastewater (Continued)

Legislation	Background
<p><b>BB. <u>Promote an Enhanced Prescription Drug Take-Back</u></b></p> <p><b>Advocate for enhanced prescription drug take-back program funding and additional collection locations to reduce contamination of water from unwanted prescription drugs.</b></p>	<p>Unused prescription drugs are problematic from both a public health and safety perspective as well as from a water quality perspective. Drug take-back programs help to ensure that unused prescription drugs are properly disposed of which keeps them from being abused, keeps them out of the hands of children, and keeps them from entering Oregon’s waterways. Unwanted prescription drugs are often flushed down the toilet and despite wastewater treatment systems, they can end up contaminating lakes, streams and rivers. In 2014, U. S. Drug Enforcement Administration (DEA) expanded the types of locations allowed to accept unwanted medications including retail pharmacies and drug manufacturers. Prior to 2014, drug-take back programs were primarily supported through police department drop boxes. The challenge in expanding prescription drug take-back programs is now focused on the cost of transporting unused drugs from the take-back location to the disposal site and in educating the public about responsible disposal opportunities.</p> <p>The League will work with a variety of stakeholders, including public health advocates, to identify additional funding mechanisms to increase drug take-back collection locations across Oregon. Funding should support the transportation and responsible disposal of unused prescription drugs. Funds should also be dedicated for enhanced education of disposal opportunities and the establishment of convenience standards to ensure that all Oregonians have reasonable access to drug take-back locations.</p>
<p><b>CC. <u>Increased Funding for Water Supply Development</u></b></p> <p><b>Support additional water supply funding through the state’s Water Supply Development Account.</b></p>	<p>According to a survey conducted by the League, Oregon’s water and wastewater infrastructure needs for cities alone are estimated to be \$9 billion over the next twenty years. In addition, the survey identified 66 percent of respondent cities as being in need of additional water supply storage. The 2015 drought highlighted the need for additional investments in water supply infrastructure, including storage and water delivery system efficiencies. Additional storage project investments are not only critical for adequate drinking water supply, they are an important tool for supplementing streamflows and habitat restoration.</p> <p>The League will work to secure additional funding for existing water supply development programs. This includes support for feasibility grants and for the state’s Water Supply Development Account which provides funding for water supply storage, reuse, restoration and conservation projects.</p>

**RESOLUTION 16-945-R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TALENT APPROVING  
A JACKSON COUNTY SPECIAL ORDER TO INITIATE FORMATION OF THE  
ROGUE VALLEY HERITAGE SPECIAL DISTRICT AND CONSENTING TO THE  
INCLUSION OF CITY TERRITORY WITHIN THE BOUNDARIES OF THE DISTRICT**

**WHEREAS**, The Jackson County, Oregon, Board of Commissioners intends to form a county heritage special district under the authority of Oregon Revised Statutes (ORS) 198.705 to 198.955 and 358.442 to 358.474. The name of the proposed special district is the “Rogue Valley Heritage District” (hereinafter “District”). The proposed District would have the powers generally identified in ORS 358.44 to 358.474 and the powers listed in ORS 358.466, including, without limitation: operating and maintaining heritage sites and structures; acquiring and preserving property of historical interest, historical objects, and materials and documents of historical importance; and establishing and maintaining programs for heritage societies within the District.

**WHEREAS**, The governing body of the District shall be a board of five members to be elected by the electors of the District as required by ORS 358.448, and the board members shall be elected at large by position number as allowed by ORS 358.456(1)(b).

**WHEREAS**, The Jackson County Board of Commissioners may initiate the formation of the District by adopting an order under authority of ORS 198.835. The Board proposes to include all county territory within the boundaries of the proposed District.

**WHEREAS**, Jackson County voters will be asked to establish a permanent property tax rate limit of \$.05 per \$1,000 for the District’s operations as authorized by ORS 358.466(4) and 358.468.

**WHEREAS**, Pursuant to ORS 198.835(3), the territory of the City may only be included within the boundaries of the District if the City Council adopts a resolution approving the proposed County order initiating the formation of the Rogue Valley Heritage District. The proposed County order is attached hereto as exhibit A.

**WHEREAS**, Currently, funding sources for the various museums, historical societies and heritage organizations within Jackson County are not stable and are declining. Formation of a heritage district will secure a permanent source of funding for the services, programs and activities provided by these entities to the citizens of Jackson County and the City.

**WHEREAS**, The City Council believes creation of a Jackson County heritage district will benefit all city residents for the following reasons:

- A stable revenue stream will allow museums, historical societies and heritage organizations in Jackson County to continue to provide the following services, programs Page 2 of 2 and activities that are important to our community:

- o Jackson County heritage societies and museums preserve and are responsible for over 3 million unique and priceless artifacts, documents and photos reflecting the history of the region;
  - o Jackson County heritage societies and museums operate two research libraries used by students, researchers, writers and the general public. The historic books and records preserved by the heritage societies and museums provide important resources for citizens and scholars, making available to the public materials that are not maintained by the County library system or university libraries; and
  - o The educational activities and programs of the heritage societies and museums enhance the curriculum of public and private schools and institutions of higher learning.
- A stable revenue stream will allow museums in Jackson County to increase the hours those facilities are open, giving incentive for visitors to stay longer in the County and increase tourism spending on local goods and services, such as food, lodging and incidentals.

**THE CITY OF TALENT RESOLVES AS FOLLOWS:**

**SECTION 1.** The City of Talent, Oregon, hereby consents to the inclusion of all the territory of the City within the boundaries of the proposed Rogue Valley Heritage District, and approves the Jackson County Board of Commissioners’ proposed order initiating the formation of that District in substantially the form attached hereto.

**SECTION 2.** This Resolution shall be effective upon its passage by the Council and its approval by the Mayor of the City of Talent, Oregon.

Duly enacted by the City Council in open session on July 6, 2016 by the following vote:

AYES:            NAYS:            ABSTAIN:        ABSENT:

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Melissa Huhtala, City Recorder and Custodian of City Records

DRAFT Ordinance Together for Talent

AN ORDINANCE CODIFYING TOGETHER FOR TALENT COMMITTEE

WHEREAS the City Council of Talent, Oregon, desires to codify the creation of Together for Talent Committee in the Talent Municipal Code

THE CITY OF TALENT DOES ORDAIN AS FOLLOWS:

A new Chapter is hereby established to read as follows:

Section 1 [Together for Talent created]. There is hereby created a committee to be known as the Together for Talent Committee. Its primary purpose shall be to assist and advise the City of Talent in preserving and enhancing the quality of life in Talent.

Section 2 [General Duties and Responsibilities]. Together for Talent Committee is an appointed citizen body with the responsibility for providing recommendations to the Mayor and City Council on direction, planning, and policy on matters pertaining to general sustainability of the City of Talent, including but not limited to: promoting sustainability; honoring the City's agricultural heritage; promoting gardening and increasing the tree canopy; utilizing integrated pest management practices and natural pollination; reducing waste generated by the community; preparing for the impacts of climate change; and generally improving the appearance and livability of the City. "Sustainability" is defined in the biologic sense of scientific methods that remain diverse and productive indefinitely, but also in the broader sense of preserving and maintaining community resources.

Thus, the work of the Committee is achieved mainly through the involvement of community volunteers.

The Committee shall also perform such other related duties as may be assigned by the Council, which may include, but not be limited to, the following:

1. Assist in creating the City's Clean Energy Action Plan to reduce energy use and transition Talent to clean energy sources, such as solar; and perform periodic review of said Plan.
2. Review and work with the City Emergency Manager on the City Emergency Operations Plan, with special regard to coordinating volunteers from trained and informed groups such as Map Your Neighborhood and CERT (Community Emergency Response Team) with emergency personnel from Talent City Police, Jackson County Sheriff's Office and Jackson County County Fire District 5.
3. Compile data to assist City policy making in the preservation of designated heritage and significant trees; landscaping to support pollinators; reducing waste; and, in coordination with Parks and Recreation, organizing volunteers for maintenance work on trails and city parks.
4. Make recommendations to the City Council on potential revisions and future delivery of services by the City of Talent as pertains to sustainability.
5. Make recommendations to the City Council for modifications of or additions to existing ordinances, policies, and practices that help promote sustainability in the City of Talent.

6. Work in conjunction with other City commissions, boards, and committees to help ensure coordination of various elements of the Clean Energy Action Plan, sustainability programs, and other related activities.
7. Conduct public meetings and make recommendations to the City Council on sustainability issues and ordinances.
8. Make recommendations for capital improvements, programs, and policies that will help increase the use of renewable energy, decrease the use of energy, reduce waste, promote water conservation, and help our community prepare for the impacts of climate change.
9. Review and comment on fund-raising efforts and donations made on behalf of the City of Talent's Together for Talent Committee.
10. Foster public awareness and citizen volunteer involvement in all aspects of the City of Talent's Together for Talent Committee and subcommittees.
11. Develop a clean energy plan leading to a climate action plan to prepare Talent for the impacts of climate change and develop strategies and action plans to reduce greenhouse gases.
12. Review changes and additions planned for city parks and properties from the point of view of pollinators, and make appropriate suggestions for City policy.
13. In coordination with city departments, ensure that the city's Tree City, Bee City, and EPA Green Power Community designations are maintained.

Section 3 [Membership, Compensation]. The Together for Talent Committee shall consist of at least seven (7) members and no more than eleven (11), including those grandfathered in from the former Together for Talent committee; subsequent members shall be recommended by the existing Committee, then appointed by the Mayor with the consent of the City Council. Two (2) members may live outside the Talent city limits. Committee members shall receive no compensation. The Mayor or a City Council member appointed by the Mayor shall serve as an ex officio member of the Committee, but shall have no vote and shall not count toward a quorum.

Section 4 [Terms of Office, Vacancy]. Terms of office shall be for a period of two (2) years and shall expire on the last business day in June of the second year. Any vacancy shall be filled based on a recommendation by the existing Committee to the Mayor, with the consent of the City Council, for the unexpired portion of the term.

Section 5 [Officers]. The Together for Talent Committee shall, at its first meeting of each new fiscal year beginning in July, elect from the Committee's members a Chair, Vice Chair, and Secretary.

Section 6 [Duties of Chair and Vice Chair]. The Chair shall preside at all meetings, set the agenda, and recommend the creation of subcommittees, and approve members to each subcommittee, as are authorized. The Vice Chair shall perform the duties of the Chair in the absence of the Chair, and such other duties as may be assigned by the Chair. The Chair or Vice Chair shall preserve the decorum at Committee meetings.

Section 7 [Minutes]. The Secretary shall keep an accurate record of all Together for Talent proceedings, including written minutes of all meetings. A copy of the approved minutes of each Together for Talent Committee meeting

shall be signed by the Chair and delivered to the City Recorder for filing, and said minutes shall be a public record and available for public inspection.

Section 8 [Quorum, Meetings, Rules and Procedures, Number of Meetings]. A simple majority of the total number of voting members of the Committee shall constitute a quorum for scheduled meetings. No Committee action or plan of action shall take place outside of a scheduled meeting with a quorum present. The Committee shall adopt rules and procedures consistent with city ordinances and this resolution. The Committee meetings shall include at least one (1) regularly scheduled meeting per month, unless canceled at the direction of the Chair due to lack of Committee business or other good reason. Meetings may be run informally in accordance with the latest edition of Roberts Rules of Order, or in accordance with the Together for Talent Committee bylaws.

Section 9 [Alternate Members]. Not more than two (2) alternate members shall be recommended by the Committee and appointed by the Mayor with the consent of the City Council. Such members shall serve with no compensation for the term of two (2) years, which shall expire on the last business day of June of the second calendar year after appointment. The alternate members' primary function shall be to assist the Committee, as requested. In the case of prolonged absenteeism of more than three (3) sequential scheduled meetings of the Committee, the Chair, with the consent of the Committee, shall appoint an alternate member to occupy the vacant position on a meeting-by-meeting basis. That alternate member, once in place as a full member of the Committee, shall have the same rights and voting privileges as the absent committee member and is required to attend meetings regularly.

Section 10 [Removal from Committee]. If a committee member or alternate should, without valid reason, miss three (3) regularly scheduled sequential Committee meetings within the same fiscal year (July 1 through June 30), that member shall be subject to removal from the Committee. In addition, a committee member may be removed for misconduct, with the consent of the City Council, following a public hearing. This process may be initiated by the City Council or by a recommendation from the Together for Talent Committee.

Section 11 [Committee members, the term of a committee member for which the committee member has been appointed by the Mayor]. A minimum of seven (7) and maximum of eleven (11) committee members shall be appointed by position number running from one to eleven, each for a 2-year term. Terms will overlap so that three committee members' terms expire on the last business day in June of the second calendar year after his or her appointment. Candidates for committee member will be designated by the numbers of the Committee seats which they seek; further, one candidate may only apply for one position at the time of a vacancy.

Section 12 [New Subcommittees]. A subcommittee may be added to the Together for Talent Committee after a written recommendation by an existing member is made prior to a scheduled meeting. Only at a scheduled meeting, with a quorum present, can a vote to add a subcommittee take place.

Section 12 [By-Laws]. See attached [**to come once the ordinance is settled on**].

RESOLUTION NO. 12-878-R

A RESOLUTION ESTABLISHING COUNCIL RULES OF PROCEDURE GOVERNING THE PROCESS TO BE FOLLOWED IN THE CONDUCT OF CITY BUSINESS; AND RESCINDING RESOLUTION 05-714-R.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TALENT, OREGON.

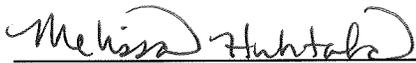
WHEREAS, ORS 192.610-192.710 establishes the framework for the conduct of any public meeting held by a city council in the State of Oregon;

WHEREAS, the City Council of the City of Talent desires to define in more detail how the council conducts its business and the procedures to follow in that process;

NOWHEREFORE, BE IT RESOLVED that the Common Council of the City of Talent hereby adopts the attached Council Rules of Procedures to be followed in the conduct of City business at all duly noticed meetings of the council.

Duly enacted by the City Council in open session on April 18, 2012 by the following vote:

AYES: 5      NAYS: 0      ABSTAIN: 0      ABSENT: 1



\_\_\_\_\_  
Melissa Huhtala, City Recorder and Custodian of City records

## COUNCIL RULES OF PROCEDURE

### Section 1, Meeting of Council.

A. Compliance. All meetings of the City Council shall comply with the Oregon State Public Meetings Law ORS 192.610-192.690, which is hereby incorporated by reference into these rules.

B. Meeting Schedule. The City Council will meet in regular session of the first and third Wednesday of each month unless the Council cancels or reschedules the meeting. If either of these Wednesdays are a legal holiday, the council shall meet on Tuesday of that week.

C. Time of Meeting. Regular sessions will convene at 6:30 p.m. All regular sessions will be adjourned not later than 9:30 p.m. unless extended by a vote of the members present at the meeting.

D. Special Meetings. The Mayor or three or more councilors may call a special meeting. Twenty-four (24) hour notice shall be given to the remaining councilors, the City manager and the public. Public notice shall be given by posting said notice on the bulletin board outside City Hall. The notice shall specify the meeting time and place and a description of the business to be transacted at the meeting. If a special meeting is called to deal with an emergency involving danger to life or property, notice is not required. No general legislation may be considered at a special meeting except for which the meeting is called.

E. Executive Sessions. An executive session (a meeting closed to the public) may be held in accordance with the Public Meetings Law. The mayor may call any regular, special or emergency meeting into executive session by citing the specific provision of ORS 192.660, which authorizes the session. Representatives of the news media shall be allowed to attend executive sessions. The Mayor shall instruct any media representatives present not to disclose the substance of any discussion during executive session. No final decision shall be made in executive session. To make a final decision, the presiding officer shall either call the meeting into open session or place the decision on the agenda of a future open session. Executive Sessions will generally be scheduled at the end of a Council meeting to encourage public participation on other agenda items.

F. Study Session. Study sessions of the council shall be held in accordance with Oregon Public Meetings Laws, and shall be called by either the Mayor, City Manager or three councilors whenever circumstances require such a session. No votes, or binding decisions can be made at these study sessions. The presiding officer shall determine whether the public will be allowed to participate in discussions at these study sessions. **Study Sessions will be held as needed on the 5<sup>th</sup> Wednesday of the month or before Regular Council Meeting times may vary depending on the topic.**

G. Attendance. Councilors shall inform the City Manager, **City Recorder** or Mayor if they are unable to attend any meeting. Additionally, the Mayor shall inform the Council President, as well as the City Manager, regarding any absence by the Mayor.

**Section 2. Agenda.**

The City Manager shall prepare an agenda of the business to be presented at a regular council meeting. The items on the agenda should follow the formal order of business prescribed elsewhere in these rules. The City Manager, Mayor, council members or the public may request that a matter be placed on the agenda. The City Manager shall have the discretion of placing an item on the agenda for the upcoming meeting or a subsequent meeting because of time constraints or time needed for compilation of materials. Requests for placement of an item on the agenda must be received by the City Manager by 5:00 p.m. on the Wednesday prior to a regularly scheduled meeting.

The City Manager, the Mayor, or any council member, subject to approval by a majority of the council present at the meeting, may add an item to the agenda at the beginning of any meeting.

**Section 3. Minutes**

A. Written minutes of all open regular and special meetings shall be prepared by a person designated by the City Manager, and shall be approved by the Council at the next meeting and made available for public inspection once approved. The City Recorder and the person taking the minutes shall sign the minutes after they have been approved by the City Council. All meetings shall be tape-recorded and the tapes shall be kept for a period of two years.

B. Written minutes shall include the names of all councilors present, all motions, Resolutions, orders, ordinances and measures proposed and their disposition, the results of all votes, recording by name of each Council voting in the negative unless the vote is unanimous, the substance of the discussion of any matter and references to any documents discussed.

**Section 4. Order of Business.**

A. Regular meetings shall be conducted in the following order of business, subject to the right of the Mayor, with Council consent, to alter the order of business:

1. Call to Order/Roll Call
2. Public Hearings. All public hearings will be subject to notice requirements as listed in other City ordinances and state law, unless there are none, and then a Notice of Public Hearing shall be placed in a local newspaper a minimum of one time within the 7 days prior to the meeting. A copy of this Notice of Public Hearing shall also be posted at City Hall, Bulletin Board and Tark's during that time.

The purpose of public hearings is to: 1) provide input to the Council in the form of information and opinions from affected parties and citizens of; and 2) provide an opportunity for citizens to be involved in municipal affairs. Public hearings may be continued to another meeting if necessary or desirable.

3. Citizens Heard on Non-Agenda Items. Citizens wishing to speak on non-agenda items. The purpose of this item is to allow citizens to address the Council on matters related to city government and properly the object of Council consideration. A time limit of five minutes per citizen shall apply, unless the Mayor, prior to the Citizen Input period, decides to allocate less time. Citizen comment shall not exceed the time limitation unless the Council votes to suspend the rules. The council shall not act on issues raised during this portion of the agenda. Such items can be added to a future agenda if the Council so chooses allowing staff the opportunity to research the issue raised and provide comment.
4. Consent Calendar. The consent calendar includes all those routine or non-controversial items, which are indicated on the agenda. The items are considered as a single item without debate or discussion, except for simple clarification. Any member of the Council may remove an item from the consent agenda prior to the vote to approve it. Any items removed are taken up individually in the order they appear on the Council agenda.
5. New Business – Items requiring a vote of the Council including resolutions, discussion of proposed policy changes or proposed projects, or other business appropriate to Council discussion.
6. Information Items - Items not intended for discussion of the Council but rather departmental monthly reports or other items that may be of interest to the full council on either local or regional issues.
7. **City Manager & Other Department Reports – Items for discussion by the City Manager and Department heads as needed.**
8. Committee Reports – Reports by council members of the activities of committees (either regional or local) for which the council member has been designated as the Council delegate or liaison.
9. Other Business. Items from the Mayor or Council.
10. Adjournment.

## **Section 5. Discussion of business.**

A. The right to discuss the business before the Council is reserved exclusively for the mayor, councilors, the City Manager and the City Attorney, with the following exceptions:

1. Public hearings; and
2. Citizens wishing to speak on non-agenda items.

B. The presiding officer shall recognize any city staff member or member of the audience for discussion of any matter before the council.

C. No person shall be permitted to speak or present evidence until recognized by the presiding officer and given permission to speak or present evidence. All comments, evidence or questions from the floor will be addressed to the presiding officer. In the case of questions, the presiding officer will request input from the appropriate sources (staff, council or presenters).

#### **Section 6. Conduct of Business.**

A. Presiding Officer. The Mayor shall preside at all meetings of the council. In the absence of the mayor, the Council President shall preside. The council president shall be elected at the first meeting of each odd-numbered year.

B. Absence of Presiding Officer. In the absence of the mayor and the council president, the council shall elect a councilor to serve as presiding officer as its first order of business. Any councilor may call a meeting to order for the purpose of electing a presiding officer.

C. Substitution of Presiding Officer. The presiding officer may appoint a temporary presiding officer to cover his or her temporary absence from the meeting by handing the gavel to the council president or, if the council president is absent or serving as presiding officer, to any other councilor.

D. Motion Procedure. When a motion is moved and seconded, it shall be stated by the presiding officer for debate. The mover, without the consent of the councilor seconding it, may not withdraw a motion once made. No councilor shall be allowed to speak more than once on a particular question until every other councilor has had an opportunity to do so.

E. Motion to Postpone or Table. A motion to postpone may be debated and amended and may specify a time when the question will be considered. A motion to table precludes all amendments or debate and if the motion prevails, consideration of the question may be resumed only upon the motion of a member voting with the majority.

F. Point of Order. Any member may raise a point of order at any time and the presiding officer shall determine all points of order, subject to the right of any councilor to appeal the decision to the full council.

G. Quorum. A majority of the Council constitutes a quorum for its business.

**Section 7. Conduct of Hearings.**

A. Scope of Rules. The rules contained in this section shall govern the conduct of administrative and quasi-judicial hearings held by the council including, but not limited to, those held pursuant to land use matters of the City. The City Council has assigned land use appeals to a hearings officer. The council may take quasi-judicial actions on various City Ordinance that specify an appeal to council

B. Nature and General Conduct of Hearing.

1. The Council, when conducting any such hearing, shall afford persons entitled under the ordinances of the City, such as the nuisance ordinance, to notice of hearing, an opportunity to be heard, to present and rebut evidence to an impartial tribunal, and to have a decision based on substantial evidence.

2. No person in attendance shall be disorderly, abusive or disruptive of the orderly conduct of the hearing and any person may be removed from the hearing for such conduct.

3. No person offering testimony shall speak more than once without obtaining permission from the presiding officer. Each person speaking shall be limited to 5 minutes.

4. No person shall testify without first standing, receiving recognition from the presiding officer and stating his or her name and residence or business address.

5. No person shall present irrelevant, immaterial or unduly repetitious testimony or evidence; provided, however, that reports and documents prepared by City personnel shall be deemed relevant, material and the weight or competency thereof shall be determined by the council.

6. There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

7. The presiding officer, councilors, City Manager, City Attorney and with the approval of the presiding officer, any other employee of the City may question and cross-examine any person who testifies.

C. Challenging Participation by a Councilor.

1. Any proponent, opponent of, or other party interested in a matter to be heard by the council may challenge the qualification of any councilor to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a councilor's bias, prejudgment, personal interest, or other facts from which

the party has concluded that the councilor will not participate and make a decision in an impartial matter.

a. Such challenge must be made prior to the commencement of the public hearing and shall be incorporated into the record of the hearing.

2. No councilor shall participate in discussion or vote on the matter when for any reason the councilor determines he or she cannot participate in the hearing and decision in an impartial manner.

3. No employee of the City who has a financial or other private interest shall participate in discussion with, or give an official opinion to, the council or the matter without first declaring for the record the nature and extent of such interest.

4. The general public has a right to have councilors free from pre-hearing or ex parte contacts on matters heard by them. It is also recognized that a countervailing public right is free access to public officials on any matter. Therefore, councilors shall reveal any significant pre-hearing or ex parte contacts with regard to any matter as early as possible under the circumstances in the hearing or the matter. If such contacts have impaired the councilors' impartiality or ability to vote on the matter, the councilor shall so state and shall abstain there from.

5. Notwithstanding any provision of this or any other rule:

a. An abstaining or disqualified councilor may be counted for purposes of forming a quorum; and

b. A councilor may represent himself or herself, a client or any other member of the public at a hearing; provided, that said councilor abstains from the vote on the matter, removes himself or herself from the council area and joins the audience, and makes full disclosure of his/her status and position at the time of addressing the council.

D. Order of Procedure. The presiding officer, in the conduct of the hearing, shall comply with the appropriate City ordinance and/or state law for specific types of hearings so regulated. For administrative hearings not subject to other City ordinances or state law, the hearing will be conducted in the following manner:

1. Commence the Hearing. Announce the nature and purpose of the hearing and summarize the rules for the conduct of the business.

2. Call for Abstentions. Any councilor announcing a decision to abstain shall identify the reasons for abstaining and shall not participate in discussion of the matter or vote on the matter.

3. Staff Report. The City Manager, or designee shall summarize the nature of the matter, explain any graphic or pictorial displays, which are a part of the record, and provide such other information as may be requested.

4. Written Communications. ~~Written~~ communications addressing any matter before the council shall be received by the City by 5:00 p.m. on the Wednesday immediately preceding a regularly scheduled council meeting unless for good cause the council waives the time period therefore.

**1. Mail**

**a. Letters addressed to Mayor and/or City Council – All letters addressed to the Mayor and/or entire City Council requiring a response from staff are copied to all Council members with a note as to which staff person will be preparing a response for the Mayor’s signature. A copy of the response mailed, along with the original letter will be provided to each Council member. Letters addressed to the Mayor and/or entire City Council that do not require a response, but provide information on Council agenda items or like matters are copied to the full Council. Cards and other mail addressed to the Mayor marked “personal” and/or “confidential” will not be opened.**

**b. Letters addressed to Individual Council Members – All letters addressed to individual Council members will not be opened. The envelopes will be delivered/mailed to the individual Council member’s home address. If a Council member is requesting a response to be prepared by staff, the letter is copied to all members of the Council with a note as to which staff person will be preparing a response for the addressee’s signature. A copy of the response mailed, along with the original letter will be provided to each Council member.**

**2. Council Correspondence – All Council member correspondence written with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full Council, not individual Council member’s positions. All Council member correspondence using City resources will be copied to the full Council. For example, if a citizen writes a letter to an individual Council member, the response to the letter along with a copy of the citizen’s letter will be copied to the full Council.**

**3. Clerical Support – The City Manager’s Office will coordinate the typing of correspondence requested by individual Council members. All correspondence typed for Council members will be on City letterhead and will reflect the position of the full Council, not individual Council members, and will be copied to the full Council.**

**From time to time, citizens write to the Mayor to voice concern, request assistance, or to request information on an issue/item. When such letters are addressed to the Mayor, the City Manager will prepare a response letter for the Mayor’s review and signature. The response, along with a copy of the citizen’s letter, will be copied to the full Council.**

5. Audience Participation. Those present wishing to speak in favor of the proposed action will be allowed to speak, followed by those opposed to the proposed action.

6. Close of Hearing and Deliberation by Council. The presiding officer shall conclude the hearing and the council shall deliberate the matter. The council shall either make its decision or continue its deliberations to a subsequent meeting, the time and place of which must then be announced. The subsequent meeting shall be for the purpose of continued deliberation, and the presiding officer shall not allow additional submission of testimony, except upon approval by the council.

## **Section 8. Voting**

A. Requirement. The concurrence of a majority of those present and voting at a meeting, provided that a quorum is present, is required to determine any matter before the council. Each councilor present must vote on all questions before the council unless the member has a conflict of interest, which would disqualify the member from voting. If a member abstains, the reasons for the abstention shall be entered in the record.

B. Roll Call Vote. At the request of any councilor, or as a requirement of any ordinance, any question shall be voted on by roll call.

C. Tie Vote. In the case of a tie vote the Mayor must vote.

G. Motion to Reconsider. To provide usefulness and protection against abuse, the motion to reconsider has to be made by a member who voted with the prevailing side. (Only one who voted aye if the motion involved was adopted can move Reconsideration, or *no* if the motion was lost.) Any member regardless of the individual's previous vote on the subject can second the motion to reconsider. The purpose of reconsideration is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a change situation that has developed since the taking of the vote.

H. Record of Votes. Unless the vote is unanimous, the ayes and nays of each councilor shall be entered in the minutes.

I. Vote Required. The express concurrence of a majority of the council members present and constituting a quorum is necessary to decide affirmatively a question before the Council.

## **Section 9. Ethics Code**

A. Councilors shall review and be bound by the requirements of the State Ethics Law dealing with use of public office for private financial gain. Councilors shall give public notice of any potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the council. This general obligation includes the duty to refrain from:

1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public.
2. Making decisions involving business associates, customers, clients and competitors;
3. Violation of council rules in fact or intent;
4. Appointing relatives, clients or employees to boards and commissions;
5. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends;
6. Seeking employment of relatives with the City.
7. Actions benefiting special interest groups at the expense of the City as a whole;
8. Expressing an opinion which is contrary to the official position of the Council without so stating.

B. Councilors shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring nondiscriminatory performance of public services, being informed concerning the matters of council consideration and abiding by all decisions of the council, whether or not the member voted on the prevailing side.

#### **Section 10. Legal Advice.**

Requests to the City Attorney for advice requiring legal research shall not be made by a member of the council. Requests for legal advice should be made of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager and the Mayor should make those inquiries. The City Attorney shall in either case provide any written responses to the full council and the City Manager.

#### **Section 11. Communication with Staff.**

Council members shall respect the separation between policy making and administration by limiting individual contacts with City employees so as not to influence staff decisions or recommendations, interfere with their work performance, undermine the authority of supervisors or to prevent the full council from having benefit of any information received.

Council members shall address all inquiries and requests for information from staff to the City Manager and allow sufficient time for a response. All written information given by the City Manager, or designee, to one council member shall be distributed to all council members.

Council members shall respect the roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages. Staff shall have the same respect for the roles and responsibilities of council members.

## **Section 12: Use of Electronic Devices**

**192.670 Meetings by means of telephonic or electronic communication. (1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.**

**(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the governing body of the public body is present. [1973 c.172 §7; 1979 c.361 §1]**

**A. It is the policy of the Council, in keeping with the intent of the state's open meetings law, that the use of electronic communications devices during Council meetings be limited and shall otherwise comply with rules and laws applicable to proceedings before the Council.**

**Any electronic communication regarding a quasi-judicial matter to be considered by the Council is an ex parte contact, and shall be disclosed, as required by law.**

**This rule does not prohibit the use of the City provided interactive computers on the dais for viewing the Council meeting agenda and agenda packet. This rule does not limit the use of electronic communications devices outside of public meetings. However, all electronic communications sent and received by Councilors must comply with the rules and laws applicable to public records.**

### **B. Definitions**

**1. As used in this section, "electronic communications devices" means laptop computers, smart phones, cell phones, or other similar devices capable of transmitting or receiving messages electronically.**

**2. As used in this section, "electronic communications" means e-mail, text messages, or other forms of communications transmitted or received by technological means.**

**3. All phones shall be kept in the silent or vibrate mode.**

**Section 13. Confidentiality.**

Councilor Members shall keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other councilors, the City Manager or City Attorney.

If the council, in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiation, whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A council member will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

Although Oregon state law requires that the media be allowed to attend executive session, no council member should engage in discussion with the media outside the executive session on the topic. The media is no longer bound by the requirements of confidentiality should discussion continue once the executive session is adjourned.

Council members are bound by the confidentiality of executive session even after they no longer serve on the City Council.

The council, by resolution, may censure a member who discloses a confidential matter.

**Section 14. Suspension of the Rules**

By a majority vote, the Council may suspend any section of these Council Rules of Procedure, except for those sections regulated by City Charter, City Ordinance or State law.

Adopted by City Council on April 18, 2012- effective immediately