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City of Sherwood
Special Committee Meeting
July 10, 2013, 6:30pm
22560 SW Pine Street, Sherwood, Oregon 97140

PESSEMIER: All right. I think we'll go ahead and get started here. So first off, before we get to what's on the agenda here, I just wanted to kind of do a little bit of updates. There's five members here. I know that Nancy Brewton (sp) is out of the state, actually on the East Coast, so she won't be here tonight, and we've had two people that have indicated that they're not going to continue on with the committee. Alisha Shaw had a conflict with her work, and Dave Robbins has asked that his application be removed. So we're down to seven members at this point. I haven't heard from Naomi; I assume she's going to be here.

FEMALE: She's on her way.

PESSEMIER: Okay, great. So Naomi will be here, and that'll be the sixth person. It takes five to have a quorum, so you guys can vote on things tonight like selecting the Chair and other things. But I just wanted to give you an update. Council is meeting on the 16th, and so they probably will consider potentially adding a few more members and maybe even adding some alternates so that if other people for some reason can't make it through the process then they'll be here. Naomi. There's a name tag for you, and grab a chair. So real quick, the way this is going to run tonight is we're going to kind of do some introductory stuff, some kind of preparation before the meeting starts, and then we'll actually have the formal meeting. Since this is a new committee, and we're just getting things started, we kind of wanted to give you a little bit of idea of how committees typically run and the public meeting laws as well as just some basic information, and probably the most important thing is to select a Chair so that you guys can have someone run the meeting from there. So I've kind of broken, if you look at the agenda, up into meeting preparation and then the regular meeting. And so I'll kind of handle things, and this is Chad Jacobs with Beery, Elsner, & Hammond. Chris Crean is not able to be here tonight, but Chad is very well versed in this, and he'll be here. This will be Murphy on staff. But I will kind of run this up until the regular meeting time, and at that point, we'll turn it over to the Chair, and it will be a formal committee, and we'll get moving. So since we're all new here and haven't had a chance to meet, I'd thought we'd kind of do some quick introductions. So maybe just tell us a little bit about yourself, your family, and then what your favorite animal is. So, not to put you on the spot. Chad!

JACOBS: So as Tom said, my name is Chad Jacobs. I'm from the city attorney's office filling in for Chris Crean who apologizes he couldn't be here tonight. He had a bit of an emergency situation that he was dealing with. So I'm stepping in at the last minute, and if I would have known I had this assignment, I wouldn't have come. Let see, my family - a little bit about myself. I've been with Beery, Elsner, & Hammond for about two years now. Before that, I was General Counsel for the League of Oregon Cities for about three years. And before that, I was a senior deputy city attorney in the city and county of San Francisco for about nine years. I have two kids and a wife, and I would say my favorite animal is my dog, Albie.

PESSEMIER: Great.

FEMALE: Did you say, "Albie?"

JACOBS: Albie like Albus Dumbledore. My kids named him.

FEMALE: (Indecipherable) Harry Potter.

JACOBS: Exactly.

57 **PESSEMIER:** So my name is Tom Pessemier. I'm the Assistant City Manager here
58 at the City of Sherwood, and I'm on staff, obviously, and here to support
59 this committee council. I specifically asked that I kind of be the staff
60 member to help on this. A little bit about myself: I'm pretty much a native
61 Oregonian. I was actually born in Washington, lived there for about three
62 months, and so my wife tell me I'm not really an official native Oregonian.
63 But I consider myself an Oregonian. I grew up in the Valley and then Central
64 Oregon and then been here in the Sherwood area for about 15 years. I have a
65 wife and four kids, 11, 10, 8, and 4. And my favorite animal right now is
66 actually rabbits but typically I like to - I enjoy beekeeping, so that's
67 something I enjoy to do.

68 **MURPHY:** Well, I'm Sylvia Murphy; I'm the city recorder, also known as the
69 City Clerk. I've been the recorder for about seven years and here on staff
70 with the City of Sherwood for almost 14 years. So basically, I support the
71 council as you guys see me here. I'm here to help you do anything that we
72 need to do to get this kind of rolling and address business. As far as me
73 personally, I am married, have two children, 17 and 13. I live just outside
74 the city limits a little bit. I've lived here in Sherwood for about 20 years
75 total. And my favorite pet, my only pet, is my dog, Racer (sp).

76 **COOKE:** My name is Beth Cooke, and I - I've lived here for about two years,
77 Oregon Native. I was raised in the Valley as well and move to the Portland
78 Metro area about 15 years ago. I have lived in Yamhill County until the last
79 two years and have three children, 10, almost 8, and just turned 5; all going
80 to be in the same elementary school this next year which I'm very excited
81 about. Professionally, I do a variety of things. I work a lot with
82 businesses, (indecipherable) business outreach, and just finished six months
83 lobbying in the legislature. Oh, and my favorite animal is the cat.

84 **MEYER:** My name is Meerta Meyer, and I am an official native Oregonian. I
85 graduated from Oregon State. I've lived in Sherwood about 21 years. I've
86 owned two homes in Sherwood. And let's see, I am a mom of two boys, 12 and
87 3½, who keep me very busy. Both of them think that they're much older than
88 they are, of course. And at the moment, my favorite animal is a lady bug,
89 keeping my garden safe.

90 **SCOTT:** My name is Doug Scott. I am also a native Oregonian. I grew up in
91 Hubbard, down the road a ways. I've lived in probably a 10-mile radius of
92 here most of my life including the last five years in Sherwood. My wife and I
93 have three children, 11, and 7-year-old girls, and an 8-month-old son who is
94 keeping us busy; he started crawling this week, so that's fun. We have two
95 house cats, but my favorite animal is probably a tiger.

96 **O'KEEFE:** My name is Lawrence O'Keefe. I've lived here in the Sherwood area
97 for - in Sherwood 7 years. I've lived in the Metro Area since I was 10-years-
98 old. So I went to Beaverton, lived in West Linn for a while, over in Portland
99 for a while, and happy to make Sherwood my home. Been married seven years
100 now, a little over seven years, and I guess I'm the only person with
101 grandkids.

102 **FEMALE:** No you're not.

103 **O'KEEFE:** Grandkids and a son in the Marines.

104 **SCHOENING:** You didn't say your favorite animal.

105 **O'KEEFE:** My favorite animal, my wife would kid me, Tabigale O' Kitty, which
106 is our cat.

107 **SCHOENING:** Nice. Is it still on? Are we still on? Yes. I'm Rachel Schoening.
108 My husband and I own Fat Milo's Family Kitchen here in town. I am the chef.
109 We have - we have been here for about three - we've owned our restaurant for
110 about three and a half years. We live in Beaverton. We are not native
111 Oregonians, and I did come from the state down south of here. Don't hold that
112 against me. I have four children and one granddaughter. My daughters are 22
113 and 21, and one is at Portland State, and one is a mom. And I have a son who

114 will be going into Oregon State in September and another son who is in
115 elementary school; he's 10. Let's see, my favorite animal is a pig because I
116 love bacon, but I should say it's Milo because he's our dog we named our
117 restaurant after.

118 **BELOV:** My name is Naomi Belov, and I live on Lincoln Street here in
119 Sherwood. I've lived here almost two years now. We moved here from the Boston
120 area. I was born in Colorado and grew up in Maine and have always thought
121 that the West was like an interesting place to explore, so it's fun to be
122 here. We just took a trip to the Redwoods, and we love this area. The
123 Northwest is really beautiful, and I'm here just to serve the people of
124 Sherwood and to give voice to the 1,800 people that said they want to have
125 ordinances passed, so happy to be here. We just adopted a dog from Oregon Dog
126 Rescue. His name's Dexter. He's a yellow lab; he's really cute, and so that's
127 my favorite animal right now.

128 **FEMALE:** (Indecipherable) children?

129 **BELOV:** Oh, yes. (Indecipherable) and Andrew, two kids.

130 **PESSEMIER:** Great. Well, thank you. Good to know a little bit about
131 everybody, and thank you for being here. So I'm going to quickly just kind of
132 go through the resolutions and kind of the process to form the committee.
133 These are actually in your materials that you have before you. So there's
134 really - there's a lot of conversation that happened, and council determined
135 that they basically wanted more input on potential ordinances, so they formed
136 this committee. And the task of this committee really is to make
137 recommendations to council in regards to potential ordinances that they may
138 end up referring to voters. So I think the process is is for this committee
139 to make a recommendation to Council. They may or may not determine to put
140 those into a ballot title and refer those to the voters, but they certainly
141 want this committee to make the best effort that they possibly can in order
142 to see what type of ordinances may end up being referred to the voters. Just
143 real quickly, and somebody will go over this in more detail, but there is a
144 very tight timeline to do this, to get on the November election. It takes
145 time to put the ballot titles together as well as for Council to do their
146 work. So we'll go through the schedule in more detail, but essentially, you
147 have about a month to go through this. So as we get into the schedule and
148 things, that's something to consider because there's a lot of work to do, and
149 I'm sure that Beery, Elsner is probably a little concerned about being able
150 to put together the actual ordinance texts so that they meet all the state
151 and federal laws and can be something that is pretty much bulletproof.
152 Because when they put together ordinances like this, they're going to have to
153 be passed through (indecipherable) and be something that will pass courts if
154 necessary. So they have a daunting task as well as you do. So really I think
155 that's kind of the essential portion of the committee. One of the decisions
156 by the council was to have nine members, four which conduct business within
157 the city. It got to be a little bit interesting because what does "conduct"
158 mean. And I know as they went through the process of selecting, that was a
159 conversation piece because there weren't a whole lot of applicants that did
160 conduct business in Sherwood. So I think they took a pretty liberal view of
161 what that was because the term wasn't very specific. I think in hindsight it
162 probably would have been better to have a more definitive word there, but
163 that's okay. And then five members are residents of the city, so they passed
164 a resolution on July 2nd to basically set up this committee. I will mention
165 that in the original legislation, it required that committee members be
166 appointed by a resolution of council which is typically the way that they
167 appoint members for all boards and committees. So that means that they just
168 can't change things real quickly, so that's why if they do want to add
169 members, they'd have to wait until their next meeting where they had a quorum
170 to do that. That's why they're taking a look at this potentially adding

171 members and alternates on the 16th. So on July 2nd, they selected residents and
172 representatives who conducted business in Sherwood. There was a process that
173 happened. It was a very quick process, and as we're doing everything in this
174 committee, everything is quick. And when that happens, nothing happens as
175 well as it should. And Sylvia is very detail oriented, and I can tell you
176 that it drives her crazy when we try to do things quick and you miss the
177 dotting "I"s and crossing "T"s, and that's just going to happen. And that's
178 just unfortunately, with the time constraints that we have, that that's going
179 to be that way. So I know that the Mayor and Linda and myself looked through
180 all the applications. There were other counselors that looked at the
181 applications who gave their input as well, and so they ultimately made a
182 decision which resulted in you being here tonight, so again, welcome. So Chad
183 is going to go over kind of some - doing some training here so you guys can
184 understand how committees run and just some public meeting law information
185 and some other things. You can feel free to ask him questions either at the
186 beginning at the end as Chad so chooses.

187 **JACOBS:** All right. So I'll try to make this a little interesting so you
188 don't fall asleep. You know, this is never necessarily the most interesting
189 topic to listen to, but it's an important topic because you guys want to be
190 able to focus on policy, especially given the short amount of time period
191 that you have to get your work done. You don't want to get bogged down in
192 controversies over public meetings and public records and things of that
193 nature. So we want to make sure that you guys have the tools from the
194 beginning to be able to do your work, and that's where the purpose of this
195 is. I am more than happy to have you interrupt me at any time. You know, if
196 for nothing else, it will help keep everyone else awake. So, you know, if you
197 have a question, feel free to just jump right in. We don't need to wait until
198 the end. If you want to wait until the end, that's fine as well, but you
199 know, the more of a conversation we have, I think the better learning
200 experience it will be for everyone. One thing, you have a couple handouts
201 regarding public records and public meetings. One is a quick reference guide
202 which is something that is prepared by Open Oregon, and it's a very basic
203 overview, and it's a really great overview to sort of put things in very
204 simple terms. I also prepared rather quickly today a document for you guys
205 that goes into a little more detail about public meetings and public records.
206 In addition to these, on the Attorney General's website, she has the Public
207 Records and Open Meetings manual which will go into great detail about all
208 these laws should you have questions. In addition, our office is available to
209 answer questions that you have about this. So don't feel like we're giving
210 you the information today, and you're out on your own, and that's it. You
211 know, we're certainly here to help you guys out, but I want to make sure that
212 you at least have a basic overview of the public records and public meetings.
213 And then at the end, I'll also go over sort of the basic way committees
214 generally function. My guess and assumption is that you were appointed on
215 this committee because you are somewhat active in the community. So you
216 probably have some familiarity with the way the city council runs or the
217 planning commission runs, so hopefully all this won't be brand new to you.
218 But I will try to make it quick and simple for you to the extent I can. The
219 first thing I want to talk about is public meetings. And with both public
220 meetings and public records, the most basic point to remember for you is that
221 as a member of this advisory committee, you are now a public official,
222 basically a member of the City family, which makes you subject to these laws.
223 So the public meeting laws in the most basic sense require a body such as you
224 to conduct their business in front of the public. Now what does that mean,
225 "conduct your business?" It basically means that you may not make a decision
226 or deliberate towards a decision outside the scope of the public view. And
227 "making a decision," most everyone understands what that is: Okay, we're all

228 going to vote, we're all going to come to a consensus, whatever the case
229 might be. The deliberation towards the decision is where it gets a little
230 more complicated, especially in situations with email and Facebook and
231 Twitter and those things that I'll talk about in a little more detail. So
232 always keep in mind that it is not just the actual decision making, but it's
233 also that deliberation towards a decision where the law is going to apply.
234 The other key aspect to remember is that it applies to you as a body, not to
235 you individually. And what that means, "as a body," as Tom said at the
236 beginning, is that you have to have a quorum to act. So the law only applies
237 when a quorum of you are deliberating or making a decision. And in this case,
238 since there is a nine-member body, a quorum would be five of you. So if three
239 of you want to get together outside the scope of the public and talk and then
240 conspire and smoke cigars in a back room and cut whatever deal you're going
241 to do, that's absolutely fine. It's not a problem. You know, the public may
242 not like that, but it doesn't violate the law. But as soon as you get to five
243 people deliberating towards a decision - on making a decision outside the
244 scope of the public, that violates the law. Now when we talk about when a
245 quorum is together, it's simple when we talk about all of you together in one
246 room somewhere. You know, you're out to eat a restaurant, you're here, you
247 know, on a break, you know, you need to make sure that you're not talking
248 about those topics that are within the jurisdiction of this body. Now if
249 you're talking about topics outside the jurisdiction of the body, that's not
250 a violation of law. You know, if you want to talk about, you know, how late
251 the library should be staying open, that's fine because that's not within the
252 purview of this body. But if it's anything within the purview of this body,
253 you need to make sure a quorum of you are not discussing that together. Where
254 it gets really tricky, and where the law is not entirely clear, is how that
255 applies in situations where you're not all in the same room together at the
256 same time. So for example, what happens if you're all sending emails
257 together? Or what happens if someone has a Facebook page, and you're all
258 commenting on Facebook, or someone had a Twitter account, and you're all
259 following and retweeting and going back and forth on Twitter? Basically, what
260 the law says is that it applies to not only meetings in person but also to
261 electronic communications. And there's been some controversy about whether or
262 not that means that it has to be simultaneous, so you have to be, for
263 example, like is some sort of chat room or something where you're all going
264 and forth at the same time. Or it can also apply to situation where you're
265 having emails that are spread out by a couple hours or even a couple days.
266 Can it apply to Facebook where someone is posting on somebody's wall,
267 different comments, and you guys are all commenting back and forth with each
268 other? My advice to everyone has always been to avoid those situations. You
269 don't want to be the test case. There was a situation down in Lane County a
270 couple of years ago now where a circuit court, a trial court level, basically
271 found a violation with email communications. So you want to be careful not to
272 be the one who basically causes that controversy to arise. So if you get an
273 email sent out from Staff saying, "Here's information," and Staff send you
274 all that email, that is okay because there's no deliberations going on. It's
275 just a one-way communication. Likewise, if there is some newspaper article -
276 let's say you're reading, you know, the Florida Times Gazette, and there is
277 an article about some regulation that you thought might be interesting for
278 people to see, you can send a copy of that article along to everyone, and
279 that would be fine. That is not a deliberation. But what you don't want to do
280 is hit the "Reply All" button because when you hit "Reply All" then all of a
281 sudden you're beginning that deliberation process. And if five of you are
282 starting to have that input, you could potentially violate the law with an
283 email meeting in that sense. Same thing I would say on Facebook, same thing
284 on Twitter. You know, if multiple people - if five people are commenting on a

285 Facebook page, you don't want to be the fifth person commenting on that
286 Facebook page. If you see four people have already commented, you know, don't
287 provide any more information. The other area where it gets a little tricky is
288 something called "serial meetings," and a serial meeting is basically a
289 series of meetings in which you guys are deliberating towards a decision, and
290 that can occur in multiple ways. It can occur, you know, using Staff as a
291 conduit. It can occur using yourselves as a conduit. It can occur using email
292 as a conduit. So, for example, if one of you sends an email to three others,
293 you know, four of you are now communicating via email back and forth. It's
294 not a quorum, so it's not a violation of the law. One of the four of you
295 decides, "You know, I'm going to send this on to a fifth member because I
296 really think that he or she should know what's being discussed." So that
297 fifth member gets a copy of all those communications back and forth. Even
298 though that didn't occur sort of simultaneously in that one email, you now
299 have five - a quorum of you, five of you, communicating in these series of
300 conversations which could constitute a meeting. And that same circuit court
301 down in Lane County found some violations for the serial meetings which is
302 the first time that that's occurred in Oregon. Again, the law is not entirely
303 clear here. A lot of people feel that that circuit court judge got it wrong
304 down in Lane County, but again, you don't want to be the test case - the next
305 test case for that. So you want to avoid that which basically means that you
306 don't want to go sort of collecting votes behind the scenes saying, "Well,
307 here's what this committee member thinks, and here's what this committee
308 member thinks, and here's what this committee member thinks," and sort of
309 sharing views - other committee members' views with quorum of the body
310 because that would be a serial meeting. Likewise, you know, Staff or our
311 office, for example, may brief you guys individually, but if we do that, we
312 wouldn't do it in a manner to share the views of the other committee members
313 with you. You know, we're just going to tell you what our information is.
314 It's that one-way push of information, and we won't allow ourselves to be
315 used as a conduit of information between the different committee members. And
316 that's what you want to avoid as individuals as well. So that sort of a lot
317 of dumping on you about public meetings. Are there any questions on that kind
318 of stuff before I move on? Okay. So in addition to making our decisions,
319 deliberating public, the public meeting laws require a couple other things,
320 and they don't require some things. I just want to go over those real
321 briefly. Most of their staff will handle about what's required. So for
322 example, you have to have an agenda, you know, you have to put out notice of
323 your meetings. You have to allow public observation, so it has to be in a
324 place that is accessible. You know, if you decide that you want to have a
325 meeting somewhere other than here, you want to have a meeting at a
326 restaurant, for example, that's permissible, but you have to make sure that
327 the restaurant is going to allow everyone to come in even if they're not
328 going to order to observe what you're doing. You know, staff will take care
329 of doing the notices and the agendas. Likewise, you have to have minutes, and
330 Staff will take care of taking those minutes. You will have to approve the
331 minutes of your meetings, but you know, Staff will be responsible for doing
332 all that. The one thing that public meetings laws actually do not require is
333 public comment. Now you are free to allow public comment, to set up time for
334 public comment, but the public meeting law under the state law is a public
335 observation law, not a public participation law. So basically, what that
336 means is that if someone is shouting out from the public or they want to
337 engage you in a conversation, you're not required to do that under the public
338 meeting laws. Now you very well may want to have periods of public comment
339 and have public participation, and you may have that as a section on your
340 agenda to do so, and there's nothing wrong with that. If you do that, you
341 just need to make sure that whatever rules you establish, for example, time

342 limits for public participation or for public comment, are applied equally
343 across the board. Okay? The only sort of exception - actually, before I get
344 there, one more thing that public meeting laws does require is...

345 **MALE:** Can I ask quick question about the comment?

346 **JACOBS:** Yeah.

347 **MALE:** Can you - let's say we had on the agenda for a specific meeting to
348 talk about a specific ordinance or category of ordinances, could we limit the
349 public comment to only be in the scope of that - what we were deliberating on
350 that evening?

351 **JACOBS:** Yeah, absolutely.

352 **MALE:** Okay.

353 **JACOBS:** The other thing that the public meeting law does require is for you
354 to take action, you have to do it by a public vote. And a public vote
355 basically has to record each member's vote. So you can't have secret ballots.
356 You know, you all have to go on the record and say, "This is how I'm voting."
357 The last thing that I will talk about with public meetings is that the only
358 exception to these deliberations outside the course of the public view is an
359 executive session, and executive sessions are permitted for only very limited
360 subjects that are set forth in the law. Most of them will not apply to your
361 work. I can foresee or imagine situations where you may need advice from our
362 office about the legality of some ordinance that you may be proposing or some
363 potential legal challenges to that which may warrant an executive session. So
364 that may be a reason why we could go into executive session, but other than
365 that, there's probably not going to be many situations where you will be
366 having any kind meeting outside the scope of the public view. In the
367 executive session, you may already be familiar with this, but generally, the
368 people who are in the executive session are members of committee, staff who
369 are necessary to participate, and members of the media are also permitted to
370 attend most executive sessions. There are few exceptions to that, but as a
371 general rule, members of the media are allowed to attend executive sessions.
372 Okay? All right. That's the really quick overview of public meetings. You
373 guys are all staying awake so far, that's great. Public Records: So as a
374 part of the City family, you guys are also now subject to public records
375 laws. The public records laws in the most basic sense have two aspects. The
376 first aspect is that if a member of the public wants to view a public record,
377 they can make a public records request, and if the City has a record that is
378 responsive to that request, they need to share a copy of that public record
379 with the member of the public unless an exemption applies that the City can
380 rely upon. The other aspect of the public records laws is a retention
381 requirement. So under state law, if there is something that is a public
382 record, the City is required to retain that for a certain period of time
383 depending on the type of record that it is. And if you destroy a record - if
384 you willfully destroy a record, but you know you're supposed to be retaining
385 it, that can actually constitute a crime under state law. So you want to be
386 very careful about sort of how that all plays out. And I'm going to talk
387 about that in a little more detail. Basically, a public record under the law
388 is any record no matter what form it's in that the government uses to conduct
389 its business. So the agendas that we send you, the handouts that we gave you
390 tonight, all of these things are public records. The notes that you may take
391 at the meeting tonight are also public records. It also doesn't matter what
392 form it's in. So emails that you send and receive about your business on the
393 committee are public records. Other sorts of electronic communications, video
394 tape of someone if - you know, the video tape of the meeting that the City
395 may have is a public record. So whatever format it's in, whether it's
396 electronic or written, it's still a public record. The difficult aspect of
397 this, and one of the things that we'll want to talk about and you guys want
398 to think about, is how you're going to use things such as email because even

399 though you may be on your home private computer, even though you may be using
400 your own private email address, the fact that you are on this committee and
401 you're talking about committee business using that email address makes that
402 email a public record. So one of the things you may want to consider is
403 establishing a separate Gmail account or some sort of account like that for
404 committee business. And that way, to the extent that you have any public
405 records request or there's any issues related to public records, you don't
406 have to worry about going through your private emails or, you know,
407 potentially have a court go through all of your private emails, and they'll
408 just be able to look at this one account. And if you do receive an email into
409 your other account, you would probably want to forward that on to this Gmail
410 account or whatever other account you establish. So that way all those
411 records are in spot for future reference if this issue ever arises. The other
412 thing you may want to consider is, depending on the nature of the
413 communication and working it out with Sylvia of course, you may want to copy
414 her on some of these communications so that way the City can have a record of
415 the communication, and the City can responsible for retaining that as opposed
416 to you retaining that. Now - and I fully recognize there may be some
417 situations where you may not want to do that. You may want to wait to do that
418 until after the committee has done its work, you know, a month or a month and
419 a half from now and then give copies to Sylvia so then you can wash your
420 hands of everything. But that will help you sort of with the retention
421 process so you don't have worry about you personally being responsible for
422 retaining those records. With the retention, the important thing to keep in
423 mind is that the City is only required to keep one official copy of each
424 record. So the agenda, for example, that we passed out tonight or this
425 handout that we passed out tonight. You know, Sylvia will already have copies
426 of those. So if you get home tonight, and you're saying, "Oh, should I
427 recycle this agenda," you can feel free to go ahead and recycle that because
428 the City already has an official copy of that. If you're taking your own
429 personal notes, you're sending your own personal emails, the City doesn't
430 have copies of those. So your copy is probably the one official copy that the
431 City has, so you're going to be personally responsible for retaining that
432 unless you somehow work out with Sylvia to give her a copy so that the City
433 can keep that copy for you.

434 **FEMALE:** I have a question about...

435 **JACOBS:** Yep.

436 **FEMALE:** Does that mean that if we copy Sylvia, it's automatically out of our
437 hands? So she automatically assumes responsibility for the retention?

438 **JACOBS:** Well, that's what I'm saying. You'll want to work that out with
439 Sylvia so she knows to do that.

440 **FEMALE:** Okay. I get it.

441 **JACOBS:** I wouldn't assume that she's going to do that. I mean Sylvia's
442 great. She's one of the best city recorders that I know, and most likely she
443 would do that, but for your own personal protection, you'll want to just
444 confirm with her that that's the way it will work out.

445 **MURPHY:** And I would prefer to do that. I would prefer to support you in that
446 manner that when you communicate either with Tom or the city manager or with
447 an elected official, just Cc me, and I dump that email into your folder, the
448 committee folder. That way I have a record of the entire committee folder,
449 not necessarily the individual. It's there, but it's the committee folder.

450 **MALE:** So you would prefer to get those as we go instead of at the end.

451 **MURPHY:** Whatever works for you. If you want to manage them on your own and
452 then give it to me on a disk or a photocopy - so whatever works for you. Just
453 know that in the end or during that interim, you're responsible for it. When
454 I get them, I can't say if something's missing or not because I don't know.
455 So I can basically only maintain the record that's given to me.

456 **FEMALE:** Along those same lines, handwritten notes - is it acceptable to
457 just scan and email to you directly?

458 **MURPHY:** Sure. The one thing that I would ask is on your notes just to give
459 me your name, who it's from, a date, if it pertained to a meeting or those
460 notes you wrote them here just so that when I catalog them, I just don't have
461 a Post-It, I just don't have miscellaneous stuff. It's the member of this
462 committee on this date.

463 **FEMALE:** Okay. Yeah

464 **JACOBS:** Anymore questions about retention? What about any questions about
465 public records in general about what they are and - okay. So that's the quick
466 overview of public records. Now I'm going to move on to the last aspect which
467 is the basic structure of committees. And, you know, again, I think you guys
468 probably have a pretty good grasp on what this is, and to a certain extent,
469 you have a lot of flexibility in how you want to run your committee. For
470 basic purposes of being able to get things done though, you know, at the
471 meeting as required by the resolution, you will elect a Chair and I believe a
472 Vice Chair, correct?

473 **PESSEMIER:** That's correct.

474 **JACOBS:** The Chair is the presiding officer and will run the meeting. The
475 Vice Chair basically steps in when the Chair is unavailable. To run your
476 meeting, you will basically want to use the basic form of Robert's Rules of
477 Order where people will make a motion. You know, you'll need a second for the
478 motion. Once that motion has been seconded, then you can have a debate on
479 what the motion is, and then you will have a vote. Now there's procedures to
480 amend the motion, there's procedures to table a motion, all those sorts of
481 things that we can help you with, you know, while you're at the meeting.
482 Sylvia can help you with them, our office can help you with them, I'm sure
483 Tom can help you with them. So if you have questions about procedure, you
484 know, certainly ask us. As far as how you conduct your business, you know,
485 again, whether or not to accept public comment, when to accept public
486 comment, how you want to structure the agenda - generally the Chair will help
487 structure the agenda, but generally with a group like this, if a majority of
488 you want to do something, then you would just vote to say, "This is how we
489 want the agenda. This is what we want the meeting to be like." You guys have
490 such a short time period to get your work done, I think, you know, that's
491 really the only way it's going to work is for people to basically have a
492 majority of the body say, "This is how we want to proceed," and that's what
493 the agenda will look like. As far as then the report to the Council, I think
494 it's completely up to you guys what you want to do. If you want to establish
495 a system of saying, you know, "Here's what a majority of us believe should be
496 referred. Here's what a minority of us believe should be referred," or you
497 know, just vote on "This is the only thing the majority of us agreed upon, so
498 that's the only thing we're referring up to the city council." I think you
499 guys have a lot of leeway. There's not a lot of guidance in the resolution or
500 from the Council that I'm aware of, and Tom should jump in and correct me if
501 I'm wrong since I am just filling in for Chris. I don't want to make a big
502 mistake here. But my reading of the resolution and generally the powers of a
503 body such as yours is that you have a lot of flexibility in deciding, you
504 know, what is the final "work product" that you want to provide to the
505 Council and in what manner you want to provide that to the Council. Just
506 knowing, as we'll talk about next, that there are some pretty tight time
507 frames for you to get your work done if you do want to get something on the
508 November ballot. Any questions about a procedure or anything that you may
509 have now that you want me to answer?

510 **PESSEMIER:** Let me just make a comment about what Chad said there. So first
511 off, Council did discuss whether or not they wanted to limit the type of
512 conversations or ordinances that you could consider and determined that they

513 didn't want to do that. So I think that's a pretty clear indication that you
514 have a fairly free reign to talk about the items that you want. The one
515 caveat that I will add to that is, after talking about it with Chris and Chad
516 Wolfe, change to the section 16 of our code, which is our land use code,
517 probably aren't doable just because of the time constraints. There is a 45-
518 day notice to DLCD. There is also a requirement that there's public hearings
519 before Planning Commission and Council. So there wouldn't be any way that the
520 ordinances related to the land use section of our code, that I could see,
521 could actually be accomplished in the time that you've been given. So I just
522 kind of wanted to throw that out there as you guys are thinking about things
523 because you do have great latitude to talk about ordinances, but if you start
524 getting into land use laws, it's going to be problematic.

525 **MALE:** So while those couldn't be accomplished in the time frame of the
526 November ballot, we could still conceivably forward those to Council as
527 something to consider outside the concept of the ballot or to forward on to
528 the Planning Commission potentially?

529 **PESSEMIER:** You may be able to, but it's pretty clear to me that the way that
530 the resolution was put together that they were looking specifically for
531 ordinances that could potentially be referred to the voters. So I think that
532 that was somewhat fairly clear direction that they gave..

533 **MALE:** For this ballot.

534 **PESSEMIER:** For the November Ballot. That's correct.

535 **JACOBS:** That's all I had.

536 **PESSEMIER:** Just one other quick thing in regards to public records laws: If
537 any of you do decide to create a separate email account, which would not be a
538 bad idea, just let us know. We have a distribution list that we can update.
539 If you email Sylvia or myself, we'll make sure that this gets corrected.
540 You'll notice that as I sent things out, I sent them out as a distribution
541 list so you couldn't Reply to All, anticipating that you hadn't had this
542 training yet and that might be an issue. If there's benefit to the committee
543 members you want, we can certainly share individual emails with you. I will
544 probably continue not to - I will probably continue to send things out in a
545 distribution list, so if accidentally do his Reply All, it won't go to those
546 members, and you'll have to make a conscious decision to send that to other
547 members of the committee. So you can think about that as you move forward.

548 **MURPHY:** So basically next on your agenda, we're going to discuss kind of the
549 timeline. I've provided you with a document which shows a calendar for July,
550 August, and September. So basically, I noted on the calendar the dates that
551 this community room is being used: Council meetings, Planning Commission,
552 Park, Sport, as well as general other public meetings. So when you consider
553 scheduling your future meetings to kind of avoid those dates as we'll
554 probably have to meet in this larger room. The smaller room in the back
555 probably can't accommodate the public and this committee, so consider those
556 available dates. I did also include - basically the month of August is
557 probably the month that has most of the items that you need to consider as
558 far as the deadlines. We have - in the resolution adopted by Council, they
559 noted that on August 6th, that's when they're going to be looking for your
560 written report or recommendation. So as you look at August 6th as you
561 deadline, think about the days in July with summer being here, when people
562 are available to meet. Again, basically, any of those days that are open on
563 the calendar, this room is open, and Staff is here to support whatever days
564 you guys decide to hold those meetings. So basically, you have that deadlines
565 of August 6th. The other deadline that's really, really important is the date
566 of August 20th. For example, if you guys do make a recommendation to the
567 Council by August 6th, Council is going to obviously deliberate. They're going
568 to probably have lots of deliberation on that night. Hopefully there is a
569 direction from Council at that time to direct staff to draft legislation, to

570 direct legal counsel to draft ballot title and explanatory statement. So that
571 is a key night that they have a pretty solid recommendation that they can
572 move forward with to give Staff direction. So basically, what will happen is
573 at the next Council meeting on the 20th of August, that's when they would look
574 to adopt that legislation. Adopt the legislation, the Council has to adopt
575 the ballot title, and they have to adopt an explanatory statement. Those two
576 documents cannot go: 1) To the noticing. We have to notice it in The
577 Oregonian, and it cannot make the ballot unless it's adopted. So that's
578 something again that's really key that they have concrete information to
579 consider. The ordinances that night - ordinances are typically effective for
580 the charter 30 days from adoption. We'll insert language in that ordinance to
581 have an emergency clause to be have it effective immediately so that it can
582 be adopted that night, effective that night so that the following day, which
583 is August 21st, I will immediately take those documents that are adopted,
584 forward that information over to The Oregonian so it can be in the public
585 notice section. The Oregonian usually requires a 24-72 hour from the time
586 that I submit my order to them before it's actually published. So depending
587 on the timeline - usually, they have like a 3:00 or 4:00 cutoff time, and
588 that kind of determines the 24 or the 72 hour. So I put on the calendar as
589 well, the potential notification in the publication which would be The
590 Oregonian which is where we post those notices. Either it would be in the
591 Friday Oregonian or the Saturday Oregonian again depending on when I get that
592 to them. Public notices for ballot titles and explanatory statements have a
593 seven-day noticing requirement. So basically once it's posted the public has
594 seven days to contest that title and that language in an explanatory
595 statement. So we have to wait until August 31st to have that waiting period.
596 So after August 31st, we can basically move to get documents to the ballot. So
597 after that deadline, my marching orders kind of start, and I submit those
598 documents over to the County, and that deadline to do that would be September
599 5th. So, basically I have - considering the holiday of September 2nd, I have
600 the 3rd and the 4th to complete those documents and get them over to the County
601 for that ballot. That's pretty much the timeline.

602 **PESSEMIER:** So one thing I'll mention, and Council was fairly specific on
603 this, when Sylvia says on August 6th they may direct staff to draft
604 ordinances, that means just putting the words into an actual ordinance title.
605 They expect by that time to actually have the language worked out as much as
606 it possibly can and the attorneys having reviewed it and put it all together.
607 There's a number of things that you will have to consider going through that,
608 and so that's - it's a tight timeline because there's a lot of legal ease
609 that needs to go into the documents and so the clearer that you are as to
610 what you want as a committee the earlier, the easier it will make everybody's
611 ability to do that. So why don't we move on to the next section unless you
612 guys have any questions. And that is to basically select a Chair. And so if
613 you notice on the way we put this together, I'm going to kind of lead the
614 discussion on selecting a Chair. And then item 3 of the regular meeting is
615 actually ratifying the selection of the Chair. And the reason is is because
616 you actually aren't an official committee until you've selected the Chair and
617 started the meeting. So we'll kind of go through a two-step process, but I
618 want to make sure we kind of have an organized process to select the Chair
619 since there isn't a leader amongst you yet, although there very soon will be.
620 Also, I'll mention that in the regular meeting, all the rest of the agenda
621 after selecting the Vice Chair, item #5 is discussion and vote on the
622 remaining agenda. I just threw some ideas out here for you to consider trying
623 to get things started. The one item that is definitely missing from this
624 conversation is what I'm calling threshold, and that's a determination on
625 which type of groups these might apply to. My thoughts on that were it would
626 probably be better to talk about the ordinances and figure out what you want

627 to do and then have a conversation later on about who that might apply to
628 because it may change, you know, the way that you view things. So I'll let
629 you think on that. So let's get started. So what I'm going to do is ask for
630 nominations for the Chair position of this committee. You can nominate
631 yourself. I'll accept nominations for a period of time and then ask the
632 question of each of the people that are nominated of why they think they
633 would make a good Chair. We'll go into voting. If there is a tie vote, we'll
634 take a second vote. If there's more than two, we'll just select the top two
635 vote getters after that point. And if we're still tied on things, I'll
636 probably ask you additional question until you guys are able to come to some
637 sort of agreement where there is more votes for one person than another. You
638 can vote for yourself in this process, and so I'm going to open it to
639 nominations for the Chair of the special committee.

640 **MALE:** I'd like to nominate Meerta.

641 **FEMALE:** I second.

642 **PESSEMIER:** Great. Other nominations?

643 **FEMALE:** I'd like to nominate Beth Cooke as the Assistant.

644 **PESSEMIER:** Okay. And there will be a separate process to select the Vice
645 Chair after we've selected the Chair. But no, thank you. That's a good
646 comment.

647 **FEMALE:** Sure.

648 **PESSEMIER:** We give you plenty of time to think about it. You can nominate
649 yourself, remember. Okay, we'll have to do this formally then.

650 **MALE:** Motion to close the nomination process?

651 **PESSEMIER:** Motion to close the nomination process, and I happen to be
652 looking through Robert's Rules of Order, and that actually takes two-thirds
653 vote of the committee. So close the nominations. Do we have a vote of two-
654 thirds of the people who...

655 **FEMALE:** Aye.

656 **MALE:** Aye.

657 **FEMALE:** Aye.

658 **PESSEMIER:** There we go. All right. So I think for Sylvia's purpose, I'm
659 going to have you raise your hands. Who would like to elect Meerta Meyer as
660 the Chair of the Special Committee? You can vote for yourself, Meerta.

661 **MEYER:** Oh, okay.

662 **PESSEMIER:** All right. That's a unanimous vote, and we'll ask you guys to
663 ratify that here in just a minute. So I'm going to turn this meeting over to
664 Meerta Meyer, the Chair of the Special Committee.

665 **MEYER:** Well, thank you. Thank you, everyone. So...

666 **PESSEMIER:** So we're item 1 on the agenda which would be calling order the
667 meeting and then Sylvia would do the roll call from there.

668 **MEYER:** Okay. It is 7:20, and I would like to call this Special Committee
669 meeting to order. Do I need to say the date?

670 **MURPHY:** You should.

671 **MEYER:** Okay. Today is Wednesday, July 10th. Special Committee meeting is now
672 called to order at 7:20 p.m.

673 **MURPHY:** Thank you, Chair. Currently, I'll just call out your name, and if
674 you just want to say, "Present" or "Here" or raise your hand. We are being
675 recorder, so whatever works for you. So, Chair, Meerta Meyer.

676 **MEYER:** Here.

677 **MURPHY:** Beth Cooke?

678 **COOKE:** Here.

679 **MURPHY:** Doug Scott?

680 **SCOTT:** Here.

681 **MURPHY:** Larry O'Keefe?

682 **O'KEEFE:** Here.

683 **MURPHY:** Rachel Schoening?

684 **SCHOENING:** Good enough. Here.
685 **MURPHY:** And Naomi Belov?
686 **BELOV:** Here.
687 **MURPHY:** Thank you. And the record also indicates Staff present. Thank you.
688 **MEYER:** And item 3 on our agenda tonight is to ratify the selection of myself
689 as Chair. I'm not exactly sure how to do that.
690 **PESSEMIER:** I think you would essentially entertain a motion to do that. You
691 could certainly - as a motion, then you could have a discussion if you need
692 to or put it up for a vote as it moves forward. And I probably would use the
693 terms, "ratify" in the motion of whoever makes it.
694 **MALE:** I would like to make a motion to ratify the selection of Meerta Meyer
695 as the Chair of the Special Committee.
696 **MALE:** Second.
697 **MEYER:** All in favor.
698 **MALE:** Aye.
699 **FEMALE:** Aye.
700 **MALE:** Aye.
701 **FEMALE:** Aye.
702 **MEYER:** All opposed? Thank you. Item number 5 is a discussion and vote on a
703 remaining agenda. Oh, it looks like election of Vice Chair. Thank you. Would
704 anyone like to make a nomination for a Vice Chair?
705 **FEMALE:** I'd like to nominate Rachel.
706 **MEYER:** I would need a second or another nomination.
707 **MALE:** I would second that if that's okay with you.
708 **FEMALE:** Sure.
709 **MEYER:** And now, do I say, "all in favor" or do I say, "Are there any other
710 nominations?"
711 **FEMALE:** I'd like to nominate Doug Scott.
712 **FEMALE:** I'd like to second that if I may.
713 **MEYER:** And so I think that we should have a discussion about that.
714 **SCOTT:** I'll start. Thank you. I'm honored. I think that, given that the
715 council set up this committee with five citizen members and four member of
716 business, I think selection of the Chair being from the citizen side is - it
717 was a - there was good reason for that given that the breakdown of the
718 committee members. And I think that conversely, the Vice Chair being from the
719 business side selection I think makes a lot of logical sense. So I would be
720 in favor of Rachel in that sense.
721 **MEYER:** Okay. Any other comments? Please.
722 **MALE:** Rachel, I'd be interested in anything you could tell us that you would
723 bring to the Vice Chair position.
724 **SCHOENING:** I am - obviously, I am a business owner. I am familiar with the
725 Robert's Rule or Law, and I sat on a few chairs and committees, so I might be
726 able to be helpful in that aspect. I'm not opposed. I'm not excited. I'm
727 happy to do it. How's that?
728 **MEYER:** Okay. That's fair. I have a questions if I may ask a question. I can
729 tell you that I will be on vacation the latter part of August, will you be
730 here?
731 **SCHOENING:** I own a business. I won't be going on vacation.
732 **MEYER:** Okay. That's helpful.
733 **MALE:** I would make a motion to close nominations for Vice Chair.
734 **MALE:** Second.
735 **MEYER:** All in favor?
736 **MALE:** Aye.
737 **FEMALE:** Aye.
738 **MALE:** Aye.
739 **FEMALE:** Aye.
740 **MEYER:** All opposed?

741 Committee: Silence.
742 **MEYER:** Thank you, Rachel.
743 **MALE:** Make a motion to vote.
744 **FEMALE:** Didn't we just vote?
745 **MALE:** We just closed down the nominations.
746 **MEYER:** All in favor?
747 **PESSEMIER:** So I believe you actually have two nominations that were
748 seconded, so you're probably going to want to ask for a hand count or
749 something just so it's clear as to who is voting for whom.
750 **MEYER:** Okay. So all in favor of ratifying the selection of Rachel as Vice
751 Chair of Special Committee? Any opposed. An no one is opposed. Thank you. Now
752 that that is complete. Let's complete the conversation on the types of
753 ordinances that we would like to consider recommending to council.
754 **MALE:** You skipped number 5. You're one item ahead.
755 **MEYER:** We did that.
756 **PESSEMIER:** Yeah. I don't know that you have. Again, like I said earlier,
757 this is really just some ideas that I had. You might want to - I put that
758 item there particularly because I didn't want to think that I was trying to
759 influence you guys on what you might be wanting to discuss or the order that
760 you want to discuss it in. I think the only really important item to us is at
761 some point in time we have a discussion on upcoming meeting schedule.
762 **MALE:** I actually think we should do that next.
763 **MEYER:** Great.
764 **MALE:** Do we need to make a motion for that or can we just - Okay.
765 **MEYER:** I think we can just talk.
766 **MALE:** So I think, given what I've hear from Sylvia and Tom, our window here
767 is basically four weeks. We have to report back to the council by the 6th of
768 August. That gives four full weeks, including this week, so that's not a lot
769 of time, and I would be in favor of two meetings per week if we can all swing
770 that. I think that Monday is an obvious choice given the hole in the schedule
771 and then maybe either - I know I'd like to go to Music in the Park as well.
772 So I'd be more in favor of Thursday rather than Wednesday, but I could do
773 either depending on the committee.
774 **MALE:** I would make a motion to meet Wednesday (indecipherable) so we can
775 attend Music on the Green. Mondays and Thursdays would work really well for
776 me.
777 **SCHOENING:** I will say that the only day that I can do during the day is
778 Monday. Otherwise, I'm in the kitchen until 2:00.
779 **PESSEMIER:** And the one thing that I will mention is that on Thursday the
780 18th, there will be a SURPAC meeting. Technically, we could find another venue
781 for that; however, I have to be at that meeting. So that would probably be a
782 problem for me.
783 **FEMALE:** What time is the SURPAC meeting?
784 **MALE:** 6:30.
785 **MALE:** Is this an agreeable time for everyone during the day, or is there a
786 time that works better for people?
787 **MEYER:** We're talking about the next three weeks, is that right?
788 **MALE:** Four weeks, I think, yeah. Including this week.
789 **FEMALE:** 6:30 is a great time for me.
790 **FEMALE:** Is everyone else all right with that? And Staff is okay with that
791 time? And then how does everyone feel about Mondays? Let's talk about Mondays
792 in particular. So what we're looking at is Monday the 15th, the 22nd, the 29th,
793 and the 5th as a final hurrah for the month of August. Can everyone..
794 **FEMALE:** The 5th has a Parks Board meeting on the calendar.
795 **FEMALE:** But we could potentially use the other room if necessary?
796 **PESSEMIER:** Actually, they could use the other room. They commonly meet in
797 there.

798 **FEMALE:** Okay.
799 **FEMALE:** And SURPAC? Can SURPAC meet - it would just be that we'd be meeting
800 with you.
801 **PESSEMIER:** That's correct.
802 **FEMALE:** Is that not advised, or can someone fill in for you?
803 **PESSEMIER:** I'll let you determine that. To be honest with you, the staffing
804 for the special committee - we don't have a whole lot of extra staff who
805 would probably be available to fill in. We will bring other staff members in
806 as you get into things, specifically Julia Hajduk. They come in - or as we
807 get into different topics where other people have expertise, we'll bring
808 other staff in to fill in, but...
809 **MALE:** Would Sylvia be available on the 18th or does she -
810 **FEMALE:** Does she go where you go?
811 **MALE:** Is she busy with SURPAC as well?
812 **MURPHY:** I'm available.
813 **MALE:** So if we had Sylvia, we could technically meet without Staff, right?
814 Or is that not allowed?
815 **PESSEMIER:** That's correct. Yeah, you absolutely don't have to have me here.
816 **COOKE:** What time is the SURPAC meeting?
817 **FEMALE:** 6:30.
818 **PESSEMIER:** 6:30.
819 **COOKE :** 6:30? So if we met for an hour prior. Would that work better for
820 you?
821 **PESSEMIER:** That would be fine with me.
822 **MALE:** 5:30, what date?
823 **FEMALE:** 5:30 on the 18th.
824 **MEYER:** But before we move on to the Thursday, can we close out our Monday
825 discussion? Are Mondays good for everyone?
826 **FEMALE:** Yes.
827 **MEYER:** Okay. So now let's go to Thursdays. So on Thursdays, we're looking at
828 the 11th, the 18th, and the 25th...
829 **FEMALE:** I'm sorry, Meerta. Is the 11 - are we going to stick with 6:30 with
830 the exception of the 18th?
831 **MEYER:** Oh, that's a good point. 6:30 does work for me. How do you feel about
832 that? Yeah. Naomi, are you good? Lawrence?
833 **O'KEEFE:** Yes.
834 **MEYER:** Rachel, does that work for you?
835 **SCHOENING:** Sure.
836 **MEYER:** And Doug, are you good with that?
837 **SCOTT:** Yep.
838 **MEYER:** Okay, so 6:30 all meetings?
839 **FEMALE:** With the exception of the 18th.
840 **FEMALE:** Well, unless we can do 6:30 here and SURPAC can be relocated.
841 **MEYER:** I think where Beth was going was that we would meet for an hour
842 before, and then we could have...
843 **COOKE:** So Tom could be with us for an hour before his SURPAC meeting.
844 **FEMALE:** Oh, I see. Oh, okay. And then we could continue our meeting without
845 you?
846 **PESSEMIER:** And I could probably even slide SURPAC until 7:00. So we can -
847 we'll flex around that. But if you want to meet at 5:30., and I'll stay as
848 long as I can, that works for me. Yeah. That works.
849 **MEYER:** So Mondays and Thursdays?
850 **FEMALE:** Mhmm.
851 **MEYER:** Okay. Do we need a motion on the calendar, Sylvia?
852 **FEMALE:** No.
853 **MURPHY:** No, you don't need a motion. I just need to clarify for my records
854 so I can book the room. So you have Monday the 15th at 6:30?

855 **MEYER:** Correct.
856 **MURPHY:** You have Thursday the 18th?
857 **MEYER:** Correct.
858 **FEMALE:** And the 11th as well.
859 **MURPHY:** Okay. So let me back up. You have the 11th at 6:30?
860 **FEMALE:** I will not be able to be here on the 11th.
861 **MALE:** That's tomorrow.
862 **FEMALE:** Yeah.
863 **JACOBS:** There is goes. You actually need - for the agenda requirements that
864 I was talking about, you need 24 hours notice. So you actually won't be able
865 to meet tomorrow at 6:30 since we're already more than 24 hours out.
866 **FEMALE:** Is there any possibility for Friday?
867 **FEMALEFEMALE:** Yes, I can do Friday.
868 **MALE:** I can do Friday.
869 **FEMALE:** Anyone - Lawrence?
870 **O'KEEFE:** I can do Friday.
871 **FEMALE:** I can call in possibly if we have that available.
872 **FEMALE:** Okay. So yes to Friday?
873 **MALE:** This week only?
874 **FEMALE:** Yes.
875 **MURPHY:** So Friday the 12th at 6:30?
876 **FEMALE:** Correct.
877 **MURPHY:** Okay. Then we have the 15th. And then for the remainder of the week
878 of the 15th which you have on the 18th..
879 **MEYER:** We'll meet at 5:30.
880 **MURPHY:** At 5:30. Okay. And then the following week, do you want to schedule
881 that far out?
882 **MEYER:** Yes.
883 **MURPHY:** Okay, the 22nd at 6:30?
884 **MEYER:** Correct.
885 **MURPHY:** Thursday the 25th?
886 **MEYER:** At 6:30. Monday the 29th at 6:30?
887 **MEYER:** Correct.
888 **MURPHY:** Then we go into August the 1st. Do you want to go that far. We have
889 Cultural Arts Commission, and I think they could probably move. Again, that's
890 an assumption on my part.
891 **PESSEMIER:** Yeah, they commonly meet in the other room as well. So this room
892 would be available.
893 **MALE:** Okay. Any Staff conflict with that?
894 **MALE:** I have one date that conflicts. I'll be on vacation on the 22nd.
895 **MEYER:** Anybody else?
896 **MALE:** And I'm scheduled to work on the - among other days, 25th. Actually,
897 the 25th is the only day that coincides with these meetings that I have to
898 work, but I can probably schedule something this far in advance or I can be
899 able to make a meeting.
900 **FEMALE:** And I'll be in New England from July 30th through the 18th of August.
901 If that's a too large a chunk of time, you can let me know. So I would miss
902 the 1st and the 5th.
903 **PESSEMIER:** And I'll mention that's one of the reasons that we have nine
904 member is because we do know that there will be conflicts and everybody can't
905 be at every meeting. So it's expected that there will be some gaps, and
906 that's understandable.
907 **FEMALE:** And for those instances where we have to be out of town, is it
908 possible to call in? Okay.
909 **FEMALE:** Given the short times that we have, how would you feel about adding
910 an additional meeting perhaps?

911 **MEYER:** I guess I'm a little hesitant to add meetings until we have our full
912 nine members after the 16th. Is there any way we can wait until after the 16th
913 when those new members are in and then add some meetings? Does that make
914 sense?

915 **MALE:** Again, that may have the added benefit of us seeing what kind of
916 progress we've made at that point in time and deciding, "Wow, we really need
917 extra meetings," or maybe we're doing pretty well and we're all right.

918 **MEYER:** I mean, I'm definitely open to extra meetings. Obviously, we have to
919 get the work done. I don't want to have this be wasted time. I just am
920 hesitant to start having extra meetings without all nine of us.

921 **FEMALE:** Has the council had discussion of whether they will indeed appoint
922 additional committee members?

923 **PESSEMIER:** No. Because of the way the resolution is put together, they have
924 to appoint by resolution. The only way that could happen on the 16th would be
925 a walk-on. And so while I'm anticipating that they're going to want to do
926 something, it will be something that is actually walked on in the meeting,
927 and they will have to figure it out then. And as you know, they can't talk
928 about decisions outside of meetings, so...

929 **FEMALE:** Right.

930 **PESSEMIER:** So my guess is what we'll do is we'll put together resolution for
931 their consideration and then they can either add it to the agenda or not at
932 the meeting on the 16th.

933 **FEMALE:** All right. And then if Council should review the resolution at the
934 meeting on the 16th, at that time, would they vote that same evening to
935 appoint?

936 **Pessemier?** Yes. So they would be available anytime after the 16th to be
937 (indecipherable).

938 **FEMALE:** Okay. So then we would have one, two, three, four, five,...

939 **MALE:** Six meetings after that.

940 **PESSEMIER:** And one thing I'll mention, you know, you can always tentatively
941 schedule these meetings as well so that we can make sure that we have a place
942 holder and room and kind of an understanding of what it is and then you can
943 make a determination later on whether you're going to hold those dates and
944 whether the other members can participate when they get here. So you're not
945 set in stone here.

946 **FEMALE:** Yeah, I mean quite honestly, I would feel really good if we can get
947 some dates on the calendar and know that those dates are negotiable.

948 **MEYER:** Sure.

949 **FEMALE:** That way we do have confirmation of the room. Anyone not
950 (indecipherable)

951 **MALE:** I would agree with that.

952 **MALE:** Did we finish going through the 5th with confirming - all the way
953 through the 1st and 5th of August? Do we have those dates?

954 **MURPHY:** So what I have is through the 1st of August at 6:30. Do you want to
955 go ahead and book through the 5th?

956 **MEYER:** Yes, please.

957 **MURPHY:** Do you know the Parks Board, how they meet?

958 **MALE:** That's our last hurrah.

959 **PESSEMIER:** They typically meet in this room, but I believe a couple months
960 ago they switched to the Executive Room. So...

961 **FEMALE:** So we can - we can...

962 **PESSEMIER:** Yeah, we can have this room. Yeah.

963 **MURPHY:** Okay, so then Monday the 5th at 6:30 as well?

964 **FEMALE:** Correct.

965 **MEYER:** Well, given that we agree that we could potentially use additional
966 meetings, does anyone have any thoughts on days that would work?

967 **COOKE:** I do think that twice a week, right now, is probably - to start. I
968 mean, I know we'd like to schedule more, but that's - we've put a lot of
969 meetings on the agenda already. So I mean...

970 **MALE:** That's eight, not counting tonight.

971 **COOKE:** Yeah.

972 **FEMALE:** My thought, Beth, is that because Council will need to review our
973 recommendation on the 6th that perhaps this last week of July would be really
974 important for us to really hone in on where we are and polish up the
975 recommendation that we'll be making.

976 **JACOBS:** I don't disagree. I guess I just think that in a week or two we -
977 the calendar doesn't fill up that fast does it, in this room? I mean at this
978 time of year?

979 **MURPHY:** Not the evening calendar. The meetings that are on here, the
980 Planning commission, all the regular boards and commissions, those are pretty
981 much set. So in the evening, the room is empty. It's just a matter of your
982 guys' availability and Staff's availability.

983 **FEMALE:** Okay.

984 **JACOBS:** And if I could interject real quick: The one thing I would as you
985 to keep in mind is that depending on what you're going to be doing and if
986 you're going to be asking our office to draft some ordinances - if it's just
987 a minor change to what was done before, that can probably be done by the next
988 day. If you're asking for sort of a whole - drafting something from cloth or
989 a whole revision that's going to require some research, it may not be
990 possible to actually get you a new draft the very next day, so we may need
991 some of that two-day time period in there to be able to actually get you
992 something to work with.

993 **FEMALE:** Yeah. That's fair.

994 **MALE:** So the meetings are from 6:30 until 9:00 p.m.? So I would be okay - I
995 mean, once my time is blocked out on each meeting, I'd certainly be okay if
996 we have to, you know, if we're in the middle of something, we can go longer
997 each night maybe rather than schedule additional meetings.

998 **FEMALE:** Is Staff okay with that?

999 **PESSEMIER:** Yeah, I would - it's up to you. We're here to support you, but
1000 typically, my experience is after 9:30, the quality of product you get from
1001 Staff and the committee members typically goes down, but it's certainly up to
1002 you guys to decide what times frames you want to use to meet.

1003 **MEYER:** Okay. Let's plan on going 6:30 - 9:30, so we've got a good three-hour
1004 chunk and then play it by ear. Is that fair? Okay. So we have a preliminary
1005 schedule. Let's talk about how we'd like to move forward with the rest of our
1006 agenda for the evening. Does anyone have any thoughts?

1007 **COOKE:** I do think that possibly we need to address how we want to handle
1008 public comments. I also feel like - that's it. I think we need to think about
1009 how we're going to address public comments.

1010 **MEYER:** Okay.

1011 **MALE:** And that's one of the reasons I asked the question earlier of Council
1012 was - I do think that public comments are vital in this process. So I think
1013 that at every meeting, we should take public comments, but I think that they
1014 should be targeted toward specific agenda items for that meeting. Otherwise,
1015 we can get lost in whatever anybody, you know, decides they want to talk
1016 about even though we're coming to a meeting to try to focus on maybe two very
1017 specific things. That would be my only thought there.

1018 **MALE:** I would agree that if somehow we can come up with a motion that would
1019 limit public comments to the ordinances that we've suggested that are on the
1020 table. And then that way, we can kind of take one agenda at a time. And you
1021 know, next week, we did this stuff, and there may be different people that
1022 want to comment on this different ordinance.

1023 **MEYER:** Chad, how are we - are we able to do that? Are we able to say, "You
1024 may only make a comment about x," or if we open it to public, are we opening
1025 it to public?
1026 **JACOBS:** You can ask the public to comment about a particular topic, but you
1027 can't ask the public to only comment - you can't regulate their viewpoint of
1028 what they're saying about that particular topic. But yeah, if for example you
1029 have an ordinance on overnight parking, for example, and you want to take
1030 public comment on overnight parking, you can limit public comment to that
1031 specific topic and then move on to a different topic and allow public comment
1032 at another meeting. That's absolutely fine. The one thing you may want to
1033 consider is just having a general public comment period, maybe at the very
1034 beginning, to get ideas that you may not have thought of and then, you know,
1035 narrow the list down to public comment at subsequent meetings for that
1036 particular topic that you're going to be discussing.
1037 **MALE:** And to that end, I think tonight would be a good opportunity for
1038 public comment on general ideas, at some point.
1039 **FEMALE:** I'd agree.
1040 **MALE:** I would agree. I'd make a motion to allow some time - I don't know if
1041 it has to be a definite time, but we can play it by ear, but allow public
1042 comment for general ideas they feel - because I'm sure there's people that
1043 either didn't get an application in or didn't get in on time or didn't have
1044 the time to attend the meetings that would like - I would appreciate their
1045 input.
1046 **COOKE:** What are we asking for input about?
1047 **MEYER:** Anything that they would like for us to consider or think about as we
1048 move toward drafting or considering drafting of ordinances. Am I hearing that
1049 correctly?
1050 **FEMALE:** Yeah.
1051 **MALE:** Absolutely.
1052 **PESSEMIER:** One thing you might want to consider is how long you may want
1053 each individual to be able to comment. That's a decision that the committee
1054 gets to make, but sometimes there's some benefit in saying they have four or
1055 five or ten minutes, whatever it is you guys decide.
1056 **FEMALE:** I would be partial to a three-minute comment period.
1057 **MALE:** Okay. I was thinking..
1058 **FEMALE:** Just to really streamline and focus. I'm sorry. I didn't mean to
1059 interrupt.
1060 **MALE:** Well, I was thinking three to five or three or five or - with the
1061 option that..
1062 **JACOBS:** Split the difference and go four.
1063 **MALE:** With the option - if you're - as the Chair, do you have the option to
1064 say, "you know, you can continue on for another two minutes" or something?"
1065 **MEYER:** You know, I don't think I would like to do that because I think that
1066 it's important to be fair. And I think that's a rule.
1067 **JACOBS:** Yeah, you want to apply the rules evenly to everyone. And certainly
1068 if - it's best practice, and it doesn't always work this way, but it's best
1069 practice, if you're going to have a time limit such as three minutes or four
1070 minutes or five minutes, that you allow the person to speak for their time.
1071 and then if members of the committee have questions of the speaker, then once
1072 their time is expired then you can ask them questions to sort of follow up
1073 and clarify some of the comments that they've made, but that way, your
1074 questions aren't taking away from their time.
1075 **MEYER:** Okay. So do I need a motion for public comment or we can just add
1076 this as an agenda item, Sylvia?
1077 **MURPHY:** You can, and one thing I would recommend is what I call, don't get
1078 motion happy. You don't need a motion to everything. So basically, kind of a
1079 rule of thumb, where you want to have a motion is if there is going to be a

1080 decision, and after discussion, if you find that you might need to come to a
1081 conclusion and you know that some of the members don't agree with that
1082 conclusion, then when you're done discussing - because basically a motion and
1083 a second stops discussion...

1084 **MEYER:** Right.

1085 **MURPHY:** Okay. So once a motion is received, the motion does not carry until
1086 you have a second. If you don't receive a second, the motion dies. Once you
1087 receive a second, you cannot be discussing that any longer, you have to call
1088 a vote.

1089 **MEYER:** Okay.

1090 **MURPHY:** So think about the time that - a motion really isn't necessary until
1091 you're going to make a decision and then stop it.

1092 **MEYER:** Stop it. Okay. Perfect. So I'm hearing that everyone is open to
1093 public comment. Is that case? All right. So perhaps we should discuss a
1094 little bit more. It's a quarter to 8:00 and we've got quite a bit of time
1095 left this evening, so I feel like we should have maybe have a little bit more
1096 discussion amongst ourselves of other things that we'd like to consider
1097 working on amongst ourselves and then perhaps open up some public comment.

1098 **MALE:** Sure. In doing some - I'll speak if I may. In doing some research in
1099 preparation for this, I've come across two items that I've heard discussed in
1100 the community as possible ordinances that I believe are actually just
1101 outright prohibited by state law. So I just wanted to clarify that with
1102 council and take those items off the table if that tends to be the case. One
1103 would be firearm and ammunition sales which clearly seems to be prohibited by
1104 Oregon revised statute 166.170. Could you confirm that?

1105 **JACOBS:** Yeah, and a matter of fact, I believe Sylvia has a copy of a
1106 memorandum that our office had prepared for the Council that the Council has
1107 made public that she can share with you that goes into some of the details of
1108 that. So now might be a good time for Sylvia to distribute those to you all,
1109 but you are correct. The state has basically preempted local jurisdictions
1110 from almost any type of regulation of gun or ammunition sales.

1111 **MALE:** It's pretty clear, but - the second item that I came across was in the
1112 realm of minimum wage and living wage ordinances, and Oregon revised statute
1113 653.017 seems to be clearly preempting local governments, and I can read it.
1114 "Except as provided in subsection (3) of this section, the State of Oregon
1115 preempts all charter and statutory authority of local governments to set any
1116 minimum wage requirements." And the (3) - subsection (3) is "A local
1117 government may set minimum wage requirements: (a) For public employers, (b)
1118 In specifications for public contracts entered into by the local government,
1119 and (c) As a condition of the local government providing direct tax
1120 abatements or subsidies for private employers with 10 or more employees." So
1121 unless we want to get into one of those three specific cases, it seems clear
1122 that we are preempted from that.

1123 **JACOBS:** Yeah, the - I apologize because I am sort of jumping in at the last
1124 minute here, I'm not as familiar with the minimum wage regulation as I am
1125 with the gun regulations. You know, certainly, from what you just read to me,
1126 it sounds like you're preempted. The state can preempt someone basically by -
1127 the only way, in a civil context, the state preempts someone is by
1128 specifically stating that local jurisdictions are preempted, and they appear
1129 to do so in the statute you just read. Certainly, I can confirm - you know,
1130 to take that off the table tonight so you don't have to continue the
1131 discussion, but I can confirm that with our office.

1132 **MEYER:** I think we'd like to just continue the discussion, for sure.

1133 **MALE:** Can you report back (Indecipherable)?

1134 **JACOBS:** Yeah, absolutely. And I apologize again that I'm - I'm filling in at
1135 the last minute. I apologize that I can't answer that question off the top of
1136 my head.

1137 **FEMALE:** Naomi, did you want to ask (indecipherable).
1138 **BELOV:** I would like to add that in Washington, D.C. today, they did just
1139 pass the Living Wage..
1140 **FEMALE:** Large retail.
1141 **BELOV:** Large Retail..
1142 **MALE:** Accountability Act.
1143 **BELOV:** Yeah, so I think that'll be a great precedent for us if we want to
1144 look at that and draft ours using theirs.
1145 **FEMALE:** Absolutely.
1146 **MALE:** Again, if we're allowed to by law. We're not Washington, D.C., and we
1147 need to get - understand what the Oregon statutes tell us is allowed or not
1148 allowed.
1149 **FEMALE:** I think that, you know, one of the charges that we have in this
1150 special committee as I understand it by Council and what I've witnessed and
1151 heard from the public is to work together to draft ordinances that would
1152 better define how we want to see our community and how we'd like to see
1153 businesses and development function within the community. And it sounds like,
1154 based on some of those exemptions, that there may be some possibility to
1155 provide some assurances to employees within our community to have a fair wage
1156 and perhaps the new legislation that was passed in Washington, D.C., could
1157 provide a good precedence for us to review as a consideration. Just a
1158 thought.
1159 **MALE:** Yeah, I just - my only thought would be if we're expressly prohibited
1160 by the State of Oregon from doing that then we should clarify that before we
1161 spend time drafting an ordinance which may be moot.
1162 **JACOBS:** Yeah, the big difference is it's sort of a hierarchy. So the federal
1163 government can preempt states from doing things, the State can preempt local
1164 jurisdictions from doing things. So since Congress is passing a law related
1165 to the federal minimum wage, that will preempt states from being able to say
1166 the minimum wage is lower than that. Likewise, if the state says that we as
1167 the City cannot regulate minimum wage then that takes it out of our hands.
1168 **FEMALE:** Right.
1169 **JACOBS:** And so that's just the issue that I'll need to go back, or someone
1170 from our office will go back, and let you guys know, does the state really
1171 preempt us from doing that? Is there some wiggle room in there? You know,
1172 there were some exceptions to that general standard, and maybe there's other
1173 statutes that provide other exceptions to that. Generally, cities have pretty
1174 broad what they call "home rule authority" in Oregon to be able to enact
1175 regulations for the public health and safety which include things such as the
1176 minimum wage, but when the State comes in and says, "You cities may not do
1177 that," that's when our hands are tied. And, you know, the guns are a prime
1178 example of that where, you know, they've absolutely taken that off the table.
1179 And again, I just apologize I don't know about the minimum wage off the top
1180 of my head.
1181 **FEMALE:** Is that the case if you're within close range of a school? An
1182 elementary school as well? The guns..
1183 **JACOBS:** The regulation of guns? Yeah. Our ability to regulate the sale of
1184 guns or ammunition as a city is preempted, and the legislature has
1185 specifically reserved for itself the ability to do that.
1186 **MALE:** And I can read that for you as well. "Except as expressly authorized
1187 by state statute, no county, city or other municipal corporation or district
1188 may enact civil or criminal ordinances, including but not limited to zoning
1189 ordinances, to regulate, restrict or prohibit the sale, acquisition,
1190 transfer, ownership, possession, storage, transportation or use of firearms
1191 or any element relating to firearms and components thereof, including
1192 ammunition." We don't have to like it, but that's the State law.

1193 **FEMALE:** And we are limited in some areas. We recognize that. But I think -
1194 the things that I've heard repeatedly from community members since, you know,
1195 over the last several months has been concerns about ongoing public safety
1196 and the costs, additional costs, that might be put on to residents on top of
1197 our additional, you know, our current tax base. So I think that we do need to
1198 spend times looking at areas that might be impacting the, you know, cost of
1199 public safety. So I mean we've talked about - you know, we've heard
1200 suggestions of camping bans, and that's something that I think is very
1201 reasonable because we don't currently have - I mean, if you look at the
1202 camping, you don't want to be paying for additional police protection out of
1203 our own pocket, that's not going to be coming out of the store's pocket. I
1204 mean, so that's something that the citizens have absolutely expressed and
1205 interest in. You know, whether or not a store is going to be - a large retail
1206 store is going to be open 24 hours. Again, we don't currently have large
1207 retail environments open more than, you know, beyond - I think Safeway is the
1208 probably the one that's open the longest for the large settings. And again,
1209 it's a cost factor for the public. I heard a lot about the concern for wages
1210 in the city related to - not just for the employees but also what those - if
1211 we do have a large employer coming in that has a lower threshold than some of
1212 our other business, the cost that that puts onto - the burden that that puts
1213 on to the public that exists here already. It also undercuts some of our
1214 existing businesses if you have someone who's saying, "We're only going to do
1215 - you know, we're going to use this business model part time only in staff so
1216 that we're not covering health care costs, we're not covering other types of
1217 costs." That's something I've heard over and over. It's about protecting the
1218 employees. It's also about protecting - I think many of very fiscally
1219 conservative, and we don't want to be paying those costs on an ongoing basis
1220 for, you know, an employ - basically subsidizing. You know, so and it's not
1221 just about one employer, it's many employers. But it's if you - there's a
1222 certain threshold where if you're able to do business at that level, the you
1223 really should be able to provide those things so that they wouldn't be coming
1224 out of our pocket. So I definitely think that...

1225 **FEMALE:** What is the threshold.

1226 **FEMALE:** I'd think we'd have to discuss that further, but I think that's
1227 something that's absolutely worth exploring in terms of what, you know, what
1228 are we able to do...

1229 **FEMALE:** Most likely billions, right? Most likely? We're not talking small...

1230 **SCOTT:** I completely agree with you that those are valid concerns. I think
1231 that the concerns around those are broad. They're national, they're
1232 international, they're state, you know, around wages and worker's right, and
1233 I they're important topics, bt I think they aren't driven in any one
1234 locality. It's shifts and trends in global and national economics. And I
1235 think that it's - trying to solve those problems in a town of 18,000 is going
1236 to be challenging. And I'm not saying we shouldn't try. I'm just saying
1237 that's a consideration. I mean we already have budget concerns. Do we want to
1238 add additional staff to our city to be involved in labor law and employment
1239 law? And those are expensive concerns. We don't have expertise for that? And
1240 I'm not saying that we shouldn't consider those items. I'm just saying that
1241 we have to consider that we don't have staff expertise, we don't have
1242 staffing for that, we don't probably have a general legal counselor who is
1243 familiar with those laws. And it's a very complex - labor and wage and
1244 benefits laws is extremely complex on the federal and state level, and I
1245 think we need to tread very carefully about involving the city of 18,000 in
1246 that kind of thing.

1247 **FEMALE:** You know, Scott, I - Doug, I'm sorry.

1248 **SCOTT:** That's okay. Happens all the time.

1249 **FEMALE:** I would actually disagree with you a little bit because our City
1250 Council already engages in collective bargaining agreements with groups
1251 within the city, like the police department for example. So my disagreement
1252 with you is that we really do have staff with expertise that could help.
1253 **FEMALE:** I just have one - I guess I need some clarification about what we're
1254 actually trying to accomplish. Are we concerned about, at all, whether the
1255 City is going to be able to sustain and uphold any of these ordinances or are
1256 we just trying to give some ordinances that we think are a good idea to the
1257 Council to discuss? Because I think those are two very different things. I
1258 think if we are looking for an ordinance that is pretty cut and dry, at least
1259 from my opinion, about 24-hour parking, that's to me a whole different -
1260 that's pretty simple, you know, in comparison to saying, "We would like a
1261 living wage." So my concern is - it sounds to me like Doug is saying that he
1262 agrees with what you're saying, but he's saying is, you know, "What does the
1263 City then do with the ordinance that we get." So as a committee, are we
1264 concerned at all with what the City is going to do with an ordinance that we
1265 give them to vote on, or are we just saying, "This is what we think is an
1266 ordinance that should be voted on?" How far are we going into responsibility?
1267 **PESSEMIER:** Well, I guess I would make a general comment, and certainly,
1268 there could be things that would be done that would be very difficult for
1269 Staff or the City in general to implement or maintain or manage. However,
1270 that's one piece of a bunch of other pieces that would go into creating any
1271 ordinance. So I don't know that I would start taking thing off the table
1272 necessarily at this point over general concerns, but certainly, if you put
1273 something before Council that's not manageable or is going to require them to
1274 hire additional staff and budget for it, I think that ordinance probably
1275 would have issues at the Council level and maybe at the citizen level if they
1276 - depending on which way they would do it. So certainly, I would think it
1277 would be one component that you want to think about in every ordinance that
1278 you do, but it's a little bit early to be probably getting too wrapped up
1279 around that.
1280 **FEMALE:** And I think, in my experience, you know, even if we don't have the
1281 ability here to manage it in a town of 18,000, you know, you can contract
1282 with BOLI. It's - you know, these processes don't have to be put on to, you
1283 know, one staff. I mean, you could have things are complaint driven so that
1284 if there are complaints and sometimes in - San Francisco enacted a law
1285 several years ago that they've managed, and they've found that the complaint
1286 rate is actually very low. So, I mean, this is something that we can - I mean
1287 City of Portland is currently looking, you know, they're going to be
1288 contracting with BOLI for, you know, they're new sick leave ordinance. So
1289 there are mechanisms in placethat we can - we don't have to be shut out of
1290 being able to do something for our residents based on the fact that we're
1291 smaller.
1292 **SCOTT:** Yeah, and I wasn't suggesting we take anything off the table. I was
1293 just raising - thinking long term what the potential cost would be, and
1294 that's something that I think we should consider when we get into that
1295 specific item.
1296 **PESSEMIER:** And certainly, the threshold that gets set will have a large
1297 determining factor that as well if you set it for - that only applies to, you
1298 know, a handful of business. And it's something different than if it applies
1299 citywide to all business.
1300 **MALE:** I would also be interested in speaking long term applying ordinances
1301 and thinking about how our ordinances effect the existing business already.
1302 I'm sure that you guys are all aware there's many, for a lack of a better
1303 word, similar companies other than Wal-Mart, Regal Cinemas, Kohl's that
1304 pretty much pay minimum wage, part-time people and how whatever ordinance we
1305 come up with would affect those businesses that are already here in Sherwood.

1306 **FEMALE:** And I would like to propose that we, as a group, that we do some
1307 business outreach. That we go and, you know, go and meet with some of the
1308 large employers, the medium size, smaller employers, you know, to reach out
1309 to them to find out, you know, how many employees they have. And the City may
1310 actually have some of this information already, how many employees...
1311 **FEMALE:** We should have - we have to tell the City when we apply for our
1312 business (indecipherable).
1313 **FEMALE:** Okay, so - but I think it would interesting to have some of these
1314 conversations about what could work/what couldn't work with an existing and
1315 any potential future employers.
1316 **FEMALE:** Could we invite them to a meeting possibly? That'd be interesting.
1317 Try getting...
1318 **FEMALE:** I mean, I tend - How does that work?
1319 **PESSEMIER:** Yes to all the above. We can do whatever. We do have very limited
1320 data on businesses other than what we collect on business licenses, and even
1321 that's in a proprietary database. It's hard for us to get information out of
1322 it. We certainly can collect that type of information if you want. We
1323 certainly would be happy to reach out to certain businesses, but I'll be
1324 quite honest, there's going to be a limited amount that we can do given the
1325 time frame we want. We just don't have a ton of staff resources to be going
1326 out. So if we're talking about contacting 5 or 6 business, that's a lot
1327 different than contacting 25 or 30. But we will certainly do what we can to
1328 reach out. So the more organized we can be, maybe if we have a list of
1329 questions that we can ask them or something that we could be organized and
1330 send that out, that would be great. When you start talking about national
1331 organizations, you know, it gets even more tricky because you pretty much
1332 have to go into the actual facility itself and talk to the manager if you
1333 want to get a response has been our experience. They get busy, and they don't
1334 really have available email addresses. But if it's a handful of things, we
1335 certainly can do that. If it grows to be too big, I think that's the
1336 conversation we would have to have with Council and the City Manager to see
1337 what could be done.
1338 **SCHOENING:** (Indecipherable). I'm not loud enough. Usually, I'm plenty loud.
1339 I think that, obviously, Nancy, you could be of great help in this. I could
1340 tell you, I mean, in all honesty, on my business license, it says that I have
1341 zero employees because I have to report those who work 20 hours or more a few
1342 or more days a week, and I don't have any of those, only me and my husband.
1343 So I just want to keep those certain things in mind when you're looking at
1344 information. Like Tom was saying, the information we give for a business
1345 license is completely different. But I do think that Nancy in the Chamber
1346 would be very helpful for this information because I know that she - it's her
1347 job. It's the Chamber's job to keep, you know, keep track of who has how many
1348 employees. She also might have a little bit better inroads, possibly, that
1349 one of us walking in cold and speaking to a manager.
1350 **COOKE:** I actually, fortunately, because of my profession have a lot of
1351 national contacts. So some of the larger retailers within the City, I already
1352 have emails to.
1353 **FEMALE:** Great.
1354 Nancy: So I could potentially have an in to get some information.
1355 **SCHOENING:** I just want to stress that we not only focus on the big
1356 employers, please.
1357 **FEMALE:** Oh, absolutely. Absolutely.
1358 **SCHOENING:** Because I think it's very important that the small and medium,
1359 and what we think are small businesses might not be a small business. What we
1360 think is a large business also may not be. So my concern as a small business
1361 person is that when we start talking about business, we not only focus on
1362 giant - what we think of as giant, national corporations because there are

1363 some large business operating under a Sherwood business license that we would
1364 not consider a national chain.

1365 **FEMALE:** So are you suggesting a living wage for small businesses, for
1366 example, or...

1367 **SCHOENING:** I'm not suggesting anything. What I'm saying is if we're going to
1368 ask businesses for information that we not only focus on what we consider the
1369 top tier, that we not be the filtering system in that aspect. That would be
1370 my only concern. Because I think that there are large businesses - again,
1371 I've said it already. I think there are large businesses working in Sherwood
1372 that are not national chains, and I think that there are small businesses and
1373 medium businesses that are pretty concerned about what you consider a living
1374 wage could do to our business. And I do mean "our."

1375 **FEMALE:** Yeah.

1376 **FEMALE:** Well, you know, as a segue maybe into another kind of conversation,
1377 if that's okay, one of things that I heard you say, Rachel, was that there
1378 are some things that you feel like are pretty black and white issues in terms
1379 of things that would be reasonable to impose as an ordinance...

1380 **SCHOENING:** I don't think reasonable - sorry to interrupt. I don't think
1381 reasonable is what I meant. I think what I mean is straightforward, simple.

1382 **MALE:** Uncontroversial.

1383 **SCHOENING:** Not even controversial. I mean, straightforward. I mean it seems
1384 to me as if we don't want people to park overnight for 24 hours at a place.
1385 That's a little bit simpler. That could apply to almost anyone in the City.
1386 You know, then we're not talking about certain places, although McDonald's is
1387 open 24 hours. And so there are things to consider; obviously, where do
1388 employees park, blah, blah, blah. But I do think that when you start talking
1389 about living wage and you start talking about what it is that I have to do
1390 for my expenses to keep employees under my roof, that's different. That's a
1391 bigger conversation than how many people park overnight in your parking lot.
1392 That was my point.

1393 **MALE:** Yeah, I think the overnight camping ordinance I think is fairly
1394 straightforward, and I think most people in town and most of us
1395 (indecipherable) agree with it. And in my research, we have some sort of
1396 overnight camping ordinance already, so it may just be a matter of amending
1397 that. I think it applies to public places right now, and if we amended it to
1398 also apply to private businesses at least.

1399 **FEMALE:** Yeah, I mean I...

1400 **FEMALE:** Oh, are you asking a question?

1401 **MALE:** I think Tom had something to say.

1402 **SCHOENING:** I mean, we camp in our trailer behind Fat Milo's the night before
1403 the Robin Hood Festival and the Cruise In.

1404 **JACOBS:** Conditionally, you should use a permit though.

1405 **SCHOENING:** I'm just saying. So there are things that apply to everyone that
1406 you might think do.

1407 **PESSEMIER:** If the question is do we have restrictions on overnight parking
1408 in public areas, we do. I don't know if that would be the code section that
1409 we would want to modify or if this would end up being a new code section.
1410 That would be something that the attorneys would have to look into.

1411 **FEMALE:** Yeah, I think along with the overnight camping in what would even be
1412 considered in a private area, I mean, there's also issues like vehicles in
1413 disrepair that may be broken down vehicles that could potentially have oil
1414 leaking from them and going into storm drains. As a property manager, I see
1415 that very regularly, and I would think that that would be a pretty
1416 straightforward discussion that we could have if we felt like that's
1417 something that would be helpful. You know, I think that that's an issue of
1418 health and safety. And as Sherwood is looking at a Town Center plan, and as
1419 we're considering growth and development between now and many years to come,

1420 I think the issues of health and safety and appearance and the perception of
1421 our town is important. And so perhaps those are things we can consider as
1422 we're looking at possible ordinances. How does everyone feel about that?
1423 **MALE:** I would agree that the parking issue or the overnight parking issue is
1424 probably something that we can come to a rough agreement on. Tonight, I would
1425 think the only thing that's been left unsaid is is there a time limit for any
1426 parking or is it going to be, you know, no overnight parking midnight to
1427 6:00 a.m. or when the hours of any retail business are closed. And I think we
1428 could probably narrow that down, and if we can knock one of these ordinances
1429 out tonight.
1430 **COOKE:** I would also ask in the same line that if we have time at all to
1431 address pesticides in light of Target.
1432 **FEMALE:** What do you mean by in light of Target?
1433 **COOKE:** In the fact that they sprayed a pesticide that killed the bees around
1434 their trees.
1435 **FEMALE:** Oh, right.
1436 **COOKE:** I feel like there's some precedence for us to be able to ask or
1437 discuss that, but I don't have any idea. I do wish it would be something that
1438 we discuss along the same lines that you're talking about with vehicles in
1439 disrepair.
1440 **FEMALE:** Also its proximity to the Tualatin National Wildlife Refuge, right?
1441 **COOKE:** Of course.
1442 **FEMALE:** Right.
1443 **MALE:** Is there any pesticide use ordinances already on the books that may
1444 already apply to this case, or...
1445 **PESSEMIER:** There may be. If they are, they are rather dated and probably
1446 would need to be updated to be current. I couldn't say specifically. We'd
1447 have to look at our code and see what we do have there.
1448 **FEMALE:** I do have...
1449 **PESSEMIER:** It probably wouldn't be what you're looking at.
1450 **COOKE:** I do have one more. I'm sorry if I have too many, but in light of the
1451 discussion that I've heard about - regarding waste and waste management,
1452 obviously, we have a business in town that's owned, you know, a family owned
1453 business in town, Pride Disposal, that I feel like might be a worth a
1454 conversation from somebody on the committee in regards to how they feel or
1455 have they been approached, or what the plan might be for waste disposal of
1456 the actual development itself, or any developments in town. But I know that
1457 they do offer composting. I don't know what we can require, but I feel like
1458 if there is something we can do in order to promote larger businesses making
1459 a smaller footprint. I will hold up that New Seasons recently received a
1460 reward for having zero waste, so this isn't anything that's unheard of, and
1461 they're an Oregon company. So maybe this is something that we can discuss.
1462 Obviously, it would affect more than one company and Pride - I know that -
1463 my point is I know that Pride has in place programs already to help that
1464 because we compost. So maybe we could consider something in regards - I've
1465 heard a lot of people discuss the cost of waste for these large developments.
1466 **FEMALE:** Mhm. Okay. Beth, Okay. Beth, do you have anything to add at the
1467 moment?
1468 **COOKE:** Nope. That's okay.
1469 **BELOV:** I'm not sure if this ties in, but there is something to do with the
1470 number of bike parking spaces allotted to that particular development.
1471 **FEMALE:** Which particular development?
1472 **BELOV:** The Linger development.
1473 **FEMALE:** Oh, okay.
1474 **BELOV:** So I don't know if can look at that. Is there an ordinance bike
1475 parking?

1476 **PESSEMIER:** There is, and we actually require a lot of bike parking compared
1477 to what actually is used - utilized in Sherwood. We kind of follow under
1478 Metro's rules and certainly, bicycle commuting is more common in the Downtown
1479 area, but we hope that that changes over time and that those spaces are used.
1480 That would be in chapter 16 of the development code. So we probably wouldn't
1481 be able to make a change there, but we haven't - our utilization on the
1482 number of bicycle parking spots that are used, we actually require, for that
1483 particular number, they would actually have to have covered parking spaces,
1484 bicycle parking spaces as well. It's probably around 10% at this point.
1485 **FEMALE:** And I think it's important too to remember that any changes we make,
1486 you know, it can't just be for one development. It has to be citywide. We
1487 might want to make requirements. For some of those things that are already
1488 built out, we can't go backwards. It would only apply to newer, so...

1489 **FEMALE:** Another topic that we've looked at or that some have mentioned is
1490 whether or not Sherwood is comfortable with retailers being open 24 hours. So
1491 can we have maybe some comment on that?

1492 **BELOV:** I think our police staffing is a little short right now even with the
1493 Kohl's being open. They're having a hard time keeping up with that. So I
1494 think having one open for 24 hours is going to tax our police department.

1495 **FEMALE:** Why do we think they're having a hard time?

1496 **FEMALE:** Just the increase in shoplifting and just needing to go and to be
1497 present around the City where needed.

1498 **FEMALE:** I guess, I just - do we know? Has crime been - has there been a
1499 crime uptake since Kohl's has been open?

1500 **FEMALE:** Mmhm.

1501 **FEMALE:** I'm just curious.

1502 **PESSEMIER:** Well, a couple things: First off, during the budget process, Jeff
1503 Groth made it clear that they're stretched for resources, and we know that
1504 retailers have a fair number of calls. Target, for example, has about one per
1505 day typically, and Kohl's will probably be a little less just because their
1506 footprint is smaller, but there will be a lot of calls that are to any
1507 retailer of this national chain. They just tend to generate those type of
1508 calls for shoplifting mostly. And in particular, Kohl's opened up. Yeah, we
1509 had incidents pretty much every day for the first few weeks. People were
1510 somewhat testing the system, but also it's just the nature of that business,
1511 so.

1512 **FEMALE:** And professionally speaking, managing large developments, I can tell
1513 you that one particular shopping center that I managed totaled approximately
1514 300,000 square feet, and on an annual basis, I spent more than a quarter of a
1515 million dollars on security of along. So I think that the issue of safety and
1516 safety concerns is really valid because, you know, I'm not sure that you - as
1517 a private entity, I'm not certain that we can, and Staff please correct me if
1518 I'm wrong, that we can invoke rules on private ownerships on whether or not
1519 they have to or should employ security efforts. But I think knowing that the
1520 Chief has expressed a concern of short staffing that, I mean, this is
1521 something that we really ought to consider. And hopefully the public tonight
1522 will comment on that a little bit as well.

1523 **FEMALE:** When we say, "not 24 hours," what do we want? I guess...

1524 **FEMALE:** Yeah, I mean, I think that this is a great time to maybe hone in on
1525 maybe this...

1526 **FEMALE:** Maybe till 11:00 or go by whatever (indecipherable).

1527 **FEMALE:** We have to start with size because we have bars in town.

1528 **MALE:** Well, size and also type of business. I mean there's a lot of
1529 different ways you could slice that.

1530 **FEMALE:** Right. How late is Safeway open?

1531 **FEMALE:** They're open till 1:00 to 6:00.

1532 **FEMALE:** Till 1:00? So maybe 1:00.

1533 **FEMALE:** They're closed for five hours. But that's a pretty - I mean that's a
1534 time of night when you'd hope that the police would be monitoring
1535 neighborhoods more than the commercial districts. I mean, they're - I seem
1536 them - I mean, occasionally, you'll see them driving through the
1537 neighborhoods late at night. You know, I just feel like it's important that
1538 we maintain a police presence that's able to accommodate the needs of the
1539 entire community.

1540 **FEMALE:** I think there are only two on duty at one time. Is that right?
1541 **PESSEMIER:** Typically, in the evening, yes, there's two on duty. More during
1542 the day.

1543 **FEMALE:** I'm not opposed to it. I'm just trying to understand what we're
1544 going to - what we're thinking of proposing because we've obviously got
1545 business that are open. That's 19 hours instead of 24, so where do we set the
1546 limit?

1547 **MALE:** Sure.

1548 **PESSEMIER:** Well, I think you guys are doing a great job of outlining some
1549 different things. Just maybe a suggestion here. It might be a good time, if
1550 you're done kind of going through your list of things you might want to
1551 consider, maybe taking some public testimony in regards to some things to
1552 take some things to consider and allow yourself a few minutes to collect your
1553 thoughts. You might want to also consider taking a little bit of a break as
1554 well as it would be good for us for you to be able to come back and - Oh, his
1555 favorite animal is a duck. And so - but coming back to giving us - the more
1556 specifics you can give us, the better off - the more effective we will be
1557 able to give back and hopefully reduce the number of meetings. And also, I
1558 put on here an agenda item to kind of talk about how you want to - what you
1559 need from the Staff and City Attorney's office. On particular items, if it
1560 would be beneficial for the City Attorney's office or Staff to go research
1561 some example ordinances to bring back to you if you guys don't really know
1562 what you'd want to do, we're saying that's something that could happen as
1563 well. I know the overnight parking, we looked at Beaverton and another city
1564 to kind of get some examples of different things that other cities in Oregon
1565 have done, so we're also not recreating the wheel. So think about that in
1566 balance so that you can just give us direction, and we can kind of go draft
1567 an ordinance, or if it would be more beneficial, we could certainly go do
1568 some research and bring back some examples which might help you as well.

1569 **MEYER:** Thank you, Tom. So I'd like to maybe take Tom's recommendation and
1570 recap what I've heard, and please do interject if I haven't heard everything
1571 correctly. Considerations for ordinance at this point, based on this
1572 discussion this evening, it looks like we've talked about overnight camping
1573 and parking regulations. We've discussed open/close hours. We've discussed
1574 potential living wage review, and Chad has agreed to get back to us on that.
1575 We've discussed pesticides, and I'd like to add to that if that's all right.
1576 In addition to pesticides, just use of general chemicals and perhaps
1577 consideration that large retailers and others provide MSDS sheets to the City
1578 as maybe an additional check in point. Rachel brought up looking at waste
1579 management and potentially putting together some kind of ordinance to
1580 encourage composting and other more sustainable trash disposal options. Did I
1581 hear that correctly, Rachel?

1582 **SCHOENING:** Mmhm.

1583 **MEYER:** Okay. Bicycle parking was brought up. I'd like to add maybe a
1584 consideration of carpool parking as an option for larger retailers as a
1585 potential option.

1586 **MALE:** You mean as employees or...?

1587 **MEYER:** As for employees. I think that as these large developments come in,
1588 and even we have the smaller retailers that are coming in to our town, there
1589 is a lack of parking available. And as we look at the Sherwood Town Center

1590 Plan and additional development, parking is a big focal point of those
1591 discussions, so I think if we can put together some recommendations on
1592 carpooling and some incentivizing folks to come to Sherwood, that would be a
1593 potentially fruitful discussion. Am I missing anything?
1594 **MALE:** The only thing that I would add is when I applied for this committee,
1595 my two considerations were traffic safety and the safety for the residents.
1596 So when we hear from our community tonight, I would be interested in hearing
1597 what kind of ideas they might have on traffic safety. If you guys have
1598 anything on traffic safety that can be affected by an ordinance that wouldn't
1599 fall under land use or planning, I would be really interested to hear that.
1600 **MEYER:** Really great point. Tom, is the traffic cap under Chapter 16 as well?
1601 **PESSEMIER:** It is.
1602 **FEMALE:** Bummer.
1603 **FEMALE:** Meerta, you didn't talk about vehicles in disrepair which I didn't
1604 hear you say in the recap.
1605 **MEYER:** Okay, Thank you. Yeah. Okay. At this point, is there anything else
1606 that we would like to add to our list of potential conversation points or
1607 should we open it up to public?
1608 **MALE:** Break time? Break. Sure. Yeah.
1609 **PESSEMIER:** And one thing - yeah, after the break. I think when you say,
1610 "Living wage review," I guess having - we don't need to do that tonight, but
1611 thinking about breaking that down into what it is. I think we were talking
1612 about minimum wage laws that were preempted with that. That doesn't
1613 necessarily incorporate the entire sphere of living wage issues that at leave
1614 have been talked about in other meetings with Council. So I think you've got
1615 a pretty good list on everything, but I would think that there - you might
1616 want to think more about how you can break that down into different pieces so
1617 maybe it's not all one ordinance or maybe it is one ordinance, but what do
1618 you mean by that? I'm not sure that I understand or the attorney's could take
1619 that and actually do anything with that at this point.
1620 **FEMALE:** I'd like to specifically propose that we have the attorney review
1621 the Washington, D.C., Large Retailer Accountability Act that passed today.
1622 **FEMALE:** I'd agree. Yeah. So let's take a five-minute break and then we'll
1623 open up for public comment.
1624 **MURPHY:** Okay, so - can I during that break, if I may, we did not set up the
1625 clock, microphone, or the testimony forms before public comment because it
1626 was not on the agenda.
1627 **MEYER:** Okay.
1628 **MURPHY:** So if you guys want to just go ahead and ask individuals to come up.
1629 We don't need the sign-in form. We don't really need a clock unless you want
1630 the clock.
1631 **MEYER:** Okay.
1632 **MURPHY:** So for this one meeting, we'll just let the committee manage your -
1633 the comments coming forward.
1634 **MEYER:** Sure.
1635 **MURPHY:** Okay. So basically, people can understand if they choose, this is
1636 being recorded. So the cameras aren't going to get a lot of the audience
1637 members, but if people want to come up and at least state their name. It's
1638 really not necessary for name and address and all that information just as
1639 long as the record shows, you know, first and last name.
1640 **FEMALE:** For the sake of hearing everyone, is it all right to bring a chair a
1641 little closer to us?
1642 **MURPHY:** Sure.
1643 **FEMALE:** And a mike maybe by Chad?
1644 **PESSEMIER:** Yeah, we might be able to get a table out here or two after break
1645 so.
1646 **FEMALE:** Okay, great. All right. Let's take our break.

1647 **MALE:** I thought she was outside on the phone. It might be interesting to at
1648 least maybe get a hand raise of all of the public that wants to talk,
1649 **MEYER:** Yeah, if that's okay. Who would like to talk? Can you just kindly
1650 raise your hand so we can get a gauge on time? One, two, three, okay, four.
1651 Okay, great. That's fantastic. So what I'd like to do is take public comment
1652 until - we're going to meet until 9:30 tonight? Yeah? Okay. So if it's okay
1653 with the rest of the committee, I would like to open up comment until about
1654 9:00/9:15. Is that acceptable?
1655 **MALE:** 9:00.
1656 **JACOBS:** If I could just interrupt.
1657 **MEYER:** Please.
1658 **JACOBS:** Generally, what you need to do is set a time limit on the amount of
1659 time each person has.
1660 **MEYER:** Okay.
1661 **JACOBS:** You really - it's difficult to set a time limit on saying, "We're
1662 stopping public comment at 9:00" because if you have more people who want to
1663 talk, you should generally let them as long as the meeting is still going on.
1664 There are certain circumstances where you can't say, "We're only going to
1665 take public comment up until this time," and then allow people to have
1666 additional public comment at another meeting, you know, if you're doing so.
1667 **MEYER:** Okay.
1668 **JACOBS:** But given that you only have four people or so, setting a time limit
1669 and then just going with that would probably be a much better course of
1670 action.
1671 **MEYER:** Okay. Let's do that. Tom, were you going to say something?
1672 **PESSEMIER:** Yeah. Just real quick. One thing that we do is, obviously, when
1673 we're making minutes of meetings, we have to listen to the recordings and get
1674 information, so I just want to encourage everybody to get friendly with your
1675 microphone. Make sure that you can actually hear it when you're speaking.
1676 That's a good indication that it's loud enough that it can be actually
1677 transcribed (Cuts over to new person speaking)
1678 **MALE:** ...or not.
1679 **FEMALE:** Yeah.
1680 **MALE:** So Sylvia, your contact info is on the City Council webpage?
1681 **MURPHY:** Yes. And all of our emails here at the City are last name, first
1682 initial. So it would be Murphy.
1683 **MALE:** Okay.
1684 **MURPHY:** murphys@sherwoodoregon.gov
1685 **MALE:** Okay. Great. That's it.
1686 **MALE:** I had a quick question for you.
1687 **MALE:** Oh, sure.
1688 **MALE:** You had mentioned you had templates. Templates for what exactly?
1689 **MALE:** Well, I don't have the templates, but other cities - I was being
1690 descriptive that other cities have accomplished this as Nancy mentioned, the
1691 110, and of course, Washington, D.C.
1692 **MALE:** Accomplished what specifically?
1693 **MALE:** How to address living wage issues, healthcare, you know, the part-
1694 time/full-time issues with employers over a certain size. And also as it was
1695 brought up to me just a few minutes ago, metrics for determining the size.
1696 When you say 50 employees, is that full time? Is that part time? Etc., etc.
1697 So I don't have any specific information to say how it was done, but it has
1698 apparently been done numerous times, and I can research that out and feed
1699 that to you. It might give you a leg up.
1700 **MEYER:** Thank you.
1701 **MALE:** That would be helpful. Thanks.
1702 **BEVILLE:** Anthony Beville. I live in Sherwood. I have for a number of years.
1703 First of all, congratulations. You're on the committee. I guess it's going to

1704 be one of those things of be careful of what you wish, you might get it. But
1705 I was a little taken back, Doug, with you with your comment about do we, you
1706 know, want to take on this. I mean, the City of Sherwood, little town of
1707 Sherwood, was number one city in the U.S. a number of years back. You can now
1708 make Sherwood number one again if that's what you want to do. I mean, you
1709 have to tackle these issues about big box store, about is Wal-Mart, and I'm
1710 not going to mince meat about big box or Wal-Mart. Is Wal-Mart good for
1711 Sherwood? I don't believe it is, not at all. Okay? The question about
1712 additional staff. We have a lawyer over here. We have a whole fleet of
1713 lawyers, don't you Chad?
1714 **JACOBS:** Yeah.
1715 **BEVILLE:** Okay. So additional staff to research whether, you know, we can put
1716 these ordinance into force or not. We have our lawyers to do that. And again,
1717 you chose to be on this committee which I really congratulate you again. So,
1718 you know, take up the mantle and tackle those hard issues about a living
1719 wage, about whether Wal-Mart is good for Sherwood. Again, it's not. And just
1720 a little tidbit, my last little comment, last night AOL online, Wal-Mart
1721 voted the second worst food chain in the U.S. And here, first number-one
1722 city, small city in the U.S., we're going to have the second worse - I hope
1723 not. It's not a done deal. Second worst supermarket in the U.S. So I'll leave
1724 you with that. Oh, my dog in the fight, and we all have dogs in this fight,
1725 is that I live off of Roy Rogers, and even now, I've got traffic coming
1726 through there during peak hours that once this Wal-Mart thing, if it goes
1727 through, I hope it doesn't, pray to God it doesn't, it's even going to be
1728 worse. So my suggestion is you put up speed bumps all around, and I've been
1729 told the City Attorney is the person to speak about that. So, again, you
1730 know, slow down this traffic.
1731 **FEMALE:** Anthony, before you walk away, I'd like to ask a question if that's
1732 okay.
1733 **BEVILLE:** Sure.
1734 **FEMALE:** In related to your traffic concern about your home, is that a
1735 general traffic concern during all hours or do you have concerns about
1736 particular hours?
1737 **BEVILLE:** It's during all hours. I live Roy Rogers and Edy Road. I mean, you
1738 know, new development on Edy Road, people come through Houston to Lynnly to
1739 Roy Rogers - Roy Rogers, Lynnly, Houston to Edy Road, and once this - if this
1740 mess Wal-Mart gets through, people are going to use Lynnly/Houston to get
1741 over to 99W. It's going to be a shortcut, so yeah. It's a big concern. It's a
1742 big concern.
1743 **FEMALE:** Thank you.
1744 **BEVILLE:** Right.
1745 **FEMALE:** Is there anyone else that would like to speak? Give us some
1746 thoughts?
1747 **FEMALE:** So I just want to say that I live in Sherwood. I don't live in
1748 Washington, D.C. or San Francisco or anywhere else, so I totally agree we
1749 should start there and not (indecipherable).
1750 **FEMALE:** (Indecipherable) could you tell us your name, please?
1751 **FEMALE:** (Indecipherable)
1752 **FEMALE:** Thank you.
1753 **FEMALE:** Sorry. And use those ordinances as we can as a starting point. Don't
1754 reinvent the wheel, but if you can make the wheel better, then do that. But I
1755 live in Sherwood, so I don't really care what other cities can or can't do.
1756 What I care about is what we can do, and whatever we can do to make my
1757 children's future, my future, better to make this a place where my children
1758 would want to stay and work and not have to go somewhere else to work would
1759 be fantastic. So the living wage, for instance. I realize we've heard some
1760 talk about it, can't do it, can do it. I would just really encourage you to

1761 get to the meat of that and figure out a way to make it happen if you can and
1762 decide who it would benefit or not benefit. A billion dollar seems like a
1763 good place to start. Maybe companies that are bringing in a billion dollars
1764 or more, I don't think we have a ton of those in Sherwood, but just maybe
1765 that's a good starting point. And some of the other ones that you guys have
1766 talked about I think are great. I just want to encourage you not to throw
1767 anything out because the way it's written for San Francisco doesn't work
1768 here. Just start with it, and make it better. Sherwood it. Thank you.

1769 **FEMALE:** Thank you.

1770 **CLOS:** Jim Clos. I want to first make a general statement, and I want you to
1771 understand that what you do is your own business in this sense. But what's
1772 brought us here today is some of the early remarks that were made in this
1773 meeting about citizens' comments. Now let me tell you what you have on this
1774 one side. Now Mr. Jabes (sp) does a good job of enunciating it. There was a
1775 guy named Abrams, Abramov actually, he was a Russian, who went up the Empire
1776 State Building when Woodrow Wilson dispatched the force that actually kept
1777 Stalin in power. "Maybe I could do it," and he threw these leaflets down. He
1778 did not recommend violence. He did not recommend to overthrow the government.
1779 He just said Woodrow Wilson was a damned fool. Now the amazing part for those
1780 of us that have taken history classes know that Wilson conceded that he was a
1781 damned fool afterwards. It was that expidary force that gave us the slaughter
1782 of a lot of people in Russia. Now the reason they put Abrams in jail because
1783 he had dangerous tendencies. Now nobody could figure out what that meant. Now
1784 (indecipherable) about blew a cork. Well, Lernidand (sp) was probably the
1785 smartest judge we had, but he had a problem. He was a Jew, and he was smart.
1786 And that is a lethal combination among lawyers. You don't want to be smart,
1787 you don't want to be a Jew, and you don't to be ethical. Everyone looked at
1788 that brandish wimp, Dewey, and said, "How can restrict ideas? How can you
1789 restrict thought?" And Holmes came up with the market place of ideas. While
1790 they both voted to send that man to prison, and by the time they left the
1791 Supreme Court, they turned that stupidity on its head. We don't do that
1792 anymore. They had a march by a bunch of idiot Nazis in Illinois, and they
1793 just let them march, but they end up laughing at that them. Well, that kind
1794 of drivel, and if it's drivel comes out of your mouth, nothing happens. Let
1795 me make a statement to you. You are doing a suppress information.
1796 (Indecipherable), and this committee will fail if you play that role. It's
1797 disgusting in my opinion. And by the way, the first case I ever had that I
1798 worked on went to the U.S. Supreme Court, and we established that land use
1799 planning was controlled by the first amendment in the case of science. And in
1800 political science, you couldn't regulate them unless you had a very good
1801 reason. Now, I'm just suggesting that what you're doing here tonight is a
1802 very health thing because I'm going to tell you something. If ideas hurt you,
1803 you really got a problem living in America. We would not be where we are
1804 today if places like Stanford and Berkley and Harvard did not let ideas go
1805 where they can go. Now, first thing is I'd keep it open. 2) And there's no
1806 degradation of the staff here, and if you're in the shopping business, you
1807 know this. Wal-Mart is a mass merchandiser, exactly as Target is. They are
1808 not a shopping center. They are not a shopping mall. They are a stand-alone
1809 enterprise as is Kohl's, Bi-Mart, I can go on, but it all started with Toys-
1810 R-Us. It's not going to hurt is you bring some of that information in here to
1811 regulate. (Indecipherable) have a problem? Excuse me.

1812 **MALE:** I was keeping time.

1813 **CLOS:** Well, (indecipherable) a time limit.

1814 **MALE:** Yeah, it was four minutes as we established.

1815 **CLOS:** Well, then we should discontinue the conversation because there's no
1816 point in having conversation, and I'm going to tell you what I've been trying
1817 to say for (indecipherable).

1818 **MEYER:** I'd love to hear it.
1819 **CLOS:** That's exactly what Hitler did.
1820 **MEYER:** I'd love to hear you..
1821 **CLOS:** That's exactly how the retailing and the crystal knock and everything
1822 happened in Germany. It was the idea that we can't have freedom, we can't
1823 have shopping, we've got to cut it off. And if you're that smart, work on
1824 your own.
1825 **MEYER:** Jim, I appreciate your comments as I'd like to speak for the rest of
1826 the committee. We do appreciate what you have to and..
1827 **FEMALE:** Can we let him finish?
1828 **FEMALE:** We decided at the beginning of the meeting that we would keep it at
1829 four minutes for each speaker.
1830 **FEMALE:** I'd like to ask you one question, if that's okay. We did limit
1831 everyone to four minutes, but I just want to make sure that I understood the
1832 point of what you were saying is.
1833 **CLOS:** The point of what I'm tell you is (indecipherable).
1834 **MEYER:** And if it's okay - yeah, it is, and so I just want to make sure I
1835 understood.
1836 **CLOS:** But (indecipherable) measures that disrupt speech are not only rude,
1837 but (indecipherable) someplace else.
1838 **MEYER:** So what I heard you say, Jim, is that you'd like for us to keep an
1839 open mind and that you'd like for us to entertain the ideas that have been
1840 brought forth today? All of the things that we came up with. Did I understand
1841 that correctly?
1842 **CLOS:** Well, I think what I tried to tell you is your making information
1843 based on information here.
1844 **MEYER:** Okay.
1845 **CLOS:** And that is the one thing that has been shut out of this entire
1846 process every since we decided to put something some place in pure restraint
1847 of trade.
1848 **MEYER:** Okay, so I think what I'd like to do is assure the public that all of
1849 us have volunteered on this committee to represent what we hear the citizens
1850 of Sherwood asking. And it is our intention to work together to draft
1851 ordinances that will promote the livability of Sherwood.
1852 **FEMALE:** Can I ask one question?
1853 **MEYER:** Sure.
1854 **FEMALE:** I have to say, I'm not exactly clear what you were referring to in
1855 regard to the attorney.
1856 **CLOS:** Well, the whole point I was trying to get to is that the one point you
1857 have in all of this is the one thing you can't do legally, is restrain trade.
1858 And that's exactly where this thing is pointed is restraint of trade, and I'm
1859 just telling you..
1860 **FEMALE:** Okay.
1861 **CLOS:** ...you can regulate Wal-Mart. You can regulate any mass merchandiser,
1862 but you can't restrain here. What's gone on here is we've restrained trade,
1863 and you're not going to get around that until you correct it. And you're not
1864 going to get around with four minutes, and that's how we got there was Beery,
1865 Elsner, and Hammond insisting on four minutes and shutting off the citizens,
1866 lying to us when we ask them if it was Wal-Mart, and acting like they
1867 weren't lying.
1868 **MEYER:** Okay. Thank you. As a personal opinion, not an opinion of the
1869 committee, I can assure you that I do not believe that anyone is above the
1870 law whether a private citizen, a retailer, an office user, or any other
1871 business person. And it will be our intention, and it will be our charge to
1872 work together to draft ordinances that are within the law and that we feel
1873 will give the voters of Sherwood an opportunity to have a voice.

1874 **CLOS:** Okay. Can I ask you a question about that? How are you going to have
1875 an ordinance that's above the law when you have the law firm here that caused
1876 the problem? I mean I know that's a huge question, but we have these secret
1877 meetings because of this law firm. Why don't you get somebody in there to
1878 give you advice that is a lawyer and not a political advocate.

1879 **MEYER:** I believe that I can tell you safely that it is not our charge or
1880 ability to choose the attorneys for the City and if the City of Sherwood has
1881 a concern about its representation that that's a separate issue of what this
1882 committee is working toward. Tom, would you like to add to that.

1883 **PESSEMIER:** Just to say that the City Council is the one who selects the
1884 attorney for the City of Sherwood, and you're a board of the City Council, so
1885 you probably should rely on their judgment in this case.

1886 **MEYER:** Thank you. Is there anyone else that would like to give us any
1887 thoughts or express any concerns with the ideas that we've discussed this
1888 evening as we consider ordinances moving forward? It would be really helpful
1889 for us to understand concerns or suggestions that you might have. Yeah,
1890 please.

1891 **EUGENE:** Eugene (indecipherable). I have property here in Sherwood. One of
1892 the things that bothers me is that we're proceeding down this road, and I
1893 can't see what the vision of Sherwood is. When the new City Manager first
1894 came in, I sat down and talked with him, and that was one of the things that
1895 was on his agenda was to proceed to find out what the vision of Sherwood is.
1896 It's like a huge ship in a sea in a storm with no rudder. You're going this
1897 way and that way, back and forth, but we have no clear vision where we're
1898 going or why. The other thing, a little economics is that I can recall I used
1899 to be able to drive over to Hillsboro, the back roads, I've used this analogy
1900 before, but I bet you I could point out 6 to 8 different places where they
1901 had a little grocery store and a gas pump. Most of those are gone except for
1902 a couple. One's been turned into a restaurant. The reason they are no longer
1903 there is that due to the economics, they cannot sell enough product in a
1904 small store to make a profit. They can't make "that living wage" for the
1905 family that they used to make. And I've seen box stores, one down in Klamath
1906 Falls; it was one of the first ones in Oregon. He operated on - his bottom
1907 gross was about - or net was about 1-2%, but he still made a fairly good
1908 living, more than a good living wage. So what I'm trying to point out here is
1909 that a lot of these stores only survive based on the volume that they push
1910 through the store. A lot of small businesses cannot survive in certain
1911 environments, so we need a good mix brought in to the community. In fact, in
1912 the 60s when I sat on a committee for the land use plan, one of the things we
1913 were very well aware of, we were a bedroom community, and we could never
1914 afford anything because we were a bedroom community. School issues were
1915 always coming up, taxes were always going up. So until the City sets a policy
1916 on what a good mix of business and residential is, and we strive to meet that
1917 mix, and it's probably somewhere 40% business and 60% residential, you're
1918 going to have all these problems where you can't hire enough people to
1919 maintain public services. But please realize that in the schools, businesses
1920 pay much more - or they support - they pay more than their fair share into
1921 the school district, into the fire district, everything else. Especially in
1922 school districts, residential areas do not pay - their property taxes and do
1923 not pay for their cost of the service they're receiving. So we need to figure
1924 out what that balancing point is and work very hard towards it. The last 10-
1925 15 years, we were on a binge building residential and only residential, and
1926 I've lived here long enough to know that when you become a bedroom community,
1927 it is not a livable community as far as I'm concerned. I can remember when
1928 there was only 500 residents here, and we had three grocery stores in town,
1929 and they supported three different families. Well, you can't...

1930 **MEYER:** Eugene, you've just got about 40 seconds. Just so you know.

1931 **EUGENE:** Okay. Those size grocery stores would no longer survive because they
1932 could not sell enough product to make a living. So we need to think more. We
1933 need a better vision than what we have. Thank you.

1934 **MEYER:** Thank you very much, Eugene. So we've got some more time if anyone
1935 else would like to share any thoughts or concerns, suggestions even. Okay.
1936 Thank you everyone. In an effort just to recap for a Special Committee, the
1937 public comment, I think that what I've heard is consideration of a living
1938 wage is really important to folks, looking at employee addition versus
1939 employee loss is important to folks, traffic concerns based on hours of
1940 operation, focusing on the things that we can do as a committee, looking at
1941 sales figures and how those pertain to economics, and lastly, Eugene's
1942 comments I think are particularly, to me, helpful because I think that as
1943 we're looking at ordinances and as we're considering these ordinances, I
1944 think that his point of establishing and understanding what this vision of
1945 Sherwood is is really why we're here and why we have agreed to sit on this
1946 committee and draft these ordinances with the help of Staff. So on behalf of
1947 the committee, I can safely say thank you to everyone who took the time to
1948 come and talk to us about your thoughts and concerns. You've been hear, and I
1949 appreciate you and your commitment to Sherwood. I'd like to actually have
1950 some maybe conversation among us on what else you feel like you've heard and
1951 maybe some response on thoughts that folks have mentioned. Anything you'd
1952 like to add to the discussion for this evening.

1953 **BELOV:** I'd like to add something. I've read every one of the petitions,
1954 that's all of the comments that people have given. I'd say the majority of
1955 the people are concerned about the living wage and also crime and traffic. So
1956 if we could prioritize and set those on our meeting agenda. Probably want to
1957 tackle the different ordinance ideas. Like the bike parking lot is obviously
1958 and interest of mine, but to me, it's not the priority.

1959 **MEYER:** Okay.

1960 **BELOV:** So I think (indecipherable) priority, that'd be great.

1961 **MEYER:** Okay.

1962 **MALE:** I think you bring up a great point is that we should discuss, you
1963 know, what are the agenda items, specific agenda ordinance items for the next
1964 meeting on Friday. One of the things that the City Council does that I kind
1965 of like is the Council comments section, so maybe that's something we should
1966 consider doing ourselves. I felt like our discussion that we started around
1967 the 24-hour ordinances was cut very short because we wanted to move on to
1968 citizens' comments. So maybe if we have time, we could get back to that
1969 briefly this evening as well.

1970 **MALE:** I would say that listening to the residents tonight, I would think our
1971 priorities are fairly clear: Living wages, traffic, and safety. And then we
1972 can just like break those down. I'd like to get back to at least the 24-hour
1973 parking or the hours of operation tonight before we leave, and maybe we can
1974 have a kind of a rough idea of where we want to go with that.

1975 **MEYER:** So with that in mind, Chad, I think those three issues, it would be
1976 really helpful for you to perhaps come with some recommendations or - not
1977 recommendations but some examples of what other jurisdictions have done, and
1978 that way we have an opportunity to take a look at language and how we feel we
1979 could modify or better craft for Sherwood.

1980 **JACOBS:** So just to be clear, the three areas are living wage, crime, and
1981 traffic for Friday. Do you want to pick one of those topics in particular for
1982 us to focus on? Do you just want to...

1983 **MEYER:** Yeah. I'm not...

1984 **MALE:** The living wage (indecipherable).

1985 **MEYER:** Yeah. I think the living wage is a major priority. Right?

1986 **FEMALE:** I'm not going to be here on Friday. I would love to be here in
1987 person for that particular discussion. Would it be possible for us to start

1988 with safety and crime because that seems like one that we are
1989 (indecipherable)?
1990 **JACOBS:** And I think true too - the big part to me of the living wage
1991 discussion is what our limitations are, and so I think that may require some
1992 research.
1993 **FEMALE:** Right. So longer than Friday?
1994 **JACOBS:** So maybe that would be a good topic for next Monday.
1995 **MALE:** Okay.
1996 **JACOBS:** And the other thing I'd say is that I think it makes sense to maybe
1997 try to focus on the items that maybe there's more clear consensus on first.
1998 Just kind of get those going, and someone could start writing language and
1999 getting that to City Council earlier in the process and then tackling the
2000 harder issues, the more challenging issues, the more complicated issues, you
2001 know, next.
2002 **MEYER:** Okay.
2003 **MALE:** So I mean, to me, those two - the things that are clear are the
2004 overnight camping, the 24-hour or whatever the time is, would be two items
2005 that I think could be clearly on the agenda for Friday to maybe try to wrap
2006 up on Friday.
2007 **PESSEMIER:** Yeah, I would suggest just from a - that that's a good idea
2008 because it's a lot easier to do research on those particular items and bring
2009 things back to you quickly so you might be more productive on Friday and then
2010 on Monday do the living wage. So we're looking at camping bans, vehicles in
2011 disrepair, pesticides. I'm not sure if we can get waste and waste management
2012 done in that short of a period of time, but the 24-hour retail, use of
2013 general chemicals would kind of be on that list from what I can see.
2014 **FEMALE:** When we talk about the - sorry, but when we're talking about the 24-
2015 hour, we're also talking about crime. Are we trying to talk about those in
2016 the same conversation? Because it sounds sort of - like when Naomi brought it
2017 up, she was saying that the reason we're - the concerns about a restaurant or
2018 a store being open for 24 hours, any place being open for 24 hours, is the
2019 crime. So are those - because I keep hearing crime but then I also hear 24
2020 hours. So are we talking about 24-hour parking as one 24-hour and then 24
2021 hours of operation as another?
2022 **FEMALE:** Yeah. What I would say - yeah. What I'm hearing is those are
2023 separate issues.
2024 **FEMALE:** Okay. The one thing I want to point out is the obvious crossover
2025 there is that someone has to police the non 24-hours camping. So I feel like
2026 they do cross over in one aspect, and I don't want to miss that. Who's going
2027 to be responsible. We talked about earlier whether we can require security or
2028 what we can require, but (indecipherable)lose that.
2029 **FEMALE:** You know, in my opinion, with 24-hour regulations in terms of
2030 camping, parking, you know, those kind of issues - and please jump in on this
2031 if I'm wrong, but if the ordinances is ordained, and then what can happen
2032 from there is property owners will then have to manage those things
2033 themselves. And that is something that could be written into lease agreements
2034 and rules and regulations, and those things wouldn't necessarily mean that we
2035 have police chalking tires or anything like that. It just - it gives property
2036 owners and leg to stand on and say, "This is the ordinance..."
2037 **SCHOENING:** But what if the retailer is the property owner? What are putting
2038 in place to police themselves? I guess that's my question (indecipherable).
2039 **MALE:** I guess the way I would see it is that like an overnight camping ban,
2040 for example, obviously the property owner has some responsibility, but
2041 ultimately, if they're at home in bed, then it's going to rely on a citizen,
2042 you know, report to the police, and police go check it out, and then send the
2043 person on their way or issue a citation or whatever, right?

2044 **PESSEMIER:** I think these are all great questions. I think it might be
2045 beneficial for the attorneys to give some examples of how other cities have
2046 done that. We've kind of had this conversation at City Council already, and
2047 there are definitely ways that other cities have dealt with this where it's
2048 the property owner's responsibility, but then there's also - the City has
2049 tools to hold the property owner accountable, and so we can give you guys
2050 some ideas and just some different tools that other people have used to do
2051 that. So those are all great comments.

2052 **JACOBS:** This is going to sort of sound like a joke, and it's partially meant
2053 to be that way, but it's partially serious, but there's a famous saying:
2054 It's like if you don't like sausage - if you like sausage or the law, don't
2055 watch either of them being made. And the reason I say that is that the
2056 devil's always in the details with the law. So as Tom was saying, there's
2057 lots of different ways to enact these prohibitions and put penalties or
2058 enforcement mechanisms in place - for example, you know, you could create as
2059 part of a nuisance ordinance these, you know, 24-hour parking or the
2060 dilapidated vehicles, and that could put that some burdens on the actually
2061 property owner to abate those nuisances, and if they don't abate the
2062 nuisances, they could be charged for the City doing so. So that would give
2063 them an incentive, therefore, to enforce it whether they're the property
2064 owner or they're renting it out to actually enforce that. So there's
2065 different ways to craft these laws to get at what you want, so the best way
2066 is for us to give you some examples, and then you can figure out what is the
2067 best way to make this a Sherwood ordinance as opposed to copying just some
2068 ordinance from some other jurisdiction.

2069 **MEYER:** Thank you. I think that would be really helpful. Great.

2070 **SCHOENING:** I do think that we need to spend some time clarifying what the
2071 living wage - I'm sorry. I'm a business owner. When people start talking
2072 about regulating wage, it gets very scary for us. So I need to understand,
2073 and I think Tom brought this up once already, and it's not happening. Either
2074 we call it living wage or we call it what we're actually talking about which
2075 I think is regulating part time/full time - we're talking about actually an
2076 employee environment, and I right? And not just the wages that are being
2077 paid.

2078 **FEMALE:** I think the Large Retail Accountability Act that Washington, D.C.
2079 just passed today would be a great starting point for us to look at, and I
2080 can share that with Tom. And I had the latest version; it was emailed to me
2081 moments after it passed today.

2082 **PESSEMIER:** Yeah. We heard, you know, there were some examples in Warrenton
2083 and some other things. So I think what would be beneficial would be for us to
2084 do a little bit of research and hopefully try to get those out before the
2085 meeting on Monday, and maybe as we have that meeting on Monday, really start
2086 talking about what does it mean to this committee when they're talking about
2087 living wage and what type (indecipherable) that too.

2088 **MALE:** And I think - sorry. I think maybe what Rachel is trying to get at was
2089 beyond the wage issue.

2090 **SCHOENING:** Right.

2091 **JACOBS:** That's there's not a lot of talk and impunity about regulating, you
2092 know, employee/employer relationships in regards to, you know, hours,
2093 scheduling, moving from part time to full time. And I know that there's an
2094 appetite for those things, and I think that they're valid for us to discuss.
2095 So I think that you were getting at that more beyond than just the wage
2096 itself.

2097 **SCHOENING:** That's what I'm talking about. I mean we can ask that a large
2098 employer to pay \$25 an hour, but if nobody can work past 10 hours a week, it
2099 doesn't matter. So I think for me it's more about the language at this point.
2100 We keep saying living wage, but I think we're discussing something much

2101 bigger than that, so I want to make sure that's what's addressed and what's
2102 researched is what we're actually talking about.

2103 **JACOBS:** So is the wage separate from the other issues around hours and...

2104 **SCHOENING:** Exactly. Right. Right because I think that Chad said something
2105 that I've read before in Oregon law about when you're talking about the
2106 hierarchy and whether we can set wage. If we can't set wage or we can't
2107 discuss wage at the City level, what can we do is I guess where I'm getting.

2108 **PESSEMIER:** And I think we're getting hung up on the word "wage." I mean...

2109 **SCHOENING:** Well, of course. I pay them.

2110 **PESSEMIER:** Minimum wage is the (indecipherable), but you're right. It's
2111 overall compensation that's really what you're talking about.

2112 **SCHOENING:** Right.

2113 **PESSEMIER:** And working, you know, conditions, and everything else. So I
2114 think we've kind of got that. So I think we know where we're going, but if
2115 you guys could think about that, and when we meet on Monday, be real specific
2116 about, okay when we're talking about living wage, I mean these five things,
2117 you know, and break it out into different things. Because those will probably
2118 will end up being separate ordinances if they move forward or things that you
2119 would want to consider.

2120 **FEMALE:** And I think, Rachel, once - I'm sorry to interrupt, Tom
2121 (indecipherable), and I think that once we have some examples of language in
2122 front of us to dissect and to really discuss, perhaps that will alleviate
2123 your concern of what is being discussed, what's not being discussed, what's
2124 important in meeting, what's not important. Is that fair that we table it
2125 until we have something in front of us?

2126 **SCHOENING:** Yes. Absolutely. Yes, and I guess my point is the more we start
2127 talking about - we keep talk about the fact that we're discussing wages, I
2128 don't want to lose sight of anything else that may be attached to an actual
2129 wage.

2130 **FEMALE:** And that's fair. Good.

2131 **PESSEMIER:** So just one quick thing. I forgot mention this at the beginning,
2132 didn't actually have it organized, but we're trying to create an Interested
2133 Parties list to be able to send out emails to the public on meeting times and
2134 everything because this is happening really fast, so we want to be able to,
2135 you know, say when we have meetings and give the information out. So in the
2136 back of the room, there's a couple sheets of paper where people can put their
2137 name and email address right onto a distribution list. That way they won't
2138 get all the emails that you get, but at least we'll give them the major
2139 emails as things are going on. So we'll send out an email out tomorrow saying
2140 that there's going to be a meeting on Friday, and go from there so we at
2141 least have some sort of list that we know how to communicate with people.

2142 **FEMALE:** Is there an email address they should contact or a person in
2143 particular to get on the list?

2144 **PESSEMIER:** No. If they just fill out the form in the back with their name
2145 and email address, we'll add it to the list, and then they'll get it from
2146 there.

2147 **FEMALE:** And is there a contact within the City that's managing the list? You
2148 know, so if we wanted to say to somebody, "Oh, contact Sylvia. She'll get you
2149 on the list." You know, they're not here or they couldn't come or they're
2150 watching or...

2151 **PESSEMIER:** Yes. You want them to contact you or me?

2152 **FEMALE:** Do you have a way to - an online form or something like that to
2153 collect those addresses?

2154 **PESSEMIER:** We used to, but unfortunately, the system's broken right now. So
2155 that's why we're kind of going back to the old school method of putting a
2156 list out there. They can email either Sylvia or I, and we'll get them on the
2157 list. It's also, unfortunately, our distribution lists have to be created by

2158 IT, so it's not working the way it's meant to be, and that's just because we
2159 have a new webpage, and the tools are broken. So email Sylvia or I, and we'll
2160 make sure you get on the list.

2161 **FEMALE:** If there was a list available, would you be able to, you know, take
2162 that and send out one saying, "If you'd like to participate in this list..."
2163 because I know there's a lot of emails that were collected, you know, in the
2164 letters that were sent to the City. There were a lot of email addresses
2165 contained in those.

2166 **PESSEMIER:** Yeah. Well, I think for the committee, we need to start something
2167 fresh. We put all the applicants who weren't selected - we sent an email out.
2168 They're already on the list, but to go back and collect stuff from the past,
2169 we don't have the time. And we don't know that they specifically want to be
2170 in the committee.

2171 **FEMALE:** Well, the form that they filled out, the petition - there's an area
2172 where they could write their email. So I mean I don't think it would be very
2173 difficult to take the - Not everybody did provide their email address. Some
2174 people just did their phone number or nothing, just their name.

2175 **FEMALE:** I think what I hear Tom saying is that based on resolution of this
2176 special committee, email addresses need to be collected from this point
2177 forward on interest based on what we're working on here. Is that what I'm -
2178 is that correct?

2179 **PESSEMIER:** That's what I'm suggesting. I don't think there's a hard and fast
2180 rule there to be honest with you, but we need to be able to manage this with
2181 the resources that we have, and that's not (indecipherable).

2182 **FEMALE:** I just think that a lot of these people are wondering, you know,
2183 what happened, you know? They signed a petition, and was their signature -
2184 did it have any fruit? Was it - are people listening? So I think that
2185 feedback from the City, that would just - that would be amazing to them.

2186 **FEMALE:** Perhaps we could, as Beth suggested, on the City's homepage, as
2187 you've been providing updates on what's happening, provide that as an
2188 opportunity, and then folks can distribute that as they're watching or
2189 listening to these meetings. And I would guess that the distribution list
2190 will grow pretty quickly.

2191 **PESSEMIER:** Yeah. One thing that we can certainly do is that we can just add
2192 to the page and the information that we put out. We can just add, you know,
2193 even at the bottom of the agenda or something, you know, just a little note
2194 down there who to contact to get on the list. So we can just start maybe
2195 advertising that on all the communication that we put out. We'll just create
2196 a standard paragraph that we put out and do that.

2197 **MEYER:** Question for you Chad. Is there anything in the rules, in the public
2198 rules, that would preclude committee members from sending out an email asking
2199 if folks would like to be on a distribution list or not.

2200 **JACOBS:** Not at all.

2201 **MEYER:** Okay. So any of us with contacts within the community can send an
2202 email asking if folks would like to remain on a distribution list. And then
2203 if we get reply yeses, we can just forward that distribution list directly to
2204 Sylvia. Okay. Well, it sounds like that could alleviate a lot of time and
2205 effort on many parts.

2206 **PESSEMIER:** That'd be great.

2207 **MEYER:** Cool. Does anyone else have anything to say this evening?

2208 **FEMALE:** I'm wondering how long we're serving on this committee. Is there an
2209 end date in mind or are we just sort of - like is it August, what was that,
2210 6th?

2211 **MEYER:** It sounds like, based on our calendar, that our final meeting will be
2212 August 5th, and then our recommendations will be made to Council on August 6th.
2213 And at that point, the committee will disbar.

2214 **PESSEMIER:** So section 5 says the special committee will make a written and
2215 oral report and policy recommendations to the city council at the first
2216 Council meeting in August 2013. We're anticipating that it might not actually
2217 be the 5th or the 6th. Terms of the special committee members will end at the
2218 conclusion of that meeting.

2219 **MEYER:** All right. Anything else for this evening?

2220 **FEMALE:** Do you feel like you want to finalize, was it the 24 hour?

2221 **JACOBS:** Yes. I know that we're putting it on the agenda for next week. We
2222 haven't gathered a lot of information about 24-hour ordinances. I'd really be
2223 interested to see what the perspective of, you know, business owners in town,
2224 small and large, are that are either open longer hours now or maybe would
2225 anticipate being in the future. I also think we need to make sure we
2226 consider, you know, the impact, you know, five years down the road of a
2227 potential business that might come to town, or the types - to me, the types
2228 of businesses is more interesting than - I think restaurants are open 24
2229 hours, and I think there's people that like to eat in the middle of the
2230 night, and I don't know that I would - I'd want to know what the citizenry as
2231 a whole think and get different perspectives on how they feel about that. I
2232 think - so I think that - that different segments of businesses may have - it
2233 may makes sense to have different regulations on different business types in
2234 addition to business sizes, you know, pharmacy. We don't currently have an
2235 all-night pharmacy, but I think there's potential that we could in the
2236 future, and we might want that in the future. If my kid wakes up sick at 3:00
2237 in the morning, I might want to be able to get something, you know, a mile
2238 away from home instead of five. So I just think those are things we need to
2239 consider and understand what the community as a whole wants. I know there are
2240 some people who are, you know, very vocal about, you know, 24-hour operations
2241 across the board, and I just - I want to understand what a lot of people in
2242 Sherwood think about that and not just in relation to Wal-Mart or any
2243 specific business or business type.

2244 **FEMALE:** Can we do it Thursday - next Thursday's meeting then be a good time
2245 to talk about 24 hour - because I think that, again, it's also one that
2246 probably deserves quite a bit of attention specifically because there are
2247 different kinds of businesses. I mean, our - I think Shari's is open 24 hours
2248 now, and (indecipherable).

2249 **MALE:** I think there are three businesses in Sherwood right now that are open
2250 24 hours, Shari's, Subway...

2251 **FEMALE:** Right.

2252 **MALE:** And I forget the third one. Is it McDonald's or something?

2253 **FEMALE:** The drive through.

2254 **FEMALE:** I think, I mean, some of the ordinances I researched, I mean, it
2255 tends to be focused on large retailers. Again, it's, you know, again
2256 different having a 30-person, you know, a 30-table restaurant open versus a
2257 75,000 square foot/145,000 square foot store.

2258 **PESSEMIER:** Well, and this will get into the conversation in regards to
2259 thresholds which, you know, I think is kind of what you're saying. And we're
2260 also going to have to have - I would like the City Attorney's office to do
2261 some research on what we can and can't do. I mean, Mr. Clos brought up time,
2262 place, manner, and content neutral. He's talking in regards to the first
2263 amendment and sign codes and those type of things. You know, but we also have
2264 to be careful about restraining free trade and potentially getting into areas
2265 where we're being difficult because are we just talking about retail? Are we
2266 talking about retail and industrial? Are we talking about employment? We
2267 might have different thresholds for each and every one of these different
2268 things, but we also want to make sure, like Meerta said, that we draft
2269 ordinances that will meet all the laws so we don't become the next test case
2270 between the Supreme Court. I don't think anybody wants that. So, Chad, if you

2271 guys can be thinking about that and maybe thinking about how those different
2272 things can be structure so that we don't end up stepping over lines. I know
2273 that I would appreciate that.

2274 **JACOBS:** So just to be clear about what you guys want for Friday because I
2275 want to make sure that we're giving you what you want because there's lot of
2276 different bags being thrown around. Do you want a discussion and examples of
2277 these 24-hour ordinances? Those being the overnight camping/parking and the
2278 being open for business 24 hours. Is that for Friday or is that for the
2279 following Thursday?

2280 **MALE:** I think the first one for Friday. The second one for the following
2281 Thursday is what I heard.

2282 **FEMALE:** What about Monday?

2283 **FEMALE:** (Indecipherable) with living wage.

2284 **MEYER:** So for our Friday meeting, to clarify, we're hoping that you can
2285 provide us information, maybe some examples of language on overnight camping
2286 - oh perfect. Yeah, dilapidated vehicles, pesticides, use of chemicals in
2287 general...Pardon?

2288 **FEMALE:** Storage of chemicals.

2289 **MEYER:** And storage of chemicals, maybe requirements for reporting that sort
2290 of thing. And then for Monday, we'd like to see language pertaining to living
2291 wage/minimum wage issues. And for next Friday's meeting - no, pardon me, next
2292 Thursday's meeting, the 18th, we would like information on, and examples, of
2293 24-hour regulations pertaining to businesses being open, what kinds of
2294 businesses, you know, that sort of thing.

2295 **PESSEMIER:** And information is getting done correctly. I have a comment from
2296 our person in the booth that some people aren't speaking into the mike, so
2297 there is no way that their comments will actually be able to be captured. So
2298 that wouldn't be good.

2299 **MEYER:** Thank you. So if anyone would like to let us hear your thoughts,
2300 please feel free to come up. I don't know anyone's names.

2301 **FEMALE:** I'll be first.

2302 **MEYER:** Okay. Great. Thanks.

2303 **SCOTT:** Timer.

2304 **MEYER:** Oh, great. Thanks, Doug. Can you be our timer person?

2305 **SCOTT:** Sure.

2306 **TAYLOR:** I can be very loud, so I don't want to be too loud. Nancy Taylor,
2307 Sherwood, Oregon. First I would like to just ask a question of the committee
2308 and then I'd like to give you three ideas. The first one I would ask is would
2309 any of you need to disclose anything like a relationship to a big box store
2310 such as you're currently selling property to one somewhere in the 4.5 square
2311 miles. That would be the first one. The second one would be do any of you
2312 have any family relationship to anyone who might benefit from you being on
2313 this panel? And then the few things I wanted to add were that we have worked
2314 very hard as citizens to collect the living wage petitions, and there are
2315 many comments on it, and I know that they are housed right here in this
2316 building, and I would recommend that you read them. They are comments from
2317 the folks behind me. The second thing I would like to add is, again,
2318 Washington, D.C. did manage to do this as has Warrenton, Oregon, as has many
2319 other very small communities, and we can help you with those names. We're
2320 pretty good at that. I have two brothers that are lawyers, so I'm going to be
2321 pretty good at that. And the last thing is, I hope that you understand that
2322 there are a lot of petitions going around in the community, so if you need
2323 more help, there is something called Monkey Survey. We can help you put
2324 together a survey and send it out to a large number of people that are both
2325 business owners and citizens. That would be it. Thank you so much.

2326 **MEYER:** Thank you. Come on up.

2327 **O'KEEFE:** Before she sits down or you sit down, I just wanted to disclose
2328 something, and now is a really good time when we're talking about disclosure.
2329 I do work for the fire department. I want everyone to know that when I
2330 applied, I put resident, but I do business as a firefighter engineer in this
2331 district, and I am frequently assigned to the Sherwood station. However, the
2332 opinions and the reasons for coming on here are my own, and I do not
2333 represent the fire district in any way or form when I speak my opinions, and
2334 I don't want to give anybody the wrong perception that I was chosen as - when
2335 asked if I did business in this - I do a lot of business, my doctor, my
2336 chiropractor, my eye doctor, Safeway, Target, all those places, but in the
2337 Oregonian, it was shortened up, "Firefighter Engineer." So I just wanted to
2338 clarify that that I am a resident, I do business, but I don't speak for the
2339 fire department.

2340 **MEYER:** And for myself, I don't represent any clients that house any
2341 businesses in Sherwood at all.

2342 Taylor: Thank you. Anyone else?

2343 **FEMALE:** I also want to disclose - I don't do business here, but I do have
2344 clients that - I just want to, for record, I'm not representing here as a
2345 resident of Sherwood.

2346 **MEYER:** Come on up.

2347 **DWAYNE:** My name is Bruce Dwayne, and I am a resident of Sherwood. And this
2348 will be brief. I am interested more in the process or mechanism for providing
2349 information. I've done a fair amount of research on this issue, and there's
2350 information that could be useful. There's a tool called the Economic Impact
2351 Review that might be very useful in terms of evaluating the economic impact
2352 of not just big-box stores but any large retailers in that category in terms
2353 of jobs. For instance, I believe there was one community where there was 115
2354 jobs created by, I believe it was a Target, but it wiped out 163 jobs. So
2355 you've got job creation but net job loss in the community, and that was a
2356 loss of \$21 million to the community which is a nice, subjective kind of
2357 issue to look at. And also, I had references and so forth. There's a lot - I
2358 just was having a discussion just a few minutes ago, and also - I didn't
2359 quite catch your first name, Taylor?

2360 **TAYLOR:** Nancy Taylor.

2361 **DWAYNE:** Nancy Taylor. Nancy mentioned, and I was going to amplify, that
2362 there are a lot of - it's a tricky situation, but a lot of communities across
2363 the country have done this successfully, and so we have templates to go by.
2364 And so I think that would be very, very useful as well. So I would like to
2365 know, what is the mechanism - I may or may not be able to attend all the
2366 meetings, but if I have information, how can I provide this? And I know
2367 there's issues about the quorum and so forth that, I think it was Chad, that
2368 was bringing up. How can I feed you guys information?

2369 **MEYER:** It would be helpful for you to email Tom directly, if that's okay
2370 with you Tom. And then if there's something that you'd like for us to look
2371 at, perhaps Tom can email it to the committee.

2372 **PESSEMIER:** Well, Sylvia and I can talk about that, actually. It probably
2373 would be best to come in to Sylvia. She typically coordinates the information
2374 flow in and out to committee members. But certainly, you know, public
2375 testimony is great, but written testimony is sometimes just as good, and
2376 certainly, it will be distributed to all of you, and you can all have chance
2377 to read it at your leisure.

2378 **MURPHY:** What we'll - I'm sorry. What we'll do is, more than likely - right
2379 now, the Special Committee is set up on the City Council's page of the
2380 website. So that's kind of where you exist. That's your home. The thought is
2381 to get this special committee set up with an email just like the city council
2382 has citycouncil@sherwoodoregon.gov, the special committee will be
2383 specialcommittee@sherwoodoregon.gov or something similar to that so that

2384 people can go to the website, send an email directly to the committee as a
2385 whole. It would not go to committee members individually, it's to the
2386 committee as a whole. Those emails are pointed towards me. It allows me to
2387 keep the record, but then I - what I'll do is I'll then forward it to you. So
2388 It's really important, if you guys are going to provide a different email
2389 address other than what we already have, to provide that quickly.

2390 **MEYER:** If Bruce submits information or anyone else chooses to submit
2391 information via email to you, would that then be placed on the agenda for our
2392 next meeting or we would just be able to refer to it?

2393 **MURPHY:** Basically, what will happen (cuts out)

2394 **MALE:** A question about the living wage on Monday, and this kind of tells us
2395 what we were discussing earlier is is that conversation strictly talking
2396 about wage, or is it open to the entire breath of the ideas we've heard in
2397 the community about managing part time, full time, part-time worker bill of
2398 rights, all these other ancillary employment issues, or is it strictly wage?
2399 Because I think that's a big distinction. Those are two very different things
2400 to me.

2401 **FEMALE:** I would really be interested in seeing what has been done in the
2402 past in D.C., and how any or all of those items could potentially apply to
2403 this community.

2404 **JACOBS:** So if I could make a suggestion because I think this is actually a
2405 pretty vague issue from the little that I've been involved in this project
2406 thus far, that has many more aspects to it than all the other things that
2407 you're talking about. So for Monday, I think it makes sense for us to come
2408 back and give you some advice about the minimum wage issue and then come back
2409 with some examples. For example, the congressional bill that was just passed,
2410 or was it actually the City of D.C., the Washington, D.C. bill that was just
2411 passed, the Warrenton regulations that people mentioned during public
2412 comment, and any other examples that we can find related to a living wage for
2413 you guys to start having the discussion about what aspects you would like to
2414 potentially talk about including in an ordinance. And then once you narrow
2415 the scope of that, we could then give you additional research on those issues
2416 as opposed to spending the time and the City's money researching this broad
2417 array of issues that you may have no interest in actually pursuing.

2418 **FEMALE:** I think that would be great.

2419 **MALE:** That would be great.

2420 **PESSEMIER:** So and then also there were the topics of bicycle parking,
2421 carpool parking, and just parking in general. I can certainly make copies or
2422 have Community Development make copies of the sections of the community
2423 development code that relate to those. When would you like to see those?
2424 Yeah, they're in chapter 16, but you guys have expressed an interest, so if
2425 you want the information, we're happy to provide it if you want it. And I
2426 guess my question is do you want it and when?

2427 **MEYER:** I think for the sake of tonight, I would like propose that we table
2428 that discussion until after we've had an opportunity to maybe take a look at
2429 some of the other more pressing issues. What do you...?" I don't know you well
2430 enough to read your body language, Rachel. I don't know you at all.

2431 **SCHOENING:** I am somewhat familiar with the bike issues because we just went
2432 through this in Old Town which I don't know if it actually has the same rules
2433 because we don't have the same rules for a lot of different things, Tom?

2434 **PESSEMIER:** Yeah. (indecipherable) is different.

2435 **SCHOENING:** Right. But I do know it was a concern for me as a business owner
2436 when they redid Old Town that there was bike parking, and so I looked at it,
2437 and it looked pretty good. It is in line with what Metro recommends. When I
2438 say, "It looked pretty good," what the City has in...yes, in place. So I - you
2439 don't have to take my word for it. I think it's worth it. I think most
2440 definitely if Naomi is concerned about it, she should read it and take a look

2441 at it. But it did look like something that wasn't - I think the only concern
2442 would be whether the rules were followed in the new development.
2443 MEYER: So for the sake of our next agenda, would you be comfortable, Naomi,
2444 if we tabled that discussion for now?
2445 BELOV: Sure. That's fine.
2446 PESSEMIER: And understand that we have been doing a code clean-up process.
2447 We've kind of paused here because development activities picked and staffing
2448 levels, but those are still issues that can be dealt with through a different
2449 process, through community comments and all of your involvement in the
2450 community which you guys have expressed, and we hope to continue this for a
2451 long time. So there are other ways to get there as well other than this
2452 committee.
2453 MEYER: Great. Well, with all of that said, thank you, Chad, for stepping in.
2454 And thank you Staff and everyone else for being here. Yeah, did you have
2455 another...
2456 JACOBS: I wanted to say one more thing in listening to the public comments
2457 tonight. I feel like, you know, maybe some of the things tonight were
2458 misconstrued, and I just want to make it clear that I am completely open
2459 minded to everything on the table and that my verbal concerns about
2460 proceeding with care and an abundance of caution and not acting without due
2461 diligence should not be perceived as being against or for certain things.
2462 It's just - that's just the way I work. I want to make sure that we're
2463 proceeding carefully and cautiously and looking long term on anything that we
2464 consider. So I just want to clarify that. Thank you.
2465 MEYER: Thank you very much. With all of that, we are adjourned. 9:30pm

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Minutes Transcribed by:

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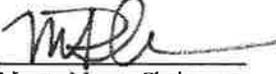
Minutes approved:

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Meerta Meyer, Chair

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Date

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Documents presented at the meeting:

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Exhibit A-Resolution 2013-034 & Resolution 2013-025

2486

Exhibit B-Quick Reference Guide to Oregon Public Meetings Law

2487

Exhibit C-Public Records & Meetings, document provided by Beery Elsner & Hammond, LLP

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Exhibit D-Meeting Calendar

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Exhibit E-Memorandum from Beery Elsner & Hammond, LLP

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