

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

City of Sherwood
Special Committee Meeting Minutes
07/15/13, 6:30pm
22560 SW Pine Street, Sherwood, OR 97140

MEYER: Good evening. The meeting will now come to order. Sylvia, would you like to take roll call?

MURPHY: Chair Myers?

MEYER: Yes.

MURPHY: Beth Cooke?

COOKE: Here.

MURPHY: Rachel Schoening?

SCHOENING: Here.

MURPHY: Dough Scott.

SCOTT: Here.

MURPHY: Larry O'Keefe.

O'KEEFE: Here.

MURPHY: Naomi Belov?

BELOV: Here.

MEYER: Thank you. We are going to need a table approval of the July 10th and 12th meeting minutes. Those are not yet available. So now I am happy to open the floor to any public comment. So you can feel free to come up and address the committee with any thoughts or questions or concerns. Come on up.

BELOV: I know a few people that aren't here that did want to comment.

MEYER: Yeah, we've allotted 40 minutes so if they're not trickling in, we'll -Go ahead Nancy.

NANCY: Okay. Good morning, good afternoon, good evening. Whatever it is. Again, I think everyone's told you all this, but congratulations and wow, this is really a big job. Okay. I want to talk a little bit about what you talked about in the very first meeting. I couldn't come to the last one. I'm sorry. I have to sleep occasionally. Who knew? The District of Columbia and living wage - I've been very proud of what they've done. I know our minimum wage here is rather high in Oregon, and I would be even prouder if the City of Sherwood would take a piece of this on. I don't know what piece you want to take on, but there seems to be a piece you could take on that said, "If you're going to come here and you're going to do business, we have a lot of other fine companies here, and we want you to be at least as good as they are if not better because we have pride, and we hope you have pride." That's all I wanted to say.

MEYER: Thank you.

O'KEEFE: Thank you.

MEYER: Would anyone else like to comment this evening? Okay. Tom, I think we'll just go ahead and start with new business, and then if some folks trickle in, perhaps we can open up public comment a little later.

O'KEEFE: I know there are some people that just walked in. Were you guys interested in any public comments because we're just about ready to close those. Okay.

52 **SCOTT:** Is this, from a point of clarification, is this something we
53 can decide to reopen later without being afoul of any rules of order
54 or anything.

55 **PESSEMIER:** Your meeting is entirely up to you to determine how you
56 want to run it.

57 Scott: Good. Thank you.

58 Pessemier: As long as you have consensus, I mean majority of the
59 members, you could open it up until 2:00 in the morning if you want.

60 **SCHOENING:** Not you can't.

61 **PESSEMIER:** So I want to - actually this is my item, so I want to make
62 sure I'm clear on what the question is here. So this is a question
63 that we've kind of talked a little bit about before about whether or
64 not we can draft ordinances related to construction of new buildings
65 and developments. So what exactly is the question here?

66 **MEYER:** I think in our last meeting what we discussed was whether or
67 not as a committee we could make a recommendation to council
68 requesting new developments, new construction, implement better or
69 best construction practices as it pertains to sustainability and
70 natural resources, lead certification, that sort of thing.

71 **PESSEMIER:** Okay. Yeah. So here's my thoughts on this. I did think
72 about this a little bit, and I'm kind of going to make a general
73 comment here, not just specifically about this one issue. There's a
74 few things that I think aren't practical, number one. So given the
75 time frame that you have, we can certainly put together ordinances
76 that pertain to things that are outside of chapter 16. If you're
77 talking about lead buildings or new types of buildings or other
78 things, those are all going to be determined in the land use process,
79 and the land use process requires DLCD notification. It requires
80 public hearings before planning commission and then council, and the
81 clock will run out way before that even happens. So there's a
82 practical consideration there. There is also whether or not this was
83 what council wanted. They said business regulations and in the
84 resolution that they passed, they said - there were three items that
85 had been discussed, and those were the 24-hour operations businesses,
86 the camping overnight, and then the living wage or the worker's bill
87 of rights, or whatever that - there was a lot of different things.
88 They didn't limit you to those things, and certainly you can go
89 outside of those areas, but it didn't sound to me like that was really
90 where they were thinking this committee would go. And the third thing
91 is there is a committee already in place to do that. So to some sense,
92 if you start getting in to chapter 16 and things that are in chapter
93 16 then you're going to be stepping all over the planning commission
94 toes and the committee that council has already put in place to
95 address those kind of issues. And so I think, and I haven't talked to
96 the attorneys about this, but I would really be concerned, especially
97 if you start going down the route of preparing an ordinance that might
98 be somewhere in chapter 16 because our land use rules are completely
99 different for records management than they are for something that
100 council would do because we have to keep records of everything that
101 comes in and put them in a certain format in case it's ever appealed
102 to LUBA. So all that information is tracked differently. We'd have to
103 bring in staff that's differently. We'd have to do a whole bunch of

104 different things, and I'm not sure that that would even be - it
105 certainly wouldn't be a best practice because we have a planning
106 commission that is supposed to be considering those matters. They have
107 a process in place. There is a type of procedures that have to happen
108 so that if we're ever appealed, we can defend the case. And so if we
109 started getting into chapter 16 stuff, I just don't see how that is
110 really going to be timely, probably not what was asked for, and is
111 really probably going to be problematic because there is a group
112 that's already going to do that. So my thought on that would be is if
113 you guys have things that you would like to see, then maybe you can
114 come up with some recommendations on things to consider potentially.
115 Say, "Well, Council, we really think that lead certification is
116 something that should be looked at, and maybe that would be something
117 you could add to the planning commission's list of things to do." But
118 rather than trying to pursue an ordinance which is, as I think I told
119 you before, you got four or five, you aren't going to make it in time
120 for that one anyway. I think we know that. So maybe what you can do
121 is, if you have time, think about, "Okay, well, these are some
122 recommendations we might have for future conversations and other
123 processes" and may be able to put through the planning commission. So
124 those are kind of my thoughts.

125 **MEYER:** Okay. Thanks, Tom. Any comments or discussion on committee
126 about anything Tom said?

127 **O'KEEFE:** Only that - I think - and that's a good clarification for
128 me, but I would probably be inclined to move on to our agenda items
129 for - what was it tonight? Living wage?

130 **MEYER:** Okay. Anyone else? Great. So the next line item on the agenda
131 is a discussion related to crafting an ordinance that would
132 effectively promote and produce family wage jobs within the City of
133 Sherwood. So with that said, I think I'd like to start with a few
134 opening comments. I had an opportunity today to make a quick phone
135 call to a gentleman who recently posted on his blog a Sherwood real
136 estate market update. His name is Steve Thoele, and he gave me
137 permission to share some thoughts that he had. One of the things that
138 he expressed to me were that there are about 14% of the recently
139 closed properties were distressed properties within the City of
140 Sherwood, and I asked him if he had any thoughts or commentary from
141 his buyers about Sherwood and why folks are attracted to this
142 community. And he indicated that as his clients are looking at
143 Sherwood, they identify that this is and has been one of the top
144 places to live in Oregon. He said that his clients comment regularly
145 on the feel of Sherwood. He also indicated, conversely, that about 85%
146 of Sherwood residents commute outside of Sherwood for work which is
147 concerning given that we already have a significant amount of vacancy
148 within the city. He has been a resident of Sherwood since 1998, and he
149 really supported a lot of the work that we've already done and
150 ordinances that we're looking at in terms of limiting overnight
151 parking and camping and those sorts of things on public properties,
152 and he also indicated that he was a proponent of some of the other
153 ordinances that we will be discussing including, but not limited to,
154 limiting additional big box stores within Sherwood as well as limiting
155 24-hour business operations within the city. He said what he and his

156 clients would like to see is a continued effort to promote a family
157 friend Sherwood. So with that in mind and in an effort to really focus
158 in on our agenda item tonight, I would like to open up discussion on
159 committee about how we feel like drafting this ordinance makes sense
160 for the city.

161 **O'KEEFE:** Can I go first? I just wanted a clarification from Heather
162 because you were going to check into the legality of where we sat with
163 the living wage and affecting the minimum wage. As I currently
164 understand, the state minimum wage is not something we can change or
165 affect of override.

166 **MARTIN:** I did look into it as we talked about a little bit on Friday
167 in ORS 653.017. Basically, local governments are limited in how they
168 can affect the minimum wage, and they're - an overall higher than the
169 minimum wage as set by the state, the city would be able to just
170 uniformly apply that in the city. But you could look at doing
171 something similar to what Ashland or Portland - there's other cities
172 that have taken some of those exceptions where there are areas that
173 they can control. So any of their public contracting that they do or
174 contracts that they have with vendors requiring those vendors and
175 contractors to pay a higher than minimum wage to their employees. Or
176 basically also requiring the city itself or other public employers
177 that operate in the city to pay their employees a higher than minimum
178 wage, a living wage. So that's the answer to your question directly
179 relate to the minimum wage. I don't know if that answers your
180 question.

181 **O'KEEFE:** Yeah, absolutely. I think that gives us somewhere to go.

182 **MEYER:** Okay. Thank you.

183 **MARTIN:** And I provided you with Ashland's ordinance that they have. I
184 was going to try to pull Portland, and I just didn't have time. I just
185 ran out of time to get the information to you. And there are several
186 other Oregon cities that have ordinances that address it. So we can
187 look into -

188 **SCOTT:** So just to be clear, the Ashland ordinance and the Portland
189 ordinance and any ordinance that we could potentially pass would not
190 affect general retail, big box retail, anything along those lines. It
191 really only would affect a public employer or a company directly
192 contracted with the government.

193 **MARTIN:** If you're just looking at the minimum wage question, yeah.

194 **SCOTT:** Yeah.

195 **MARTIN:** And as an open question, I would need to do more research. I
196 didn't have as much time as I would have liked to look into the
197 question because basically it talks about wages. It limits you in
198 wages, and wages is defined as compensation that's paid to the
199 employee. So I didn't really get to delve into the question of so what
200 if you wanted to look at requiring certain benefits or requiring a
201 certain payment for benefits. Would you be able to do that and still
202 be within the parameters of 653? And depending on how you worded it
203 and how you structured it, potentially, you could try to avoid any
204 issues that you had with that. It's just something that we would need
205 to do more research on. And I think it's also obviously something that
206 you would want to get a lot of feedback from the community on in terms

207 of how that would impact everyone. Hopefully that answers your
208 question.

209 **MEYER:** Thank you. Anyone else?

210 **COOKE:** Thank you and thank you for that in particular. I think that
211 it is important that we look at - I mean, there are things we can do,
212 and it would be, I think, very useful for us to have an idea of
213 particularly the benefits because we could still accomplish some of
214 those goals and making sure that workers are treated at a certain
215 level. I mean, I know that Albertson's and Safeway both provide very
216 good quality benefits for their employees, and Albertson's has already
217 notified their employees to tell them that changes to the city are
218 going to be impacting their business and the number of employees they
219 have and the number of hours. So as we're having companies that are
220 already here impacted, I'd like to see us at least explore what we
221 could do under that standard.

222 **MEYER:** Are you suggesting that we take a look at all business? Are
223 you suggesting that we look at any minimum or maximum thresholds?
224 Anything along those lines?

225 **COOKE:** I still think that the Washington, D.C. thresholds that
226 they've set - that sets a good standard with their recent passage.

227 **SCOTT:** So the standard would be non-union, 75,000 square foot or
228 more? I think that's the Washington, D.C. standard.

229 **COOKE:** I believe it was.

230 **SCOTT:** And \$1 billion dollars in worldwide sales.

231 **COOKE:** Correct.

232 **SCOTT:** So that would affect maybe two or three businesses in town.

233 **MEYER:** And potentially new businesses coming.

234 **SCOTT:** Sure. So I guess my question then would be if we feel like
235 this is an important protection for workers in Sherwood, why would we
236 want to limit it so much? It's important to provide protections to -
237 for example, there's companies that aren't here now, but they could
238 come here, that are multinational companies that make billions of
239 dollars a year, but their stores operate on 10,000 square feet or
240 5,000 square feet. Why would we not want to include those workers in a
241 legislation like that?

242 **COOKE:** I think if you find - most of those stores, often they do have
243 better benefits. I think you're probably referring to some of the
244 Apples, the Microsoft stores. Often they do - if you look at the types
245 of benefits, they're not bad actors within the marketplace. When you
246 look at - so if we're trying to set a floor-level threshold, then that
247 would be something to consider.

248 **SCOTT:** Sure, but this is a legislation that was going to last for who
249 knows how many years. We don't know - we can't predict what other
250 retailers in the future may or may not do. To limit it to what we know
251 now and say, "Well, we know this particular retailer who might come
252 here or might never come here, offers great benefits." Well, what
253 about another retailer that becomes popular ten years from now that
254 operates 10,000 square foot stores and gives terrible benefits, why
255 wouldn't we want - if we decide that this is something that's
256 important, why wouldn't we want to protect those workers, too. You see
257 75,000 square feet seems extremely arbitrary to me and extremely
258 targeted, and I guess that's where I'm struggling. If we think this is

259 important, why wouldn't we want to cover as many people as practically
260 possible.

261 **COOKE:** And I think Washington, D.C. did consider different thresholds
262 and then did revisit that and go back to the ones that they said under
263 the -

264 **SCOTT:** Yeah. And New Mexico's ordinance is actually much broader,
265 Santa Fe, New Mexico, excuse me. Theirs covers every employer over 25
266 employees. So they didn't have a lot of exemptions and exceptions for
267 particular businesses or unions or non-unions. They just said if you
268 have 25 people then all living wage applies to you. Obviously, we
269 can't do the wage part, but if we start talking about benefits, here
270 we're talking about thresholds particularly. So I guess I'd be more
271 interested in - if we're going to do anything like this, I'd be more
272 interested in a threshold that covers as many people as possible
273 without severely damaging the really small businesses. So I don't know
274 if that is 25 employees or 50 or what the right amount is, but I think
275 the way Santa Fe did it is a lot closer to something I could agree
276 with than the way Washington, D.C. did it.

277 **COOKE:** And I think in times there's ideals within setting standards
278 for statues, and there's also - this is something that we have to be
279 keeping in mind that we're going to be crafting for voters to make
280 sure that we - we need to be able to put it before something we feel
281 we can pass. And so at every threshold level, we're going to find
282 support from voters, and others will change. So I think it's also
283 important for us to remember that what we're crafting here is also
284 being crafted as ballot measures that we're going to be put to voters.
285 So I think while I agree it would be fantastic if we were able to pass
286 a standard of that nature, I'm also concerned whether or not we would
287 be able to pass it at the ballot.

288 **MEYER:** I'd like to add a couple of comments to both of those points.
289 I had an opportunity to take a look at the San Francisco Small
290 Business Protection Act, and there were a lot of points that were
291 raised within San Francisco's ordinance that I felt like could be
292 really useful for us to explore. A couple of things that struck me as
293 the underlying basis for which San Francisco passes ordinance was to
294 really preserve the local character and prosperity of different
295 districts within San Francisco. And I think that given Council has
296 provided us this opportunity to better define what the City of
297 Sherwood may or may not look like at some point in our future, I think
298 if we craft and look to Staff and Council to help us craft ordinances
299 that are as specific as we'd like to see, we have a basis upon which
300 Heather and her office can come back to us with suggestions on what
301 might work. I hear what you're saying, Doug, and I think it's
302 reasonable. It think that as Tom mentioned earlier, perhaps one of the
303 recommendations that we may or may not decide as a committee to
304 recommend to the planning commission or Council is looking at
305 requesting the planning commission take into account other
306 measurements or apply a different set of criteria to reviewing
307 applications. As we're exploring a main street within Sherwood and as
308 we're looking at the Sherwood Town Center, all of these things as they
309 relate to protecting and preserving the local character and prosperity

310 of Sherwood I think makes sense. Anyone else? Rachel did you want to
311 add anything?

312 **SCHOENING:** I think you'll be surprised that I agree with Doug. I said
313 in the beginning that I'm not interesting in targeting a specific
314 business in crafting these ordinances. I believe that we've heard from
315 - in looking at different comments that the public have made, we've
316 heard that a concern is crafting the big picture and where Sherwood is
317 going to be going in the future, and what do we want to see, and what
318 rules to we want them to follow, and what are the footprints? And I
319 believe that trying to target only big box retailers is a mistake. I
320 also think that while Albertson's should be held in high regard for
321 what they're doing, they're a union shop.

322 **COOKE:** Not locally.

323 **SCHOENING:** They offer union as a corporation which I think makes it a
324 different playing field. The City of Portland passed the Sick Leave
325 ordinance, and that is for every single business that does business in
326 the City of Portland, and while I think that is going to be difficult
327 for the city and for some small businesses, people I know, they did
328 it. And it's a much bigger city than this, and they have a lot more
329 small businesses than we do. I do think that we need to pay attention
330 to the businesses that are already here, but I think we really, really
331 need to pay attention to businesses that come in in the future. We
332 just went to a meeting where there is a new development right here in
333 Old Town with retail space, and there are very large companies that
334 can come in an lease a retail space for way less than 6,000 square
335 feet that are national organization that don't pay any more than
336 minimum wage that do not offer more than part-time employment. So if
337 what we are talking about is accruing sick leave, offering more than
338 part time, a clean and safe and good work environment for workers, it
339 needs to apply evenly. And that's healthy for small businesses as well
340 as large businesses and for future development in my opinion.

341 **O'KEEFE:** Nicely said. I would agree with Rachel. I'd also agree with
342 Doug on - I think in reading the handouts that we received on May 31st
343 on page 7 where it talked about the other types of regulations that
344 cities have enacted to create better working conditions, and I know
345 we've already confirmed that we really can't do anything with wages,
346 but it is my opinion that the last option regarding health care
347 standards, we might be able to address some of these concerns of maybe
348 stating it so simply as companies with more than X amount of
349 employees, and I was kind of thinking 50 but decide on a number, pay a
350 certain amount of health benefits per employee. And then that covers
351 your - it kind of covers your wage, your compensation, and your
352 benefits all in one package whether they're part time or full time. I
353 think you guys would also agree that there's plenty of businesses -
354 Rachel just mentioned some, national organizations that come in here -
355 there are plenty of businesses in Sherwood with more than 50 employees
356 that are paying their employees - it may be a movie theater or a tire
357 store or any number of places that would pay their part time or very
358 few full-time employees. And I think that's where we need to look at
359 making those sweeping changes for not just business but the businesses
360 that are going to come to Sherwood in the future.

361 **MEYER:** Thanks, Larry. So Tom, to ask a question: Given your earlier
362 comments, what kind of a recommendation or - I don't even know if an
363 ordinance in this case would be plausible, to perhaps better define
364 how we wish for applications to be reviewed. One of the things that
365 I'm hearing from the three of you in particular is that we do want to
366 see family-wage jobs grow in Sherwood in a way that employees are
367 provided relatively clear health benefits and other benefits, and I
368 don't want to paraphrase what you said, Rachel, so jump in, but one of
369 the things that I feel like I heard you say was that you're a little
370 bit concerned about some of the national retailers potentially coming
371 in to Sherwood and not even perhaps maintaining local dollars within
372 Sherwood. Is that a fair -? So one of the things that strikes me, Tom,
373 is is there a way for us as a committee to establish, with your help,
374 an ordinance that would implement a greater review process for
375 planning commission as new applications are coming in?

376 **PESSEMIER:** Well, I'm a little confused so let me try to make sure
377 that I understand.

378 **MEYER:** Okay.

379 **PESSEMIER:** Because I think what you're talking about in these type of
380 ordinances really wouldn't be processed through the land use process
381 at all. So I don't think it would be something that would be a
382 condition of approval. It would ultimately be on the property because
383 if it is then you're only talking about businesses from here forward
384 or new businesses. Everybody else is going to be existing, non-
385 conforming under the code, so it won't applied to them. And then
386 you're going to create this tiered system and a lot of really
387 confusion. So I do think that you can put together an ordinance that
388 covers these issues that you're talking about as long as it meets all
389 the other criteria- federal, state, RESA, and everything else, but it
390 wouldn't be land use directed. So I do think that you have the ability
391 to do this without touching Planning Commission or the conditions of
392 an approval or an application process for development would be my
393 suggestion.

394 **SCOTT:** It would just become part of doing business in Sherwood where
395 as a company coming in would have to look at the ordinances and say,
396 "Okay. Well, if we come here, we have to give X sick time or X dollars
397 of hour for healthcare benefits and then they decide whether that's
398 something they want to do and locate in Sherwood or whether they
399 decide not to and don't locate in Sherwood. But it wouldn't be a part
400 of the site plan approval or conditional use or anything like that.

401 **PESSEMIER:** That would be my interpretation of the way that it would
402 work. I think that if you tried to pull it into that, it would really
403 be problematic. And so you can do ordinances that will apply to
404 existing businesses and new businesses and everything equally,
405 although you could stage it in over a period of time for existing
406 businesses if you wanted. And there are some ways to get around the
407 compliance rules which Heather would have to weigh in on as we thought
408 about things. But certainly, that's what I would recommend. I wouldn't
409 recommend doing it in the land use code. Even if you could, I don't
410 think that would be the place to do it.

411 **COOKE:** And I'm happy to support a lower threshold if the committee
412 feels that that would be conducive, especially if you only have small
413 business support for it because everything you've said, I strongly..
414 **SCHOENING:** I'm only one small business, Beth.

415 **COOKE:** But having met over the last year and a half with numerous
416 small businesses in Portland, I did a lot of business outreach
417 (indecipherable) sick-leave campaign. I did a lot of business outreach
418 and meeting small businesses, and time and time again, what you said
419 is exactly what I heard from them. They value their employees so
420 highly. They know that their business success depends or fails on
421 their employees. So what you said just echoes so many of those
422 conversations. And it makes me proud of our small business owners
423 throughout the country because that's what I kept hearing over and
424 over again was that same kind of sentiment from them about how they
425 feel about their employees.

426 **MEYER:** Well, with that said, as we've discussed in earlier meetings,
427 perhaps we should come up with our wish list as a committee and give
428 our city council an opportunity to go back and pull together perhaps
429 some sample ordinances, some language for us to review.

430 **MARTIN:** So one of my biggest concerns that, if any of you were at the
431 city council work session when we talked about a lot of the ideas
432 specifically for Sherwood is going to be implementing it and enforcing
433 it. And when we talked about that, I knew that BOLI was implementing
434 Portland's sick leave law. So I talked to the head of the wage and
435 hour division there just to get a sense of how is this going to work.
436 I also talked to the Portland city attorneys who drafted the
437 legislation, and they were still working on basically their
438 administrative rules and how it was going to work, and they weren't
439 able to really give me a sense of how it was going to work, and
440 they're actually hard at work on those rules right now. So I think
441 that's a really critical piece in determining how you want to move
442 forward. And I'd also like to get a sense from them how much it's
443 going to cost the City of Portland to do this. They are going to have
444 an IGA with BOLI (Bureau of Labor and Industries), and I don't have a
445 sense of that at all right now. Because right now, the city definitely
446 doesn't have any sort of mechanism. It's not like it's a traffic issue
447 where you already have police officers who have experience in
448 enforcing that. There's really no one at the city right now, I mean,
449 correct me if I'm wrong - so that's always been one of my biggest
450 concerns. And I know it definitely can be something more of a longer-
451 term goal that you have. Short term, it's going to be really hard to
452 get those answers that you want by the beginning of August. So that's
453 just one of my things that I wanted everyone to keep in mind in terms
454 of drafting that type of ordinance.

455 **COOKE:** So I've actually spoke with BOLI, some folks at BOLI as well,
456 and they'd be happy to come and talk in front of the committee, just
457 kind of discuss some of the options available as well to us with us.

458 **O'KEEFE:** As I understand it, there would be the enforcement, the
459 record keeping, and I'm kind of thinking, probably a full-time
460 employee to, at least one, to implement all of this.

461 **MARTIN:** And it depends. It depends on what you look at doing. For
462 BOLI, it was going to be easy for them to take the sick leave program

463 under their wing because they already have trained wage and hour
464 individuals that work at BOLI and so that's - they're treating it as a
465 wage and hour violation (indecipherable). They haven't put the rules
466 out, but that's what they said they were going to do. So it would just
467 be a matter of we would have to work with BOLI and try to craft it in
468 such a way that it would be not onerous for them to enforce it.

469 **SCHOENING:** With all due respect, it really isn't really our job to be
470 concerned that piece, is it. As a special committee, I thought that
471 our job was to craft an ordinance that we felt was going to address
472 the concerns of the citizens, the public, and it's up to city council
473 whether they want to use that ordinance or not. Am I right? I get that
474 we shouldn't ask for the sky..

475 **O'KEEFE:** I would totally agree with you. And let the voters decide
476 whether it's the cost versus benefit for the City of Sherwood in the
477 future. Right?

478 **SCHOENING:** I feel like if we going down that road then we are
479 managing the city, it's Tom's or Joe's, sorry. But what I feel like
480 what we need to do is craft an ordinance that we feel reflects what
481 we've been asked to do and then allow city council to determine
482 whether that is something that they want to tackle. Am I -?

483 **BELOV:** We could, however, give them information about how it could
484 save the city money. If the employees don't have to enroll in public
485 services or health care - We can give that information..

486 **SCHOENING:** I'm not saying that. I'm just saying we have such limited
487 time. I mean, I totally hear you, and I think that any tools we can
488 give with our recommendations are great, but at this point, I feel
489 like we are so short on time that trying to do their job as well as
490 ours is going to get us very bogged down. And I feel like where Meerta
491 was coming from - and I think the rest of us is let's get this list,
492 let's get it in place, let's figure how the language can work and then
493 get it in front of City Council and let them make a determination
494 about whether they can handle it or can't. And at that point I would
495 assume - I'm sorry..

496 **SCOTT:** That's okay.

497 **SCHOENING:** At some point, the public will still be able to make
498 comments to the council once we've set those ordinances in place. Am I
499 correct? Or will there never be..

500 **PESSEMIER:** Well honestly, I think they go hand in hand. The reason I
501 say that is because I think you're right ultimately. It is a policy
502 decision the council will need to make in order to determine whether
503 or not they think there's enough benefit in the ordinance to justify
504 the additional whatever that might be in order to implement the
505 ordinance. But as you write the ordinance you're going to find the way
506 that you write it is going to determine how difficult it's going to be
507 for them to do that. So if you make something that is very cumbersome
508 to implement, then it's probably going to be DOA, and you've wasted
509 your time. So you're correct in maybe you don't need to be making all
510 of the decisions because that's something that they're going to make,
511 but I do think that you do need to keep that in mind and at least
512 probably have some sort of thought process of how that might work so
513 that there is some simplicity in the way that that's put together so
514 that it doesn't get to them, and they've only got a couple of weeks,

515 one to two meetings at the most, in order to deal with that, and then
516 they just can't because it's too - the way that it's written would be
517 so difficult to implement that it wouldn't even be something they
518 would want to refer to the voters.

519 **SCOTT:** So, Rachel, I agree with what you're saying, but I also know
520 that a lot of the citizens are really concerned about the budget.

521 **SCHOENING:** Sure.

522 **SCOTT:** And a lot of those citizens are the same citizens who are
523 asking for some of these ordinances. So I do think that we at least
524 have to consider, to some degree, the possible budgetary impacts on
525 things that we do. I'm not saying we discount things because of that,
526 but I think to Tom's point, we need to make sure that we're crafting
527 legislation that can be implemented as budget conscious or budget
528 friendly as possible. I think that is part of our mandate.

529 **COOKE:** I will say that in Portland, one of the things - it's a
530 complaint-driven process. So they're doing notifications that will be
531 part of the - they'll undertake a certain notification process to
532 businesses that will be impacted and then they will be - the actually
533 enforcement will be complaint driven. So they're not going to be
534 having a staff member who is going to be going out and auditing. It's
535 going to be complaint driven.

536 **SCOTT:** I understand the violations are complaint driven. Is there a
537 reporting and recording keeping requirement?

538 **MARTIN:** For example, if you look at the San Francisco ordinance that
539 I gave you, it has the reporting requirement. So every year, they have
540 to report - so there is, I'm sure..

541 **SCOTT:** There's got to be staff that manages that.

542 **MARTIN:** There's got to be a full-time person there. So if you craft
543 it that way.

544 **SCOTT:** Did the Portland ordinance have that do you know, Beth?

545 **COOKE:** You can choose. Actually, they're going through rule making
546 right now for the Portland process.

547 **SCOTT:** So we don't know yet? Okay.

548 **BELOV:** And the cost is on the employer. It's assumed?

549 **SCOTT:** The cost of the public employee to do the records?

550 **BELOV:** No, the record keeping. It says here it's on the employer. It
551 says, "It shall be presumed that the employer who did not make the
552 required health expenditures for the quarter for which records are
553 lacking."

554 **SCOTT:** That's if you come to a violation.

555 **BELOV:** Right.

556 **SCOTT:** But assuming they're reporting quarterly, there's someone at
557 the City who has to receive those reports and keep a record of them in
558 the database or whatever, right?

559 **MEYER:** Tom, are you going to say something?

560 **PESSEMIER:** No. I just wanted to switch mikes out. This mike is really
561 soft and doesn't work very well.

562 **MEYER:** Just wanted to make sure. So, to circle back, I feel like it's
563 really important for us to identify the core issues that have been
564 identified not only in our meetings and in our conversations but by a
565 lot of the comments that we've reviewed that have come into the city
566 via citizen comment. So perhaps we can focus on, again, the issues

567 that we are most concerned about, identify the core issues, and then
568 make a request of Council and Staff once we've narrowed down, for lack
569 of better terms, a wish list of considerations.

570 **O'KEEFE:** Maybe it would be prudent to start with an amount of
571 employees, and before we do that, I like Tom's idea of the phase in
572 process because that would make it kind of easier to draft for
573 everything so that you don't have all businesses doing this on such
574 and such a date. Existing businesses would phase in. New businesses
575 would do it by the time they opened. But yeah I'd be interested in
576 narrowing down the amount of employees or other parameters.

577 **PESSEMIER:** I have a question: When we talk about employees, are you
578 only talking about retail employees or are you talking about other
579 types of businesses as well?

580 **SCOTT:** I think it should apply as broadly as possible.

581 **O'KEEFE:** I was thinking of the same thing of all employment
582 businesses with a city license.

583 **MEYER:** So what you're suggesting is not only retail facilities but
584 industrial facilities, office facilities, all across the board? And
585 I'm asking a question, not making a statement.

586 **O'KEEFE:** I think so. If we're going to make - I guess, I stutter at
587 the words "sweeping changes," but if we're going to make a broad
588 change for the City of Sherwood then it should include as many
589 businesses as possible.

590 **SCOTT:** Yeah, I mean, I think we're here, and I hear all these
591 comments from the community, and I read the petitions and the comments
592 on there, and what I hear is about employee rights, employee benefits,
593 wages - everyone is concerned about those things, so I don't
594 understand why we would draw a distinction between retail, industrial,
595 commercial, or whatever. An employee is an employee. If they're an
596 employee of the City of Sherwood, and we feel like these are
597 important things that we need do to protect and benefit employees in
598 the City of Sherwood, why would be arbitrarily that decide only this
599 segment is worthy of that protection.

600 **MEYER:** Okay. Any other thoughts.

601 **BELOV:** Beth, do you know why in the D.C. ordinance they said, "It
602 does not include banks, conventions, credit unions, educational
603 institutions, franchises, hospitals, hotels, restaurants, saving
604 institutions, and trade shows?"

605 **COOKE:** I do not. No.

606 **SCOTT:** Lobbyists.

607 **COOKE:** I know that they did have a number of lobbyists visiting their
608 city hall on a very, very frequent basis.

609 **SCHOENING:** I guess I feel like we need to understand what people -
610 this is going to sound so demeaning, and I'm sorry, but we need to
611 understand what doing business in the City Sherwood means. We're
612 talking about daycare centers, childcare centers, car washes, Pride,
613 Fat Milo's, 7-11. I just need that we're clear on what we're
614 discussing, that we're talking Lindsley Lawn Care. Are we talking
615 about all businesses in the City of Sherwood? And I also want to point
616 out that in Portland's and many of the others, I saw that they also
617 address businesses that are outside of Portland but do business on a

618 regular basis in Portland. So I feel like we need to specifically
619 exempt or include.

620 **O'KEEFE:** Not just in the City of Sherwood city limits or something.

621 **SCHOENING:** Exactly. So if it's a business that operates in Beaverton
622 and employs a lot of people here...

623 **O'KEEFE:** I think that's why it's kind of important to narrow this
624 down to a number rather than a square footage or - I wasn't aware of
625 the franchises or credit unions and all of that stuff, but I can
626 imagine how that would be hard. Those employees in the Sherwood area?
627 No. It's a national chain. So yeah, if we could - what do you guys
628 think about narrowing down a number? Would that kind of narrow that
629 parameter down to what we're looking for?

630 **MEYER:** I think it's important first to identify the kinds of
631 properties that we're looking at and then go into a discussion of
632 numbers if that's where we feel we need to go. There are a number of
633 different kinds of commercial properties, and I feel like that's what
634 we're discussing is commercial properties. And that could include all
635 of the kinds of building types that I mentioned earlier. So let's
636 start with that. Perhaps exemptions to what we feel we would not want
637 to see included if any. Can you think of anything? Anyone?

638 **SCOTT:** Perhaps charitable organization.

639 **MEYER:** Charitable? Okay. So a charitable organization, and how would
640 that be defined? A 501(c)(3) as Rachel just said?

641 **SCOTT:** I don't know. I've just seen that in some of the other
642 ordinances that we've been looking at. I've seen exemptions for
643 charitable organizations, so I just threw it out there as something we
644 may want to consider.

645 **MARTIN:** I would probably do it if they're exempt under federal or
646 state law so a non-profit corporation under state law or 501(c)(3)
647 under federal law.

648 **MEYER:** Okay. Well, we're narrowing. That's good. Larry, go ahead.

649 **O'KEEFE:** I would think bargaining businesses represented by
650 bargaining agreements.

651 **MEYER:** Or in other words, unionized?

652 **O'KEEFE:** Yeah, probably because - naturally, it's my tendency to
653 think that unionized workers have a better living wage and better
654 benefits, so I don't think there's any reason to regulate that and try
655 to...

656 **SCOTT:** But then why would there be any reason to exclude it?

657 **O'KEEFE:** That's a good point, too.

658 **SCOTT:** I can see a phase in period because there are agreements in
659 place. So to me, in that case, a phase in period for existing
660 agreements, and then when their agreement comes up for renewal, they
661 would have to meet the same threshold that all the other businesses,
662 and if they already meet it, great. It's not a problem.

663 **O'KEEFE:** Okay. So they couldn't step backwards at some time. Yeah.
664 Yeah. Okay. Point taken.

665 **SCHOENING:** Commercial property. What about people who operate out of
666 their homes and have - I guess I feel like I'm leaning I guess a
667 little more towards Larry's number of employees because I believe that
668 there are businesses operating - Sorry. I don't care who's it is. The
669 idea that it should be number of employees, possibly. Because there

670 are businesses that operate - I mean, it sounds like commercial
671 property could be pretty easy to get around.

672 **SCOTT:** And in Oregon, FMLA applies to 25 or more - businesses of 25
673 or more employees. I mean, that just to me come as the first logical
674 number. Not saying it's the final number, but...

675 **SCHOENING:** Oregon also has OMLA which is quite a bit more effective
676 than FMLA by the way.

677 **MARTIN:** OPLA is 25 and FMLA is 50.

678 **SCOTT:** Okay. They often times call it Oregon FLMA so that's why it's
679 confusing.

680 **SCHOENING:** Yeah, OFLA.

681 **SCOTT:** It's 50 federal, right? And 25 in Oregon.

682 **MARTIN:** And I talked to BOLI about this, but it also might make sense
683 to tie it into some threshold that they already have. It will make it
684 easier probably for them to enforce it.

685 **COOKE:** I think 15 and 25 and 50 are currently existing thresholds for
686 a number of different types of workplace policies.

687 **MEYER:** All right. So given those numbers, are we comfortable working
688 with both state and federal numbers for the sake of beginning to craft
689 some kind of an ordinance? Yes? Okay. So we have a threshold. Now is
690 there any intention or desire to look at the kinds of businesses we're
691 looking at at all?

692 **O'KEEFE:** I would say start as general as possible and - everybody
693 except charitable - is there - we were talking about exemptions and
694 maybe we got off that. Were there no more - no other exemptions?

695 **MEYER:** I think that's part of what the discussion is is to narrow
696 down what or what not we'd like to include or not include.

697 **COOKE:** I think that we'll gain some information from the public as we
698 - as that is known, we can be getting input from businesses I think as
699 we have this discussion over the next month, too. So we might get some
700 additional information that comes in from the community related to
701 whether or not we should exempt other types of businesses. I would be
702 comfortable with that currently.

703 **MEYER:** Okay. So to move forward - so we're looking at potentially
704 affording employees within the City of Sherwood health benefits.

705 **COOKE:** Well, I'm not sure that under the Affordable Care Act if we
706 can specify health benefits. We could potentially specify that they
707 would have a certain amount given towards benefits, but I'm not sure
708 we can specify towards healthcare.

709 **MARTIN:** We'd want to probably do some more research not just to see -
710 I want to make sure that if we put a dollar amount to it that it's not
711 considered wages under the state law and thus preempting the city from
712 doing that. And when I was doing some of my research, it looks like
713 the City of Chicago enacted an ordinance. It was never actually put
714 into law because the mayor vetoed it, but it was similar to San
715 Francisco; it was the same idea. But the way it was structured was it
716 was like you had to have \$3 worth of benefits going to each employee.
717 So it was worded a little bit differently, and I think that if you
718 wanted to look at doing something like that here, I would want to
719 maybe structure it more like that to avoid any preemption problems.
720 But I haven't done enough research on - perhaps we could just put a
721 dollar amount to it, and that would be fine, and that wouldn't be

722 considered wages under the state law. But I just haven't done enough
723 research on that to make a determination.

724 **COOKE:** I think just under federal law, we can't say specifically to
725 healthcare at this stage. Correct?

726 **MARTIN:** Well, yes. We have ERISA issues, too. So if we want to get
727 into actually looking at just the benefit part of it, then we also
728 have to make sure we don't have ERISA problems. And I mentioned in my
729 memo that if we do decide to do anything related to healthcare
730 benefits, we'll definitely want to get an ERISA expert to give you an
731 opinion on it. I mean, there's attorneys that that's usually all they
732 do is ERISA because it's a very complex law.

733 **PESSEMIER:** So as far as healthcare goes, I certainly haven't read the
734 1,700 pages of the Affordable Healthcare Act, but I do believe there
735 were some exemptions in there that prevented even states from entering
736 into the conversation, and a lot of the reason is because they
737 recognize that a lot of smaller businesses in particular are probably
738 not going to offer healthcare insurance, choose to pay the penalty,
739 and let their employees enter into the exchange. So we could end up
740 getting into a lot of problems with the Affordable Healthcare Act
741 because of the way that thing is put together where they really do
742 expect people to - that are going to end up in the healthcare
743 exchange. So if you require them to provide a certain amount of
744 benefit directly towards healthcare, that could really put an employer
745 in a bind because then they wouldn't be able to take that option, and
746 they would have to then get health insurance, and that might not be -
747 that might make them uncompetitive with other businesses in the area.
748 I don't know what that means, but I just - with the Affordable
749 Healthcare Act coming online, this really gets complicated. If you're
750 just in - in that one issue.

751 **SCHOENING:** I just - Sorry, Tom. We're you finished? As a committee
752 member, and many of you may know, for personal reasons, I have read
753 all 1,700 pages of the Affordable Healthcare Act for personal and
754 business reasons. And I will say that for myself personally as a
755 committee member, I won't support, whether that matters or not, any
756 discussion about a small business operating within the city or any
757 size business having to deal with healthcare ordinances primarily
758 because it is so overwhelming at this point for us businesses to sort
759 of figure out how we're going to be implementing this and what the
760 cost and who it applies to that I feel like the city would be opening
761 a can of worms, as we were discussing earlier, about trying to pass
762 something. That would just be crazy, pretty much. Already, the
763 Affordable Healthcare Act - you know, it has a lot of information and
764 a lot of things that - it's already tiered somewhat and phased, I
765 should say. And I do - when I was reading it, I did understand that
766 there were many things that some small businesses were going to be
767 outside of and assumptions made about what they would spent. Possibly
768 this is something that we looked at when we talked about earlier and
769 things that we took off the table in suggesting some incentives for
770 businesses within the City of Sherwood that offer benefits to
771 employees who are making lesser incomes or who are working less hours.
772 But I will say that I believe that a way to possibly get around this
773 is to discuss one of the things that I read a lot in comments which

774 was maintaining an only part-time staff. So that sort of addresses the
775 healthcare in and of itself. You know, if you've got workers who are
776 working full-time hours and not receiving full-time benefits, that
777 sort of takes care of that issue I guess is where I'm coming from. So
778 maybe if we look at something that is a little bit easier to craft and
779 a little bit easier to understand and pass and for businesses to
780 maintain as opposed to imposing rules and ordinances about businesses
781 and healthcare because the federal government is already doing that
782 tenfold.

783 **O'KEEFE:** So would you recommend drafting something that says certain
784 percentage of businesses over such and such amount of people have to
785 be full time, or do you have some sort of specific...

786 **SCHOENING:** I don't. I don't actually have any idea how that would
787 happen. I think, Larry, more to the point is offering - is when you
788 have the opportunity to have a position be full time and you are
789 purposefully making that two part-time positions. I think that's more
790 of the issue. I have no idea how you regulate that, but I think that's
791 more of what we're talk about. For instance, I don't have any full-
792 time staff. And people enter into my business primarily because of
793 those hours. So saying to me that I have to have a certain percentage
794 of employees - I know this 25 wouldn't apply to me, but for a
795 restaurant for example, that could be - there are employees who
796 wouldn't want to work full time.

797 **O'KEEFE:** They don't want to work full time.

798 **SCHOENING:** Right. So that's not necessarily what I think should
799 happen, but I guess what I'm saying is that might be an easier way
800 than legislating healthcare requirements.

801 **SCOTT:** And I think this is going to become really interesting in the
802 next couple of years nationwide because I think all of this Affordable
803 Care Act and its implementation and how that affects full-time and
804 part-time employment across all kinds of business sectors. This is
805 just a general comment. I think it's going to be really interesting to
806 see what happens. There's a lot of speculation from a lot of people on
807 a lot of different outcomes, and it's going to be interesting to see
808 what actually comes to bear. And I thought about the part time/full
809 time thing, and how could you craft an ordinance that would try to
810 address that and be something that could be managed by the City? And
811 I'm open to the ideas, but I've been racking my brain, and I haven't
812 come up with any great, fabulous ideas, so I hope the rest of you
813 have.

814 **COOKE:** So I agree, it's complicated. But I do think that one of the
815 things I heard over and over from residents, you know, citizens around
816 the community over the last several months is they're very concerned
817 about businesses that do use it as a business model, and they were
818 talking large-scale businesses where they're using a model where they
819 use primarily part-time workers in essence requiring our tax dollars
820 to subsidize their profit margin, and that was just something that I
821 continued to hear over and over and over again from folks that, you
822 know, they didn't feel that that was a business model that they wanted
823 to support within our community. So if there's a way for us to find to
824 address that, while complicated, I think it'd be worthwhile.

825 **BELOV:** It's your numbers. When you have an employer that's employing,
826 you know, I mean, maybe Fat Milo's has five or six employees I'm
827 guessing, right? And then you have a large retailer that has hundreds.
828 I mean that drain on our human resources just for us to pay all the
829 healthcare costs for that many employees through our tax dollars is
830 just so much greater. So that's what we're addressing, I think.
831 Another thing I'd like to talk about is a lot of people wrote on those
832 petitions that they wanted to somehow see a dependable schedule so
833 that if you're employed part time, you can go get another job because
834 you know you're working these hours at whatever the business is, small
835 or large, and then you're able to go out and get another job to
836 supplement. And that's more the issue than the wage or the benefits.
837 You know, because if you're earning money, you have a cash flow, at
838 least you can work around the wage and sometimes the benefits.
839 **COOKE:** I think that's a really valid point, Naomi, and I would agree
840 that I think that it's important in all that we do to promote
841 residents living in Sherwood to have opportunities to also work within
842 Sherwood. So having those opportunities and dependable schedules well
843 aligns itself to having a dependable schedule and a clear amount of
844 hours to depend on. So it sounds like, I mean, that's something we
845 could potentially look at. Heather, can you comment on that?
846 **MARTIN:** We could. I'm not familiar with any other municipalities that
847 have anything like that, so that would take a lot longer probably to
848 put together just because we don't have anything to go from. But if
849 anyone has ideas for examples of other cities that have done something
850 like that, maybe you can send the examples our way. That would be
851 useful. I haven't really done any research on how you would go about
852 implementing that. If it's something on your wish list, we'll look
853 into it, see what we can put together.
854 **SCOTT:** I've certainly spent some time on the internet trying to find
855 some previous examples and also was not able to find anything in this
856 sphere, so that concerns me because (a) We're creating something novel
857 which can be really great, but it can also mean we end up in court
858 defending it or spending a lot of time drafting it to begin with. So
859 I'm not saying stop the conversation but something to think about.
860 **O'KEEFE:** I have two points. One was the clarification on the comments
861 from the citizens. Was it a work schedule that would be structured two
862 weeks in advance? Is that correct?
863 **MEYER:** I don't recall.
864 **COOKE:** I know Naomi has probably read far more of them than I have,
865 but I know - not all said a set amount of time, but I just think that
866 was a general sense that being able to know that your schedule far
867 enough in advance that you could be adding additional work.
868 **O'KEEFE:** It's my understanding that there are - and I haven't talked
869 to any recently - my experience knowing people that work for grocers
870 and stuff, they have their schedule set like seven days in advance.
871 And it may be less than that, but I think that's about the average. It
872 seems to me like pushing that out a week is not going to be a hard
873 thing for people to do. It would be that simple of an ordinance. Does
874 that sound like it's really difficult - that it would be difficult to
875 do?

876 **MARTIN:** I would imagine it looking like a union provision. There are
877 collective bargaining agreements that have - there's a lot of language
878 in those collective bargaining agreements about scheduling like how
879 the scheduling is done and how far in advance it has to be done and
880 certain hours and issues for different types of employees. So that
881 would probably be where I would start if I was drafting something. So
882 it would look similar to what a collective bargaining agreement looks
883 like - language in collective bargaining agreement.

884 **SCOTT:** And then the challenge for the city would be the enforcement
885 aspect and whether that - if there's any kind of reporting requirement
886 of whether it's a complaint-only driven system and how those
887 complaints would be handled and investigated, I guess.

888 **COOKE:** And I do think, given potential budget constraints, that a
889 complaint-driven process, given the size of our city, is probably best
890 because I am concerned about cost as well for enforcement. So I do
891 think that a complaint-driven process or one where the penalties
892 potentially are paid for to BOLI by the employer in cases where there
893 is a problem. That would probably be the best method to pursue.

894 **SCOTT:** Does BOLI also contract for investigation? So if the complaint
895 came in, they would also investigate it as well as...

896 **MARTIN:** Well, they do their own investigation, so it is complaint
897 driven. And so for Portland, they're going to have an IGA - they'll
898 have a contract with them, and they agree to enforce the sick leave
899 law for Portland. So I don't know if they - I don't think they
900 contract out with other cities that I know of from when I talked to
901 them because I was trying to get a sense of what the IGA was going to
902 look like, and they said, "Well, we really don't know." So I wasn't
903 sure if they had done something - I don't think they've done anything
904 similar with another city, but I didn't confirm that.

905 **SCOTT:** So the process isn't that - well, obviously it's not in place
906 yet, but we're envisioning a process where the complaint goes directly
907 to BOLI or does it come into the city first?

908 **MARTIN:** They haven't worked out...

909 **SCOTT:** Yeah, and I guess I'm asking Beth as much as what is she
910 envisioning.

911 **COOKE:** Well, and I'm not part of the rule-making process for that,
912 but that is my understanding that it would go to BOLI because there's
913 no office currently within the city that could manage that.

914 **SCOTT:** So the complaint would come to BOLI, and they would
915 investigate it themselves and then assess a fine if necessary. And
916 then there's got to be some sort of appeals process, I imagine. And
917 then obviously the city then pays BOLI whether it's time and materials
918 or some monthly contract or something.

919 **COOKE:** I think they're setting a threshold level for maximum amount
920 of outlays that...

921 **MARTIN:** When I talked to them before, so I'll talk to them again,
922 they had just started the process because they were waiting on the
923 state, for state law, and they didn't want to do any work if the state
924 was going to pass the law. So they were just in hold mode when I
925 talked to them. But I would talk to them again and see. Hopefully
926 they've made some progress. Hopefully they would make all the rules
927 and then we could just...

928 **SCOTT:** And the challenge with this one compared to the sick leave
929 policy is that - I mean, the sick leave policy, they already gather
930 information about and have, like you talked about earlier, a process
931 in place for the wages and hours. Whereas this - the idea of the
932 scheduling probably would be a completely new process for them to
933 undertake. Right? As far as we know?

934 **MARTIN:** It would mean - we'd just have to see if that's something
935 that they would entertain. I don't know because I didn't talk to them
936 about that before. So that's something that they would look at it in a
937 sort of wage and hour - the way BOLI is set up - so they do
938 investigations, and they have like basically two arms. They have like
939 the civil rights division and they investigate like basically civil
940 rights violations and then the wage and hour division and all of the
941 laws that have basically been considered wage and hour. So they have
942 this sort of two hats of types of investigations. So if we wanted sort
943 of use their existing structure, we would want whatever we crafted to
944 fall under either of those sort of umbrellas. And I think that
945 logically the scheduling would fall under wage and hour - I would
946 logically put it there, but I would have to ask BOLI.

947 **COOKE:** For the benefits portion, could we say if they are paying it
948 under Affordable Care, they're exempted from the ordinance so that
949 that way we could to the part timers so we're making sure that they're
950 gaining the benefits package without - so if we could say this is
951 applicable unless they are exempted under..

952 **MARTIN:** So that would be a separate question of looking at whether
953 the part-time employees were getting healthcare benefits.

954 **COOKE:** Once again, I think a lot of the concern that's been expressed
955 within the community is the business model where they're using
956 primarily part-time workers and then the cost that accrued to the tax
957 payers where that wouldn't be the case if someone was full time and
958 then they were going to be getting healthcare underneath the
959 Affordable Care Act.

960 **SCOTT:** Yeah, and kind of circling back to something Rachel said
961 earlier about healthcare, and I agree with her that this is an area
962 that I'm really hesitant to even enter because there's so much law and
963 complexity and infrastructure and bureaucracy both at the federal and
964 state levels. And while I don't disagree that there's standards that
965 maybe could be improved in all these areas, I think that those
966 standards should be improved at the federal and state levels, and I
967 think taking them up at the local level is problematic.

968 **COOKE:** And I will say that you have to take baby steps in order to
969 get to state and federal level. In order to get the types of things at
970 the state and federal, you have to have those early adopters who blaze
971 the trail essentially. And I think that our community has really
972 spoken out loudly that these are things that matter to us and matter
973 to the people surrounding us. So I think it's really important that we
974 take that into consideration. I mean, we're not going to pass a
975 federal standard tomorrow because, I mean, we want it. It happens
976 baby steps along the way. When in Chicago, while not enacted, they
977 went through that process. New York City, you know, there's folks -
978 Washington, D.C. last week. I mean, they're blazing that trail, and I
979 think there are many of us who do see that that's an important federal

980 standard, but we also recognize that you have to take baby steps to
981 get there.

982 **MEYER:** And additionally, I would add that larger businesses are far
983 more capitalized than smaller businesses or mom and pop shops. So a
984 larger business would have a stronger ability, by way of financial
985 ability, to absorb some of the those start-up costs and maintenance
986 costs and employee costs rather than some of our small business. So
987 along the lines of what both Rachel and Beth I think were getting at
988 is crafting deliberate language that outlines in particular how we
989 would like to see our labor force supported in Sherwood.

990 **PESSEMIER:** So can I give you kind of an example? I read through the
991 Washington, D.C. engrossed bill, and if you took a look at carefully,
992 they made a couple of attempts to define large retailer, and they made
993 more attempts than what they did. But when they were considering this,
994 they defined large retailers - it means "Any business excluding
995 franchisees which operate a retail store located within the geographic
996 boundaries of the district where the parent company's gross revenue to
997 total \$1 billion or more on an annual basis. So you know, the key
998 there is excluding franchisees because if you were to take a look at
999 Sherwood when you're talking about companies whose parent company
1000 earns more than \$1 billion, and I just kind of started listing things
1001 off my head, and I didn't actually go out, but you're talking about
1002 Home Depot, Target, Kohl's, Petco, Safeway, Albertons, Pizza Hut
1003 Dominos, Papa Murphy's, Unleashed by Petco, McDonald's, Taco Bell,
1004 KFC. So anything that's really a franchise kind of falls into that
1005 category, and there's, you know, I've got 20 more here, that would
1006 fall into that. So they had a fairly large probably list to start with
1007 and so then they went back and redefined that to basically, you know,
1008 has a 75,000 square foot limit and that the \$1 billion revenues on a
1009 more annual basis, and that would cut the list down to Home Depot,
1010 Target, and whoever else might come in. So it's really important as
1011 you consider these things what you're talking about because they had a
1012 couple different things there. And certainly if you're looking to -
1013 For local small businesses, if you took out the franchisee part, you'd
1014 get pretty much all the franchises which is I think was kind of what
1015 you were talking about.

1016 **COOKE:** I guess I'd want to make sure that our thresholds, where we
1017 weren't excluding franchisees then including locally owned at the same
1018 time. So that's where - I mean, I think that it is important to have
1019 some of those thresholds. So maybe we'd set our base threshold at a
1020 level that takes that into account.

1021 **MEYER:** I would agree. I think that that makes sense. What do you
1022 think? Any other thoughts on that?

1023 **O'KEEFE:** So you're saying raise the threshold level or - I'm not sure
1024 I understand what you're asking.

1025 **COOKE:** I just would not want us to exclude franchisees if we're going
1026 to - we would want to make sure the threshold level doesn't hit - we
1027 want to make sure it's equal, it's an equal playing field. So just
1028 because someone is an independent, if they have the same number of
1029 employees as the franchisee, we just want to take that and make sure
1030 that we're clear as far as who is going to be covered. It's not going
1031 to be hitting a locally based versus a franchise differently.

1032 **PESSEMIER:** Yeah because in that example, it would have included Home
1033 Depot, Target, Kohl's, Petco, Safeway, Albertson's, but not Pizza Hut,
1034 Dominos, Papa Murphy's. It would have included Unleashed by Petco but
1035 not McDonald's because - so there is a difference whether you're a
1036 corporation who is running your own store or whether you are a smaller
1037 business owner who might have four or five franchises in an area or
1038 maybe even just one.

1039 **SCOTT:** I feel like we're jumping around a lot here. We're jumping
1040 back and forth from thresholds and then we're talking about healthcare
1041 benefits and then we're talking about scheduling and hours and maybe
1042 we talked about sick leave a little bit as well, and I feel like we're
1043 not very focused on making any progress in any one particular area. I
1044 don't know what the rest of the group thinks, but I feel like maybe we
1045 should pick one area and really try to hone in on what we want to do
1046 in that area. Maybe after a break, but that's just a suggestion.

1047 **COOKE:** And I think that we know we can't do wages, so I think it'd be
1048 valuable for us to hear from the attorney, after perhaps some
1049 additional research, what can we do related to benefits. Since we know
1050 we can't possibly do directly to healthcare and the Affordable Care
1051 Act, but what can we do?

1052 **SCOTT:** So maybe we should table that until we get an answer back in a
1053 following meeting and talk about sick leave or some of the other
1054 things instead?

1055 **COOKE:** Or if possibly wanting to continue the discussion tonight
1056 regarding thresholds.

1057 **SCHOENING:** I just need to be clear, are we not including franchisees
1058 or are we including franchises?

1059 **SCOTT:** Yeah, that's what we haven't decided.

1060 **SCHOENING:** Okay. I thought that there some sort of...

1061 **SCOTT:** I don't think we've taken a vote on anything.

1062 **PESSEMIER:** Just kind of, maybe to help here a little bit, I think I
1063 would target your efforts on what you want the ordinance to be and
1064 then worry about the threshold conversation later because I think
1065 whatever you choose is probably going to inform you about what that
1066 threshold might be. Because it may apply just to retail. It may apply
1067 more broadly to the industrial sector or other businesses as well. And
1068 so I think if you could focused on what it is that you want, it will
1069 probably help you when you actually try to get to that threshold
1070 question to figure out how you want to apply that. So that would just
1071 be a thought. Maybe delay the threshold conversations until actually
1072 you have a good idea of what it is you want to tackle, and then that
1073 might be easier for you to understand.

1074 **COOKE:** So then we would need to wait to get back from the attorney on
1075 what is the possible.

1076 **SCHOENING:** Well, but we know that sick leave is possible because
1077 Portland has it. Right?

1078 **PESSEMIER:** Yes, we do. And we also know that you can apparently
1079 contract with BOLI to do it for you. I'm a little concerned about how
1080 much BOLI is going to get off of certain things, how much they want to
1081 become an independent contractor for small cities like Sherwood.
1082 Portland's a lot bigger than we are, and certainly, they were open to
1083 that which is a little bit surprising, but that's good. And so maybe

1084 they will, maybe they won't. I really don't know, and I think that's
1085 where Heather needs to talk to them. But certainly under the sick
1086 leave, they've already set a precedence so I don't think they would do
1087 something with Portland and then not be willing to do something with
1088 other jurisdictions.

1089 **SCHOENING:** Also, it looked like - and maybe you - I think that's what
1090 you were talking about, Heather, when you were talking about the state
1091 law. It looks like it's going to at some point hit state, or at least
1092 that's the idea behind it and possibly...

1093 **MARTIN:** I can't predict what (indecipherable)

1094 **SCHOENING:** Aw, come on!

1095 **PESSEMIER:** Come on, Beth. Answer that one.

1096 **SCHOENING:** But one can hope. But here's my - my point is I just don't
1097 feel like we have to wait for anything. It's already been passed in
1098 Portland, and maybe BOLI doesn't want to become a contractor, but the
1099 reality is if it becomes an employment issue, it might end up on their
1100 plate anyway. And so possibly that's something that we, you know, the
1101 baby steps. Maybe if BOLI has enough people who are saying, "We want
1102 this to happen," they don't have a choice. So that's my thought at
1103 least. I feel like asking BOLI for permission to get the idea to pass
1104 an ordinance is backwards.

1105 **SCOTT:** I think what I'm hearing is that we know that sick leave is
1106 possible in Oregon. It's been done in Portland. We can proceed down
1107 that path, come up with generally what we want to do - I don't think
1108 that would be a waste of the next hour and a half, and then we hear
1109 back in a week - BOLI says, "We don't want to deal with it," then I
1110 guess we wasted an hour and a half. I don't think that's probably
1111 likely.

1112 **MARTIN:** I would also - if you do want to look more closely at the
1113 health benefits issues, I would like to get an idea. Do you like the
1114 San Francisco ordinance? Is that the type of thing you're looking at?
1115 Like a monetary amount? And/or would you also like to look at like the
1116 benefit piece like offering the same benefits for part and full-time
1117 employees or this sort of Chicago hybrid that I posed to you. So I
1118 guess, maybe getting a sense from you which of those ideas you like
1119 and then what we'll have to do is consult with an ERISA expert to see
1120 what they're thoughts are on it, and that would have to happen sooner
1121 than later to get your "Okay. Yes, we're interested in that. We want
1122 to get more research."

1123 **COOKE:** I think knowing we can't do specifically healthcare that I'd
1124 like to keep it broader, but there is a number of benefits, different
1125 types of benefits that could exist. And many, many employers may
1126 already be doing - they may already be allowing a certain percentage
1127 or a certain amount of money towards say retirement or towards other
1128 types of benefits. They may have a cafeteria plan. Some even allow you
1129 to put money towards daycare, that type of thing. So I think we would
1130 need to explore what options are available because, again, I believe
1131 that under the Affordable Healthcare Act, we can't specify healthcare.

1132 **MARTIN:** So you want to look at all different kinds of benefits and
1133 whether you could even conceivably...

1134 **COOKE:** Monetary amount towards that.

1135 **MEYER:** It sounds to me like we all agree that that's a road we'd like
1136 for you to explore.

1137 **O'KEEFE:** Do you think a monetary amount as opposed to a percentage
1138 amount - because if you do a monetary amount, ten years from now, it
1139 might not mean a whole lot, but if you do a percentage of the wage,
1140 then it will grow with the cost of living.

1141 **COOKE:** But I think what we're hearing from the residents is that, the
1142 citizens of Sherwood, that they're mostly concerned about those at the
1143 lower wage scale, and if we do a percentage then it's by nature it's
1144 going to impact - benefit those at the higher end more so than at the
1145 lower end. Because if you have a percentage of \$8.95 an hour versus a
1146 percentage of \$40 an hour.

1147 **SCHOENING:** I wonder, Heather, with just a little more direction,
1148 would that help? For instance, we talked about - Beth mentioned
1149 retirement. I also - I was thinking, thinking, thinking about what
1150 could we do about transportation because I know that people are
1151 talking about traffic. Is there a way that we could look at a possible
1152 TriMet benefit which I know I had when I worked in the City of
1153 Portland. A benefit towards...

1154 **MARTIN:** Public transportation?

1155 **SCHOENING:** Yes, it is, but my employer gave me a certain amount of
1156 money towards parking and towards my bus pass which was outside of
1157 TriMet. So I'm just wondering if we can give her a specific list of
1158 things we might want her to look at.

1159 **SCOTT:** How many people are bussing to Sherwood to work? It's an
1160 honest question. I don't know.

1161 **MEYER:** And that is a fair question. And I think that we are already
1162 partnering with Metro on a number of other issues, and so it would
1163 seem reasonable to me that an inquiry to Metro about TriMet options
1164 would be sensible.

1165 **COOKE:** I think that - Well, looking at the possibles. I don't think
1166 we need to have every single possibility listed, but saying in general
1167 that a certain amount of money put towards a cafeteria - because I'm
1168 not sure that we can be specific without...

1169 **MEYER:** Or share transportation for example.

1170 **COOKE:** Right. Without again stepping into potential legal issues
1171 related to where we're preempted on the wage side.

1172 **MEYER:** Well, for now, if it's all right with everybody, let's take a
1173 10-minute break. Is that okay? Okay. Thanks.

1174 **BREAK**

1175 **MEYER:** So in an effort to move forward, I think I'd just like to
1176 check in with Heather and make sure that you feel like you have enough
1177 direction from us to go back and review and then report back to us
1178 with possibilities.

1179 **MARTIN:** Okay. You want me to go and look? I'm going to have get to -
1180 sorry. My microphone was broken before. I'm just permanently on, and
1181 now it's off. Basically, we're going to have to just consult with an
1182 ERISA lawyer and basically get their opinion on benefits issue. I'll
1183 basically have him look at a number of different scenarios, what have
1184 you, with benefits, but that's what I am understanding that you want
1185 on the benefits questions.

1186 **MEYER:** Correct.

1187 **MARTIN:** Then you're also interested doing a sort of ordinance that
1188 might impact scheduling that would look similar to provisions that you
1189 see in collective bargaining agreements.
1190 **MEYER:** If that is a possibility for us to consider.
1191 **MARTIN:** Okay.
1192 **MEYER:** Yes. Is that?
1193 **O'KEEFE:** Yeah, primarily. Primarily the scheduling issue, right? The
1194 scheduling of hours. I just suggested two weeks out. Were you guys in
1195 agreement with that?
1196 **MEYER:** Well, whatever the case may be, I'm not sure that we, at this
1197 point, need to define what it is.
1198 **O'KEEFE:** Sure.
1199 **MEYER:** I think at this point, what we're looking for is what are our
1200 possibilities?
1201 **PESSEMIER:** So I think it would be beneficial to give her an idea of
1202 what it is you're all looking at because possibilities could be
1203 endless, and ERISA lawyers charge \$400 an hour. So are you looking at
1204 daycare, retirement plans, public transportation, YMCA, scheduling?
1205 What other ones in the realm of what you think would benefit putting
1206 an ordinance together to benefit the workers in Sherwood which is I
1207 think is...
1208 **MEYER:** Well, (indecipherable) up to the committee.
1209 **COOKE:** I think from what I've heard tonight, we'd be looking at can we
1210 set a dollar amount per hour that an employer must designate toward
1211 benefits and then keep it general regarding the type of benefits that
1212 they would offer.
1213 **PESSEMIER:** Okay. So that's the ERISA question that Heather already
1214 has on her list.
1215 **COOKE:** And specifically not designate under the ordinance, you know,
1216 things such as specific like daycare, healthcare, you know. Can we
1217 designate that they must provide some amount per hour towards
1218 (indecipherable) is that even possible.
1219 **PESSEMIER:** Okay, when we get to - let's talk about scheduling maybe
1220 when we get to the end because I'm a little concerned about if you
1221 want to get together an ordinance that addresses these things, we will
1222 need to get that specific information sooner rather than later. I
1223 understand why you need this question answered first, but just as you
1224 think about scheduling, we'll need to come back to this fairly soon.
1225 Because it will take - this is the longest ordinance and most complex
1226 ordinance by far to try to put together on anything, so we'll need
1227 plenty of time for the attorneys to be able to react to what specifics
1228 you might want to address.
1229 **SCOTT:** Were you asking about the scheduling one, what we want to
1230 specifically address?
1231 **PESSEMIER:** No, no, no. As far as scheduling to get this done by
1232 August 5th.
1233 **MEYER:** Speaking of scheduling, I think this is a great opportunity
1234 for us to talk about our meeting schedule and perhaps just review
1235 where we are, what Heather's office is working on. Just before the
1236 meeting, I had an opportunity to talk with Heather about their office
1237 reporting back to us on ordinances that we've already discussed, and

1238 she indicated that potentially - actually, I'm going to turn this over
1239 to you, and you can speak for yourself.

1240 **MARTIN:** We talked about getting you the - so you have a meeting on
1241 Thursday, and at the meeting on Thursday, you're going to talk about
1242 the 24-hour business regulations, security, those issues that you
1243 already identified. And then on Friday, we talked about our office
1244 getting you the two potential ordinances that we had talked about
1245 which one would be the camping/RV restriction ordinance. The other one
1246 would be the hazardous substance one. And the camping/RV ordinance
1247 would also incorporate the nuisance violation/dilapidated vehicle
1248 issue that we talked about. That would be two ordinances, we would get
1249 them to you on Monday. And I believe that you all would probably like
1250 some time to review them before we really discuss them, the nitty
1251 gritty of them, and you have a meeting scheduled for that evening,
1252 that Monday, so it wouldn't really give you a lot of time to look over
1253 them. So we had discussed instead of having that meeting on Monday,
1254 having that meeting on Wednesday, July 24th.

1255 **MEYER:** Or potentially just leaving our meeting schedule as is for
1256 Thursday the 25th so that we have an opportunity to review the drafted
1257 ordinances, mark them up individually, reconvene on Thursday, and that
1258 way we can have a really good, fluid conversation of potential changes
1259 or modifications that we would like see. So what I'd like to do is get
1260 your feedback as a committee if that works.

1261 **PESSEMIER:** So can I make a suggestion?

1262 **MEYER:** Yeah.

1263 **PESSEMIER:** Heather, do you think you could have an answer on their
1264 benefits question by the 22nd?

1265 **MARTIN:** Benefits question by the...?

1266 **PESSEMIER:** Next Monday.

1267 **MARTIN:** To get the ordinance back?

1268 **PESSEMIER:** Well, they have a question before they can proceed with
1269 the conversation we've been having tonight in regards to wages or
1270 anything else.

1271 **MARTIN:** Whether it's even an option.

1272 **PESSEMIER:** Right.

1273 **MARTIN:** Okay. So not an ordinance but just...

1274 **PESSEMIER:** Right. Because my thought is, like I said, we need to get
1275 that done sooner rather than later, and if you don't have the other
1276 conversation on the 25th, you're just not going to get this done. So my
1277 question, Heather, is do you think you can get that answer back to
1278 them on the 22nd so maybe they can pick this conversation back up and
1279 figure out what specifics they might want to address in an ordinance.

1280 **MARTIN:** So you would still meet on Monday?

1281 **SCOTT:** I think that what Tom is saying is we would still meet on
1282 Monday and continue the conversation about benefits. And the next
1283 Thursday's meeting would be about reviewing the specific ordinances
1284 about camping and hazardous materials.

1285 **MARTIN:** Yes. I mean, hopefully, but it also is going to depend on
1286 whether we can line up somebody that is going to be able to get back
1287 to us in that time schedule.

1288 **SCOTT:** So we could leave it tentatively, and if we don't hear
1289 something back, we can cancel it then.

1290 **MEYER:** We could do that. The other option is to review on Thursday
1291 once we've had all the information distributed to us, and perhaps if
1292 in terms of correspondence, if that answer could even be emailed to us
1293 - I don't know if the reporting requirements or public notice - I
1294 don't know how that works. So if that would be acceptable, that would
1295 give us another opportunity to maybe come back with additional
1296 conversation points for our Thursday meeting.

1297 **MURPHY:** You can submit email documents for your review, you just
1298 cannot discuss them as a group. So you look at them, you mark them,
1299 you review them, and just gives you material to - similar to our work
1300 session. Just getting material to prepare for. You just cannot discuss
1301 them.

1302 **SCOTT:** Do you mean this Thursday?

1303 **MEYER:** No. I mean the following..

1304 **O'KEEFE:** The 25th?

1305 **MEYER:** Correct. The 25th. So this Thursday, we tentatively have
1306 discussed discussing 24-hour business operations, limiting size of new
1307 business or buildings, those sort of things. So what I'd like to
1308 suggest is that we cancel our Monday the 22nd meeting and have all of
1309 the information submitted to us via email by Monday the 22nd so that
1310 for our meeting on the 25th, we can come in very well prepared and
1311 ready to delve into comments and questions and modifications to what's
1312 been drafted.

1313 **BELOV:** Well, I have a suggestion. That would be to use Monday for
1314 something else since we're so limited on our time. Do we have anything
1315 else on the agenda we could put on Monday knowing that Thursday we
1316 will discuss the other thing?

1317 **COOKE:** And if we have an answer by Monday, then we could potentially
1318 work on - we could continue working on the benefits issue. So we don't
1319 know - be able to know, I mean, whether or not we...Well, she won't know
1320 necessarily by Thursday.

1321 **MEYER:** Will you perhaps have an update for us on Thursday? Let's see,
1322 today is Monday.

1323 **PESSEMIER:** That's a good point. Maybe we can make that decision on
1324 Thursday based on what - Heather should know by Thursday whether or
1325 not she can get an answer on Friday. If she doesn't have one by
1326 Friday, then yeah, you're not getting it.

1327 **MEYER:** Okay. So we'll table that discussion. How does everyone feel
1328 about maybe opening up public comment? Anyone opposed? Is that okay?

1329 **O'KEEFE:** That would be great.

1330 **MAYOR:** I have a comment. So I don't know if it's legal what I'm going
1331 to - no, I'm just going to (indecipherable). We had one of the
1332 business people who has not been (louder) who has not been showing up,
1333 but we've had a businessman who has been showing up, and I think we're
1334 missing a little perspective from the business and especially the
1335 larger businesses. Is there any way we can maybe replace her with
1336 somebody else or does that have to go through resolution? Would it
1337 have to be a resolution? Because I know (indecipherable) on that.

1338 **MARTIN:** You had a resolution, initially? Correct?

1339 **PESSEMIER:** Yes. And it's clear that members have to be appointed by a
1340 resolution. Well, I guess that's a good conversation piece. First off,
1341 I think that this committee is getting along really well and making

1342 good progress and doing good work. And we originally we had nine,
1343 you're seven, but as the mayor is noting, one has been missing the
1344 entire time, has been on vacation. Certainly, they could catch up by
1345 watching the videos. Those are up on YouTube, but that's a lot of
1346 YouTube video to watch, and I'm not sure where that's at. So the kind
1347 of the thought that kind of we've talked about was adding two members
1348 and one business and one citizen, but at this point, I'm not really
1349 sure that's really - they're going to have to get up to speed as well,
1350 and so then there's a lot of people that are going to be way behind
1351 and then that's going to slow things down. So one thought that I've
1352 had, and I've talked to the mayor and to Council president about that
1353 is to keep the seven committee members this way rather than trying to
1354 add two new people on right now and wherever that ends up. And I think
1355 what the Mayor is suggesting is well we have one member that hasn't
1356 been here who was primarily here to represent the business community
1357 because she's on the Chamber, and she certainly has a lot of business
1358 contacts and could give information to that, and I think what the
1359 Mayor is suggesting is we have someone in the audience who actually
1360 has been attending all of the meetings, or at least the last two
1361 meetings, and maybe switching that out. So that's really not your
1362 choice, but I think - isn't that - is that correct? Is where you're
1363 going?

1364 **MAYOR:** That was what I was looking at.

1365 **PESSEMIER:** So it would have to be done by resolution. I have prepared
1366 a tentative draft walk-on resolution tomorrow night that would
1367 basically keep the committee at seven, and certainly, I think that's
1368 really up to you and to the council president to decide, but I
1369 certainly think you would want to hear from your committee on that.

1370 **MAYOR:** Right. It's just that I think we're missing possibly a
1371 perspective of a big business that would maybe add a little to the -
1372 you know, they may know more of some of the issues that go on in the
1373 big business that we're not hearing about and their positive feedback,
1374 too, because he's asked a lot of questions.

1375 **COOKE:** And I would say, having someone here, I felt I missed a lot on
1376 Friday not being able to - I was going to try to call in if we were
1377 able to arrange that. So I think that having someone who has been in
1378 the audience at lease would be very, very valuable. And I don't think
1379 that by not being - because we are extending a lot of time for public
1380 comment every meeting that it wouldn't mean that Nancy wouldn't be
1381 able to still give input and bring that perspective to the table as
1382 well through public comment.

1383 **MAYOR:** I (indecipherable) do it, but just throwing it out.

1384 **PESSEMIER:** Well, it's a simple resolution that could be prepared by
1385 tomorrow night. That's not hard. And I think if any other committee
1386 members have input, that would be helpful, but ultimately, it's going
1387 to up to Council tomorrow night and specific to probably you and Linda
1388 to decide what you want to see on that resolution.

1389 **BELOV:** And there was one applicant, Robert Lake, who is from the
1390 corporate world and a business owner, and he might offer - he's pretty
1391 knowledgeable.

1392 **MAYOR:** He didn't come in (indecipherable) so we have to keep it
1393 certain (indecipherable).

1394 **PESSEMIER:** Well, and that's another issue as well is we don't have an
1395 application from what you're suggesting as well. And so do we need to
1396 open up the application process again to be fair to everybody and to
1397 allow Mr. Leichner...?
1398 **O'KEEFE:** My question would be is it's my understanding that you had
1399 18 applications?
1400 **PESSEMIER:** That's correct. Yeah, we did.
1401 **O'KEEFE:** And a few of them were late, and they got thrown out, and
1402 then you whittled that down. Were there alternates? It was my
1403 understanding that were alternates that we were going to kind of hand
1404 on standby if people dropped out or something.
1405 **PESSEMIER:** That was not a part of the resolutions that we passed.
1406 **MEYER:** If I might add a comment. I would agree actually with Beth's
1407 comment that we've quite a few folks come to these meetings, and in
1408 reviewing citizen comments that we've already received, I would like
1409 to encourage you, Mayor Middleton, and Council President Henderson to
1410 leave this committee as is, and we are certainly committed to hearing
1411 all public comment, and we will open up again tonight for public
1412 comment. And so I don't - what I want to assure you of is that Nancy
1413 and any other representative of big business or otherwise is more than
1414 welcome to testify and bring their comments and suggestions for
1415 consideration.
1416 **MAYOR:** Has anybody contacted to see if she is going to show up to any
1417 of them?
1418 **PESSEMIER:** Yeah. She's actually back in New England. She's been back
1419 in New England and had this trip planned for a year. So she'll be back
1420 for the Thursday meeting. And she has indicated that she is going to
1421 watch the videos which are online. We get them online within 24 hours.
1422 **MAYOR:** Okay. Thank you.
1423 **MEYER:** Thank you, Mayor Middleton.
1424 **COOKE:** But I would - I know many of us would love to hear your input.
1425 **MEYER:** Absolutely. Come on up, Mike.
1426 **LEICHNER:** You see enough of me at these meetings. It's been an
1427 interesting discussion today on the living wage and the benefits
1428 package, and as a business person, we actually have two businesses
1429 here: Pride Recycling which offers a transfer station and recycling
1430 depot and Pride Disposal. One of them is under 20 employees, the other
1431 one is at 60. So we actually fit both those kind of numbers. Under our
1432 roof, we have over 50,000 square feet. That potentially could put us
1433 in a position of having - we do have a few part-time people and a few
1434 people we don't pay benefits for. There are reasons for that. We have
1435 three couples that work for us, and under our medical plan, the spouse
1436 that's covered, or the employee that's covered covers their family and
1437 their spouse. We have very good benefits. We pay the full premium on
1438 those. The spouse can opt out of having coverage because she or he is
1439 already covered, and then we split the premium and give them extra
1440 money in their pocket. Would that qualify? I mean, I'm getting down in
1441 the weeds, but this is issues that businesses are going to be affected
1442 by. We have part-time people in the depot. Some of them are retired
1443 that just want to work a day or two a week. They can't physically work
1444 more than that, and they just want some extra spending money. We can't
1445 afford to pay benefits or even - we pay minimum wage, but that's about

1446 it, and they're happy with that. That's what they want. And we have
1447 high school kids who after school that want to work. That creates an
1448 issue, and most of those under the healthcare act are going to be, 26
1449 and under, are going to be covered anyway under the new healthcare
1450 plan. And that's part of the - I know the research that she's doing.
1451 And I think if you're going to pass something that's going to require
1452 all businesses to provide these costs, you're going to have to make
1453 sure any businesses in Tualatin that comes in to Sherwood is going to
1454 have to pay the same thing, or you're going to have a financial impact
1455 to the businesses here. Including, for example, let's take a donut
1456 shop. If they are forced to pay their part-time people because they're
1457 not open full time, those kind of benefits, somebody's going to say, I
1458 can stop at the donut shop down the road and pay less because he's
1459 going to have to raise his prices. Those are cost impacts that are
1460 going to affect the rates. We obviously have garbage rates here, and
1461 those costs could impact your rate. So you're going to weigh those
1462 benefit, and I think that's what you mentioned is the cost benefit,
1463 and that's very important. In thinking that businesses are going to
1464 absorb those costs, any business, whether it's a new tax, a fee,
1465 they're going to raise their price to cover it, or they're going to go
1466 out of business. I mean, that's just the facts of life. So that's just
1467 kind of a summary, but I've got a lot more other examples, but I think
1468 that's going to kind of give you an idea that - and Rachel's kind of
1469 touched on some of them. But you're walking a real fine line. You're
1470 trying to make a better community, and I applaud that. This is a great
1471 community, and we love doing business here, but you don't want to make
1472 it restrictive so that a business says, "You know, I decided I'm going
1473 to move down the road three miles because I can have a different work
1474 environment." And that's important. And your charge isn't easy. The
1475 Mayor, I appreciate - he was not mentioning my name, but I've been
1476 here because I'm interested in the community, and I see this as a big
1477 fork in the road that the city's trying to make a decision which way
1478 to go, and it's been prompted by certain things that have been going
1479 on in the last few years, and I'd hate to see Sherwood reach the goal
1480 that they're trying to get to but make it so hard for anybody else to
1481 come in or live here. So I think I've spoken enough.

1482 **BELOV:** I have a question for you. So are you suggesting maybe we
1483 should cap it or focus on businesses that earn a billion or more
1484 because they won't be directly impacted?

1485 **LEICHNER:** I think when you start trying to target any particular type
1486 of business by commercial zone, industrial zone, or size of business,
1487 you're really going to - to me, that's the same thing as doing the tax
1488 code at giving one business a tax incentive over another one. I don't
1489 agree with that. They should just get rid of all loopholes together,
1490 but that's a political statement - forget that one. But I don't think
1491 you should target any size or any number of employees without doing
1492 all of them under the same umbrella because, otherwise, you're going
1493 to have businesses say, "Well...", and you hear it now in the paper all
1494 the time - read it and hear it, that under these new healthcare laws,
1495 I'm just going to make sure I stay under this number of employees so
1496 that I don't have deal with all the regulations. We deal with those,
1497 and we have a full-time HR person that just deals with all the

1498 paperwork. And us smaller businesses - it's going to be a really
1499 expensive on a per item or a per meal basis compared to 10 or 15,000
1500 customers. If you spread out an extra dime per customer is not so bad,
1501 but when it's talking about 10 or 20 meals, that adds up pretty fast.
1502 **BELOV:** I think the issue is that with retail, if we focus on
1503 retailers, the cost is going on us, the taxpayer, to provide them
1504 benefits. So \$6,000, I think per person/per employee that doesn't get
1505 benefits is what we end up paying. Is it as state -for state benefits
1506 or however they're getting benefits to pay for their healthcare costs.
1507 So no we're not targeting - I mean if we're going to focus on one -
1508 we're talking about who is going to be saving money. Is it us who will
1509 be saving money or is it going to be the employers who will be saving
1510 money?
1511 **LEICHNER:** Well you talk about the impact for tax payers, and I agree
1512 that there's a lot of issues with the tax code and all that, but if
1513 that business is forced to pay that money and not get a tax benefit
1514 out of it, they're going to raise their prices so everybody is going
1515 to pay some of that cost. One way or the other, that cost is going to
1516 be paid. And I'm not saying it's right or wrong, it's just - you're
1517 going to have to look at - it's a balancing act, and when you raise
1518 this one, this one goes down or vice versa.
1519 **BELOV:** Well, fortunately, the one retailer we are talking about
1520 promises to keep their prices low, so I think that this won't really
1521 be an issue.
1522 **MEYER:** Well, and to clarify, we're not as a committee focusing on a
1523 particular retailer. So I'd like to make that clear.
1524 **O'KEEFE:** I would agree. This is a lot bigger than the low price thing
1525 or whatever they call themselves.
1526 **COOKE:** So I do think that you bring up a good point about where we're
1527 willing to pay because I think that when we're asking employers to
1528 have a certain standard or is it easily passed onto the residents?
1529 Because we're the ones asking for these standard whereas maybe a
1530 manufacturer is selling products outside more of Sherwood whereas a
1531 retailer is selling products inside to primarily local residents, so
1532 those costs may be more easily passed on to us. And we're the ones
1533 saying, we're willing to pay for a higher standard through higher
1534 prices. If the cost is going to be transferred to a retailer or to a
1535 restaurant or to whoever it may be, so that maybe we do need to look
1536 at what types of businesses because you do bring up a good point of
1537 competitive environment, and we want to make sure that businesses
1538 doing business in Sherwood are remaining competitive. So I think that
1539 at that point we do need to consider again whether it is retail
1540 potentially that we're talking about.
1541 **LEICHNER:** And in our case, we're in a unique situation. We operate in
1542 several jurisdictions, and the way the rates are set by each
1543 jurisdictions. And the way the rates are set by each jurisdiction is
1544 they want their portion of our total costs, and they look at them and
1545 make sure they're justified, and set a rate based on that with a fair
1546 profit margin. And then the owner's salaries are capped on a certain
1547 amount and all those things. If we have a higher cost because we are
1548 located in Sherwood, that's going to affect our overall costs, so all
1549 of the jurisdictions will see a little bit of a cost increase. And in

1550 Washington County, and they're incorporated, there's 12 different
1551 haulers that have their own area, but they throw all of us in the same
1552 mix, and they average the cost out. That puts us at a little bit of a
1553 disadvantage. Not a lot, but a little bit. And I'm just using that as
1554 an example for other businesses that are located here that a
1555 restaurant two miles down the road won't have those, and it might be
1556 just \$0.10 for that extra pop or \$0.15 for a cup of coffee. It's not a
1557 lot, but these citizens here, if they vote for it, say, "Pay we will
1558 pay the extra here," but are you going to get outside people who are
1559 going to want to come down here? It's a great city but I can have my
1560 coffee and donuts down the road for a little less. And that's real
1561 critical when the economy is the way it is. People are really careful
1562 while they shop when the economy is tough. So those are just issues.
1563 I'm not trying to discourage you from looking at making things better,
1564 it's just making sure that you weigh everything so that when you
1565 finally come up with a resolution, it's going to give people a good
1566 chance to say, "Yeah, I like the balance. I want to go this way
1567 because I think it's more important on that.

1568 **SCHOENING:** Mike, just out of curiosity, how - I realize that you are
1569 the type of business owner that knows that you have couples that work
1570 for you, but how is it - how are concerns with schedule, in
1571 particular, addressed? I know how we handle it, and I know how the
1572 restaurant industry handles it, and for the most part, I think it's
1573 important that I say that a lot of people in the restaurant industry
1574 work more than one job, and we have fluctuating schedules primarily.
1575 So I'm curious because I'm wondering if you might have that, and if
1576 you know, how does your HR person handle it when someone comes to you
1577 and says, "Hey, I need Monday's off for X reason when determining my
1578 schedule."

1579 **LEICHNER:** Usually, each department has a supervisor, and when
1580 somebody in that department - they'll go through and schedule
1581 vacations as far out as a year so that we have them. There's always
1582 somebody that comes in and says, "Hey, I didn't know. Next Monday I've
1583 got to take off because my son's got a dentist appointment," or "My
1584 daughter fell down and broke her arm, and she's going to have to be home
1585 for a few days." We work around those as much as possible, even with
1586 just a 24-hour notice, as long as it doesn't create an issue for the
1587 rest of the employees. We carry a little extra staff in each
1588 department just for those things because you have so many people gone
1589 so many weeks a year you've got to cover anyway. But it can get -
1590 there's times when we're a little short. It puts overtime on us, but
1591 scheduling is - the employees know where they're supposed to be on a
1592 weekly basis, but we don't go out too much other than vacation
1593 schedules.

1594 **SCHOENING:** Okay, and then if I may. If I may make a comment about - I
1595 appreciate what you're saying, and I primarily appreciate what you're
1596 saying because I think that some of these are mom and pop shops that
1597 people have said will not be affected by this and who we're not trying
1598 to target. It's very difficult when we start enacting ordinances that
1599 apply, and I think this is what you're saying, to one business inside
1600 of town as opposed to another business that's right outside of town.
1601 And when we're discussing these businesses, I'm not going to be on a

1602 pedestal, but when we're discussing these businesses, it's important
1603 that - I feel like we're sort of getting into this realm of well,
1604 these are the bad guys, and the businesses that do things the way we
1605 don't want them to, and then these are the good guys. And that
1606 concerns me a lot because I know when I'm doing business, I know who
1607 those other businesses are full well that are not doing the same
1608 things that I'm doing that I believe are ethically and correct, and it
1609 might cost me some money. But I also know that they are acting within
1610 the law and within their rights, and I think it's very difficult for
1611 me to hear things like "We're willing to pay," because I know that
1612 there are people in Sherwood who are not willing to pay. I do business
1613 here, and people tell me what they're not willing to pay. And so - and
1614 I think that's what you're saying to me is there is a certain
1615 threshold where that money is not going to come from their profit
1616 line. It's going to come from our pockets when we buy that product.
1617 And so for instance, if my all natural pork that I buy locally raises
1618 its price of bacon, I'm going to ask you to pay that price of bacon
1619 increase. I'm not going to take the hit. And neither is any other
1620 business, I believe. So I think that what Mike is saying is he falls
1621 into both those categories, and you can raise your prices, but that
1622 will make people not do business with you. Am I correct?

1623 **LEICHNER:** It will affect other jurisdictions also, so you will have
1624 the reverse effect, but I think you're right on. There's got to be a
1625 balance so that anybody that does business here or potentially outside
1626 of town is going to be balanced so that customers will choose on the
1627 quality of service and their choice rather than just your price.
1628 That's a big issue, I think, is trying to - and your charge is going
1629 to be, is difficult, and I don't relish that. And I didn't apply to
1630 the group because - I've been here because I'm interested in what's
1631 going on, but that's a tough job, and I have enough headaches.

1632 **O'KEEFE:** I have a question for you. I appreciate your perspective,
1633 and I really appreciate your being here. My question to you would be
1634 do you have any suggestions for our thresholds that maybe we haven't
1635 looked at? I mean, you're a fresh face. You've been sitting here for
1636 two weeks. Do you have any direction you could give us, too, that
1637 might be able to narrow this down and still be fair to as many
1638 businesses as possible in Sherwood without singling somebody out?

1639 **LEICHNER:** That's a tough one because you're going to have to find
1640 something that effects all of the businesses equally, and I don't know
1641 if you can do that. You may get close to it, and that may be
1642 acceptable, but it's really tough because you're going to have to
1643 figure some way to effect businesses outside the city to make it fair
1644 for those that are in. Some businesses - yeah, it's the right thing. I
1645 spend a little extra for non-chemical food, for example, or our
1646 hydraulic fluid that we use is vegetable oil based, it's not petroleum
1647 based so that if we do have a leak, it's cleaned up, but there's no
1648 issues with environment. Those are little extra things. We recycle our
1649 antifreeze and all the other items that instead of just letting
1650 somebody have them. So there's a cost to do that, and that's a
1651 business choice, but at some point, you get to a business choice of in
1652 business or out of business. And it's hard for me to answer that
1653 question because I don't know if there is a perfect answer. I think

1654 you can get to an 85-90% or better comfort level than you're there,
1655 but it's dealing with those that are just across the border in the
1656 next city or unincorporated that might just have a little bit of an
1657 advantage. And being the first one on the block, that is something
1658 that you have to face, and the citizens may decide to go there and
1659 accept that, and there may be a bump in the road. Hopefully it's a
1660 small bump and not a major one until the others come along. You know,
1661 you talk about Portland doing some of these things, that's a big city
1662 and a lot of businesses. It may drift out and the other jurisdictions
1663 may say, "Hey, it makes sense," and other onboard counties may come
1664 one. Then it's - you see that with the sales tax in Washington and not
1665 in Oregon and all the fighting over who goes across the river to buy
1666 in Oregon, but they don't have income tax in Washington. So I mean,
1667 it's the same type of thing. It's not a balance, but they're close.
1668 You pay the same in taxes, but it's just which pocket you take it out
1669 of. So, I'm rambling. Sorry, I need to get off here.

1670 **MEYER:** Thank you, Mike. Would anyone else like to come on up?
1671 **NANCY:** Okay. When the economy is good, it's a buyers' market. Houses
1672 are based on, mortgages are based on, the economy gets better, things
1673 go up, people can afford more. When the economy is poor, we all know
1674 cheap is good, and we can all agree on that, probably. Heather, I want
1675 to talk to you. I was so happy that you brought in some extra examples
1676 that you brought in. You brought in Santa Fe. I've been there, spent
1677 many, many days there. Santa Fe's economy is based on New Mexico. It's
1678 based on tourists, and that is its primary base. Artists live there.
1679 Artists do business there. So it's a different economy than Sherwood.
1680 I would hope that Sherwood turns into that, correct Matt? A vacation
1681 spot of the world?

1682 **MEYER:** Nancy, if you would please direct your comments to the
1683 committee?

1684 **NANCY:** I'm very sorry.

1685 **MEYER:** Thank you.

1686 **NANCY:** Anyway, I was very proud that you also brought in, what was
1687 it, San Francisco as the other example because I've been to San
1688 Francisco. And they're a wonderful mix. They have both vacation and
1689 everyday economy, people living there, people doing business there,
1690 people riding BART, people getting back and forth. So I was very happy
1691 that you brought that up, and I do think that if all of this goes
1692 together, we will have one heck of a bill or one heck of a example for
1693 the rest of the small communities in this entire world to look at in
1694 many ways. One other thing, we took on the water issue. It's a utility
1695 issue, and somehow we now are getting billed - I get one every month
1696 instead of every other month like I used to when I first moved here,
1697 and correct me if I'm wrong, but we're cleaning up the Willamette.
1698 Correct? I'm just asking. We're cleaning up the Willamette?

1699 **MEYER:** That's not something I think we can speak to.

1700 **NANCY:** Well somebody in this room probably can. I mean, that was the
1701 issue when we first started talking about the water issue is, "Will we
1702 be cleaning up the Willamette?" And the answer was, "Yes, we'll be
1703 taking the water out of the Willamette instead of out Bull Run."

1704 **MEYER:** I don't recall this committee having a conversation about
1705 water and the Willamette.

1706 **NANCY:** Well, I mean this committee, I mean the City of Sherwood. They
1707 took this on as an issue.

1708 **O'KEEFE:** That may be a question for the city council at a city
1709 council meeting.

1710 **NANCY:** Anyway, we took that on. We figured out as a city how to bill
1711 for it. I get a bill every month. I get fees. I don't think this city
1712 is beyond being able to tackle this issue. That was it.

1713 **MEYER:** Thank you. Would anyone else like to - yeah. Come up.

1714 **EUGENE:** Well, one of the things that I'm a little concerned about are
1715 we - instead of worrying about one business, should we not be worried
1716 about attracting the businesses that we know will provide these better
1717 paying jobs and benefits because whenever you force people to do
1718 something, you usually don't end up with the best thing. Also, do we
1719 need to encourage workers to go out and find better jobs instead of
1720 working at low paying where they have to - they don't have the
1721 incentive to earn what they want. It's like you're taking from one who
1722 is perceived to be a rich person and giving it to a poor person. When
1723 you do that, you take some incentive away from the richer person
1724 sometimes who, if they have more money, they create more businesses
1725 which makes it better for everyone. The opportunity is there, but you
1726 have to be willing to step up, work for it, and earn it. But the main
1727 question is is that how will this, if you pass this, will it keep
1728 other bigger businesses away who maybe could pay better wages than
1729 what you perceive? So I think we need to look at more carefully what
1730 is keeping businesses out of town, the ones that we want to come, we
1731 don't seem to be able to attract them. Part of the problem, and this
1732 current project is probably not going to help very much, but it's
1733 traffic. It seems like we should be more concerned with traffic than
1734 we are about benefits for our employees because if you look at
1735 Tualatin now, how it takes so long to get there, businesses are not
1736 going to want to really look at this, any good size business, to come
1737 out here because transportation is going to be such a big headache. So
1738 they're going to try to locate. So are we really attacking the
1739 problems that are really keeping this town down so it isn't growing.
1740 The other thing is on the RV, I'm not sure, but I know like what
1741 happens with the Elks Lodge, they have an RV park there. So is this
1742 ordinance going to effect them. And the other question is I believe
1743 they're permitted by Washington County, so does Washington County have
1744 an ordinance that regulates RVs?

1745 **SCOTT:** I can speak to that. On our meeting on Friday, the Elks came
1746 up, and we discussed I believe as committee trying to carve out an
1747 exemption for them.

1748 **O'KEEFE:** I can probably add to that a little bit. I spoke to an Elk
1749 last night and asked him about - it is my understanding they are
1750 grandfathered in on a conditional use permit for their RVs park. Their
1751 RVs are not hooked up to a septic system. They have to be fully self-
1752 contained. If they ever sell that property or decide to expand or
1753 improve their RV park, they will have to go through the zoning
1754 commission for improvements. Isn't that correct, Tom?

1755 **PESSEMIER:** It will depend. They could still be nonconforming, but
1756 certainly, if they try to expand or change the RV component, they
1757 would. Yeah. So it depends on what they do on their side and how they

1758 do it, but if they were to try to move it or enlarge it or anything
1759 changing what they have there, then yes. They would have to come
1760 before the planning commission in order to do that. But if they leave
1761 it exactly the same way it is, they can certainly make other changes
1762 and not have to conform by commission on the RVs. They would have to
1763 on the other components.

1764 **O'KEEFE:** And any ordinance that - like we discussed the other night,
1765 I think that we left out the term actual "RV," and we limited at least
1766 the parking. We haven't really discussed the overnight or the 24-hour
1767 operation, but the parking is for any vehicle and cooking and sleeping
1768 or anything, doesn't matter what kind of vehicle they're in. And I
1769 think they're still writing that up.

1770 **MEYER:** Yeah. We anticipate that Heather's office should hopefully
1771 have a draft ordinance before us by next week for review. So
1772 definitely keep your eyes out for the next agendas. We'd love to hear
1773 from you at that point as well.

1774 **EUGENE:** Just to reiterate, I think my main concern is the fact that
1775 are we creating something that will keep businesses out of Sherwood
1776 instead of bringing them in. I think that's a very delicate balance,
1777 and one of the things is is that we are overly balanced with
1778 residential at this point, and you need a balance because businesses
1779 do pay more than residences. It costs more for the city for
1780 residential, especially the schools, than it does for a business.
1781 Thank you.

1782 **MEYER:** Thanks. You know, I'd like to address a couple of points, if
1783 that's okay. As I listened to your last testimony and as I hear what
1784 you're saying tonight, I would personally agree with you that we have
1785 a lot of room for improvement within Sherwood. And I feel that the
1786 economic improvement strategy that was completed some years ago back
1787 in 2006 addressed many, if not all, of the points you've brought
1788 before us and then some. And since that time, the City of Sherwood has
1789 made numerous improvements, but I would agree. I don't think that
1790 we're done. And I think that my understanding is there are other
1791 committees working on the marketability of Sherwood and improving the
1792 mix of businesses coming into our area. I think you missed a couple of
1793 my comments earlier. But it does appear, based on the numbers that
1794 were presented in 2006 that 85% of folks that live here are working
1795 outside of Sherwood, and we did talk with Tom about perhaps,
1796 supplemental to the work that we do here, making some recommendations
1797 to the planning commission and council about a re-review of our
1798 economic development strategy and maybe making some recommendations
1799 that they could consider in future decisions for Sherwood. So I think
1800 the points that you raised are really important.

1801 **EUGENE:** One question, and I missed it, I'm sorry, but how are you
1802 going count number of employees?

1803 **SCOTT:** We haven't got to that yet. That's a great question, though.
1804 That's something I've thought about in reading the way some of the
1805 other jurisdictions that I've read have done it, and it's not as
1806 simple as it sounds.

1807 **EUGENE:** Because I mean what happens to - somebody owns three
1808 McDonald's, and do they all of a sudden instead of having 20
1809 employees, got 60.

1810 **SCOTT:** The devil's in the details. Really quickly to add. You can
1811 step away. I was just going to comment on your concerns about traffic.
1812 Nancy at the first meeting had challenged us all to go read the
1813 citizen comments in the city hall, and I did. And I tallied them by
1814 category and I shared this a little the last meeting, but I know many
1815 of you weren't here, and by far and away, the number one citizen
1816 concern was traffic. Unfortunately, under the scope of this committee,
1817 there's really nothing that we can do that I'm aware to address
1818 traffic concerns. That's obviously the city, the county, but I think
1819 we'd all agree that traffic is a concern, and we'd love to see more
1820 improvements, and I know that they are making some on Tualatin-
1821 Sherwood Road in this coming year.

1822 **MEYER:** Does anyone else..would you like to come up?

1823 **BEVILLE:** Yeah. Just one comment. Tony Beville, I live in Sherwood.
1824 We're all here, whether we admit or not, because of Wal-Mart, okay. So
1825 that's different, we have to admit that, but I suggest that, I mean,
1826 we're trying to shape the future of Sherwood, and there's one
1827 important component as Mayor Middleton mentioned. The Chamber of
1828 Commerce isn't here. I think they really need to be addressed. They
1829 need to give answers. Again, as Eugene said, what are we doing to
1830 attract businesses to Sherwood? What is there here? What do we have to
1831 offer? What can we offer? And I guess that's what you guys are trying
1832 to decide in a way. So that's all that I have to say. And I'm getting
1833 the feeling that all of these ordinances that you're looking at, when
1834 it comes down to the nitty gritty, you're going to be offering
1835 charters that when someone applies for business in Sherwood, they're
1836 going to say, "Hey, this is what is a member- this is an integral part
1837 of Sherwood. This is what you can offer to Sherwood, and what we can
1838 offer you is good business." So you may be looking at a plan B.

1839 **MEYER:** Thank you. Any other comments from the public this evening?
1840 Did you have something else to add? Did you have something else to
1841 add? No? Okay. With that, I'd like to maybe just offer an opportunity
1842 for committee comments on anything that's been discussed this evening.
1843 Tom, did you want to say something?

1844 **PESSEMIER:** I'll give you guys an opportunity first, but I would like
1845 a few minutes just to wrap things up.

1846 **BELOV:** I'm wondering if we could focus on sick days, maybe talking
1847 about that portion of the benefits.

1848 **MEYER:** I was under the impression that at this point we're going to
1849 be waiting for Heather's office to get back to us. Yeah.

1850 **SCOTT:** I didn't think we needed to wait. We know sick days are
1851 allowable in Oregon, or sick leave policy like Portland is allowable.
1852 I thought what we were waiting to hear back from is specifically some
1853 sort of benefits package - some sort of, I think Beth said best, some
1854 sort of minimum amount that can be applied broadly to benefits in
1855 general. But we can certainly know - we know we can do a sick-leave
1856 policy if that's what people want to do.

1857 **BELOV:** And I'd like to suggest like five days a year.

1858 **COOKE:** I would suggest accrued.

1859 **MEYER:** Okay. Well...

1860 **COOKE:** And accrued is what Portland is doing. So I can give a little
1861 briefing on - so Portland's policy as it was passed by Portland City

1862 Council, it allows for up to five days accrued - one hour for every 30
1863 hours worked basis for every employer with more than five, so it would
1864 be six employees and above. So if we decided we wanted to go that
1865 route, that's the standard that was set in Portland.
1866 **O'KEEFE:** Did you say 6 or 60?
1867 **COOKE:** Six.
1868 **SCHOENING:** Beth, I understand it as all employees accrue sick leave,
1869 and six and above is paid.
1870 **COOKE:** Correct. You are correct. Five and under accrues unpaid.
1871 Correct. You are correct.
1872 **MEYER:** So is that something that we'd like to explore? Well, given
1873 that we've identified that this is a core issue, perhaps at this
1874 point, I feel like we can take a vote or someone - I could open up the
1875 floor for someone to make a motion that this language is included as a
1876 portion of an ordinance with the work that we're doing.
1877 **PESSEMIER:** I wouldn't think you'd need a vote at this point in time,
1878 just an indication by you that that's what you want us to come back to
1879 you with text regarding - that would be submission.
1880 **O'KEEFE:** I would be interesting more specific language and discussion
1881 about five days of a - can we go over the full time/part time thing?
1882 **COOKE:** Would you like to - I mean, we could possibly just ask that we
1883 bring the City of Portland ordinance. So the accrual basis is that -
1884 so let's say you have somebody who's working. They would accrue up to
1885 40 hours essentially if they were working a full-time schedule. If
1886 they were working a part-time schedule, it would be fewer day and
1887 fewer hours that they would accrue. So someone who is working a part-
1888 time job isn't going to necessarily accrue five full days because
1889 they'd be on an accrual basis versus one that's a set five days per
1890 year regardless of the number of hours worked.
1891 **O'KEEFE:** I understand that part. I would be cognizant of the
1892 residents and the peoples in the audience limiting the desire for
1893 businesses to come into the Sherwood area. I think we still need to be
1894 an attractive city and I don't know if we want to...
1895 **BELOV:** This is quite low. I mean, five days a year. It's not high.
1896 **SCOTT:** Well, I'd certainly be interested to know, and maybe, Rachel,
1897 you can speak to this for your business but also other businesses in
1898 town that are in the 6 to 20 employee range to be curious about what
1899 the potential impact of something like that would be on their
1900 business. And to the point made a little bit ago about - you know,
1901 Portland is a big city. A certain number of businesses are going to do
1902 business there and have to do business there no matter what. If
1903 Sherwood enacts an ordinance like this, and we want to attract in new
1904 businesses, and a new business is looking at us verus Tualatin versus
1905 Wilsonville versus Newburg versus Beaverton-Scholls area, Tigard, I
1906 guess I missed Tigard/King City, that's a potential determining
1907 factor, right? Okay, if we go to Sherwood, we have to guarantee a
1908 certain amount of sick pay per year. We can location in one of these
1909 other towns five miles away and we don't. Is that - and this may be a
1910 business in the future that we want to have come here and not one that
1911 maybe some of us don't, and I think that's something I'm really
1912 concerned about and driving away business that we may want to have in
1913 this town.

1914 **COOKE:** So San Francisco passed an earned sick days policy a number of
1915 years ago, and they have found that it actually hasn't had that
1916 impact, that it's been - they've gone back and surveyed employers who
1917 were concerned, who had concerns prior to the passage, and in fact,
1918 they have said no. You know, it actually wasn't really that big of a
1919 deal. As Naomi said, actually if you calculate the cost, it's actually
1920 not that high. And even already it hasn't been enacted in Portland
1921 yet, and many businesses are saying, you know, actually this is not
1922 going to be that big of a deal.

1923 **SCOTT:** And what's the population of San Francisco? And Portland.
1924 We're talking about half a million people and then if you throw in the
1925 Metro area of San Francisco, it's even bigger. And you can locate -
1926 you can't leave the heart of San Francisco and go outside of town
1927 where the ordinance doesn't carry and still expect to pull in any of
1928 the same amount of business. You're talking about an hour out of town.
1929 Here it's three miles down the road. So business can choose easily to
1930 locate outside of Sherwood to avoid this hit. We're not a 500,000
1931 person town.

1932 **BELOV:** But we are slowly, and I'm sure well aware of it, becoming
1933 part of Metro as much as we don't want to be. We want to be Sherwood,
1934 the small town. So I think that it is maybe a concern but not as much
1935 as it would be if we lived out - if we were out in rural Oregon or,
1936 you know, hundreds of...

1937 **SCOTT:** Actually, it would be less of a concern in rural Oregon
1938 because businesses don't have anywhere else to go. Right? If the next
1939 town is 30 miles away, the business isn't going to pull up stakes and
1940 leave town because of sick-leave policy. But the next town here is
1941 three miles away. How easy is it for a business to say, "You know
1942 what? I'm going to move down the road to Tualatin," or "I'm not going
1943 to come here at all. I'll locate in Tualatin to begin with."

1944 **BELOV:** But have the benefit of...

1945 **SCOTT:** Tualatin already has - sorry to interrupt. Tualatin already
1946 has a big geographical advantage in the fact that they are on the
1947 freeway in some degrees. That's a disadvantage in other ways, and
1948 that's one of the reasons I live here, but from a business standpoint,
1949 that's a pretty significant disadvantage we already have, and we'd
1950 just be potentially exacerbating that.

1951 **BELOV:** Well, anything we do here could be looked at that way or as a
1952 positive thing. So what I mean is that we have the benefit of being a
1953 part of this Metro area in that people also know that, and we can -
1954 there are numbers. There's population. There are people who come to
1955 Sherwood specifically for what we offer, although it is in close
1956 proximity to Portland. And the same could be true for any business
1957 that chooses to operate here or not.

1958 **COOKE:** And I will say, your concerns were expressed in Portland, and
1959 again, the fact that so many low-wage workers don't earn a single day
1960 of sick leave and the public health impacts that it has on the
1961 community, all those things were taken into account, and the ordinance
1962 still passed. And it was - because you know, they had many of those
1963 same conversations like why couldn't they just locate just outside the
1964 border, and the cities that have passed it have found actually it's
1965 been very much a community-wide benefit, and there are campaigns

1966 nationally where, you know, they've just passed it in New York City. I
1967 mean, it's...

1968 **SCOTT:** Right. And all of these places are large cities. We're still
1969 talking about 500,000 versus 18,000. It's impractical for a business
1970 to leave the heart of Portland and relocate outside of town to avoid a
1971 sick-leave policy. The cost-benefit analysis is easy. You're better
1972 off to pay more for the sick-leave policy and stay where you're going
1973 to do more business. Here, that equation is out the window.

1974 **MEYER:** Doug, would you agree that creating this kind of an ordinance
1975 could potentially be viewed as promoting community well being and
1976 promoting a conscious advance of employees within Sherwood?

1977 **SCOTT:** It could be or it could keep businesses from locating.

1978 **BELOV:** I think part of this conversation should be - we should ask
1979 employers here what they already do provide because I bet a lot of
1980 them already do provide sick days. So I'm curious. And 5/6 days is
1981 not...

1982 **SCOTT:** I'd like to hear from Rachel. Sorry. I'm putting you on the
1983 spot. You can refuse to talk.

1984 **SCHOENING:** The nature of our business, and this was actually really a
1985 big - the Portland law doesn't take effect until January 1, 2014,
1986 first, I need to say. So no business in Portland is actually doing
1987 this because they have to is they're doing it now. So we don't know
1988 what the impact is on those businesses until January 1, 2014.
1989 Secondly, I can only speak to the restaurant business which is already
1990 part time, rotating schedule, multiple-job employees for the most
1991 part. So it's difficult for me to discuss something that might impact
1992 a company the size of Mike's or a large retailer. I do know that the
1993 Portland law effects 240 hours worked per year. So it's an employee
1994 who works 240 hours a year. You accrue your sick leave, and it is not
1995 paid unless you have six or more. As a company - as a business model
1996 for restaurants, this was really, really discussed a lot because
1997 restaurants do this the most. We don't offer paid sick time because
1998 you can say, "Hey, Joe. Can you work my shift today? I'm not well."
1999 And Joe can come work your shift. But we also are in the unique
2000 position of - and I don't mean to demean or devalue an employ who sits
2001 in a chair in an office, but if my employee does not come to serve
2002 food or cook food, I cannot be open. Also, alternatively, if my
2003 employee comes to work sick, I cannot be open by law. So that's clear
2004 as day. So I have to follow this rule already. However, if you ask me
2005 to accrue sick leave, am I then allowing vacation time and unplanned
2006 absences? This five days of an unplanned absence of an employee once a
2007 year could - I could close for five days potentially. This could
2008 impact a small business really a lot, and if you have someone, one
2009 person, who can only do one job, and that person is out, and they're
2010 not necessarily sick, but they have accrued this time, it could be an
2011 impact. If I have to pay sick leave, what then happens to tipped
2012 wages? How do I figure that into the pay? These are just discussion
2013 that I've heard and things that I've discussed with the other person
2014 who owns the business with me who happens to be my husband. But what
2015 do we do then? Do we factor in the wages that they have made by tips?

2016 **SCOTT:** Just real quick. The Portland law did not. It was
2017 (indecipherable) only.

2018 **SCHOENING:** It did not. It also has a really lot of exemptions, a lot
2019 of businesses that are exempted, and those businesses had more money
2020 and more time to lobby. I will say that I feel like it's a great
2021 policy. I think as an employer, I'm already doing it. I think Mike's
2022 already doing it. It's like I said earlier, I think employers who want
2023 to have healthy work place are already doing it. So if it's a concern,
2024 it's not going to address those people who are working 240 hours a
2025 year or less than 240 hours a year. So I think we need to consider
2026 that. Who is going to impact? Is it going to impact who we really want
2027 it to impact. And secondly, this is another one to discuss the level,
2028 the threshold because for a small business, this could be huge. For a
2029 larger business, Mike's already said he's got some extra people kind
2030 of around, probably they're the people that we call double hat
2031 wearers. You know, I can cook, and I can wait tables. My husband can't
2032 cook, but he can wait tables. Most companies kind of have that built
2033 in, but not all do. So you asked for my input, there it is. I think
2034 it's a great law.

2035 **BELOV:** So you're saying you do provide sick days?

2036 **SCHOENING:** No. We do not accrue sick leave on the books. Nope. But if
2037 you're sick, you can't come to work. It's the law. It's the law for
2038 me.

2039 **SCOTT:** And you engage in a lot of shift trading then is what I heard
2040 you say?

2041 **SCHOENING:** Absolutely. Yeah. Absolutely.

2042 **SCOTT:** And that's common in your industry from what I understand.

2043 **SCHOENING:** Absolutely. Yes.

2044 **SCOTT:** And that for me brings in the other idea of the scheduling in
2045 advance because if you have an ordinance that requires scheduling in
2046 advance, and you also allow shift trading, then the business is all of
2047 a sudden potentially going to be in the situation where they publish
2048 an schedule, people trade shifts, and then someone comes back two
2049 months later and says, "Hey, I ended up working these extra days that
2050 weren't on the schedule," and now they file a complaint. Right? So
2051 you're going to have to put yourself at risk of being found guilty of
2052 a complaint because someone traded outside the published schedule or
2053 you're going to have to require some sort of process whereby people do
2054 their shift trading through you so you have it documented. So if
2055 somebody does come back later, you can prove that the scheduling
2056 exception was approved.

2057 **SCHOENING:** Yes. I see your point; however, that's already kind of
2058 built in. It's scheduled shifts per week. So most of the time - when
2059 reading most of the employment laws, it'll say this person is schedule
2060 for 20 hours a week, and it's all averaged. Doug, for the most part,
2061 if I'm picking up three extra shifts in one week, but on average, I
2062 still work this many hours, that doesn't really impact.

2063 **SCOTT:** Yeah, so it depends on how we write that. If we write an
2064 ordinance about publishing a schedule two weeks in advance, it depends
2065 on how we write that.

2066 **SCHOENING:** But if it's in line already with BOLI wage and hour laws,
2067 that won't happen. So as long as we sort of stay within that realm, it
2068 won't happen. But that also lends to if you have someone who you're
2069 repeatedly asked to work extra hours, they need to have the ability to

2070 say to someone, "I am working 33 hours all of the time." So that needs
2071 to also be built in. I mean, the reality is this is a threshold issue
2072 because Portland's is pretty low.

2073 **BELOV:** Would you be willing to talk to us about this? Sick days
2074 specifically?

2075 **MEYER:** Thanks, Mike. At this point, I think we're going to do closing
2076 comments. Did you have something to add? I saw that you reached for
2077 the button. This is great dialogue, and I think these are, again -
2078 we've said this time and time again, but what a great opportunity we
2079 have to think through these issues and have feedback from Sherwood
2080 residents and others. And this is, as someone said, a huge charge. And
2081 I'd like to believe that we will make every effort at meeting a
2082 reasonable ordinance that will really better define what it is that
2083 we're looking for in terms of businesses that reside here in Sherwood
2084 and to do better by the folks that are working here as well. At this
2085 point, Heather, it sounds like one of the requests that we've had that
2086 you do look at building this into, the ordinance that..

2087 **MARTIN:** I'd probably just bring back the Portland sick leave law and
2088 just if there are some provisions that aren't appropriate for
2089 Sherwood, I might highlight them.

2090 **MEYER:** Generally, it sounds like we've got consensus that this is
2091 something for us - that we consider this.

2092 **COOKE:** Well, and I'm not sure I'm hearing consensus yet.

2093 **SCOTT:** Just to be clear, I'm not unwilling to consider it, I just
2094 have concerns, especially about the threshold most likely, but I have
2095 concerns in general about applying to (indecipherable).

2096 **COOKE:** And I will, just to be clear, that I would want us to stick to
2097 the Portland thresholds. At this point, I wouldn't be able to support
2098 anything that varied from that currently.

2099 **O'KEEFE:** Yeah. I have concerns, but as sitting here, you said
2100 something that clicked with me is I'm not here for my concerns, I'm
2101 here for the citizens of Sherwood, and we are just making
2102 recommendations that we're going to send to the voters. So it's not
2103 like I'm going to have the deciding voice. Even though I may not agree
2104 with Portland's idea of what things should go like, I'm certainly not
2105 against sending it to voters or sending it to the city council with
2106 recommendations. But I would like to look at those exemptions.

2107 **MEYER:** And I think that's a great point. I think it was Eugene that
2108 questioned what it was that we were doing here really. And at the end
2109 of the day, Eugene, and to everyone else, we are working as a
2110 committee to draft ordinances that will be recommended to city council
2111 for their consideration that would then be placed on a ballot for the
2112 vote of the people. And that's what we're doing. So at the end of the
2113 day, it's not our decision. It's yours. Tom, did you want to add
2114 anything to this?

2115 **PESSEMIER:** So I guess what I'm hearing is that you would like us to
2116 start an ordinance that essentially has a lot of the elements inside
2117 of the Portland's ordinance and to bring back language you can start
2118 to take a look at. You may add other components to that ordinance
2119 based off of what Heather's research comes back to show or you may
2120 decide to put that into a separate ordinance because you could end up
2121 putting too much chicken soup into one ordinance and the whole thing

2122 failing at the public because certain people don't like certain
2123 components and so they're not going to vote for it for one reason or
2124 another. So I guess those are things that you'll need to consider as
2125 you move forward, but I would still caution you there's only a certain
2126 amount of ordinances that you guys are going to be able to handle
2127 given the deadlines that you have. Another thing, I was listening
2128 really carefully to kind of the things, and I think this is a great
2129 conversation. And the sick leave bill, I think accomplishes a lot of
2130 the things that I heard from the public and from you guys as well as
2131 to what you guys want to accomplish and what the mission is and
2132 estimate things better. I heard that over and over, and the areas that
2133 I heard about how you can make things better is do things that might
2134 be great for Sherwood but might also encourage other jurisdictions to
2135 consider. That's what Portland did with the sick leave bill. They
2136 didn't do it just because they - they did it mostly because they're
2137 Portland. They wanted that, but they were also trying to encourage the
2138 state to do something, and the state certainly considered sick leave
2139 seriously during the last legislative session...

2140 **COOKE:** And there is work group currently during the interim as well.

2141 **PESSEMIER:** Yeah. So that's one good thing to help make things better
2142 because Naomi brought up the point of the socioeconomic issues that
2143 you can deal with. If you can take people off of state programs or
2144 other programs where they're on, well then that's better for everybody
2145 else, but if it's just Sherwood, then really we're still paying our
2146 taxes and then we're paying an extra fee for something. And maybe
2147 that's perfectly okay, but if you can write something that good enough
2148 that other jurisdictions want to follow the example then you can make
2149 a change. Not only in Sherwood, but you can make a change on a bigger
2150 scale which would be good. And then the third thing was empowering
2151 people to have a better something. Eugene brought up training and
2152 education, but maybe it's just making a better decision about not
2153 coming to work when they're sick. That's good for them. That's good
2154 for a lot of different things. So those are kind of the things you
2155 might want to think about, those three things, as you consider these.
2156 Are we hitting these targets as you move things through the process
2157 because I heard that from a number of different people and you as
2158 well. So I kind of wanted to just lay those three things out there as
2159 things that you consider as you consider other things. Can you hit
2160 these three country litmus tests in order - so that you're doing what
2161 you want, and you're making things better which is what the goal is.

2162 **MEYER:** Thanks, Tom. I think Doug had a couple more comments.

2163 **SCOTT:** Yes. I just wanted to follow up on the conversation from
2164 tonight. So this was mentioned by one of the citizens, and I just want
2165 to be clear that I'm not here about Wal-Mart. I know this committee
2166 may have been originally formed because of pressure about Wal-Mart.
2167 I'm not here to target Wal-Mart; I'm not here to benefit Wal-Mart. I'm
2168 here to look at what kinds of ordinances we can enact that's going to
2169 be better for this town tomorrow, next week, next year, ten years down
2170 the road. So I just want to cover that. I mentioned this earlier. Our
2171 economic principles are based on the free-marketplace, and I believe
2172 in that. And we have some significant geographical challenges in
2173 Sherwood already, right, that some of our neighbors don't have:

2174 Transportation challenges and infrastructure challenges and locational
2175 challenges, right? We're not on I-5 like Wilsonville and Tualatin
2176 are. Tigard is closer to the Metro area, lots of more ways in and out.
2177 Newburg's a little bit further down the road outside of the Metro
2178 council area. So we already have a traffic issue. We all know that. We
2179 also have an Old Town that we're trying to revitalize, and that is
2180 fantastic, but it's not on the main road through town. That's another
2181 challenge we have to face. So I'm really concerned about making
2182 Sherwood more uncompetitive compared to neighboring towns than we
2183 already are in a lot of ways. And I want to bring business, I want to
2184 bring the right kind of business, into Sherwood. And I'd love it if we
2185 could bring in a bunch of office parks that had professionals making
2186 \$50,000-\$100,000 a year in them. That's going to be really hard given
2187 our locational challenges and transportational challenges. So I love
2188 the idea of making Sherwood a great vibrant place to live, that's why
2189 I live here, and to work, and I wish and hope there's some ways we can
2190 encourage the businesses we all want to see here to be here, but I
2191 have to caution us against really becoming uncompetitive in the
2192 business marketplace. So thank you.

2193 **BELOV:** I think it might be good to discuss like what are the great
2194 things about Sherwood. What things would draw business? For example, I
2195 myself think of Sherwood as a gateway to the wine country. So I mean
2196 that could be a whole huge marketing point.

2197 **MEYER:** Yeah, and I think that's great. And I think, again, I think
2198 that topic is probably better suited in an economic development kind
2199 of committee, and while I think it's really, really important, I'm not
2200 sure this committee can focus on those items other than as those
2201 things pertain to the ordinances that we're working to craft.

2202 **BELOV:** All right. Just in response to what Doug was saying, you know?
2203 Like there are some limiting factors to Sherwood but certainly not - I
2204 think a lot of people choose Sherwood specifically for what it does
2205 have to offer. And that's what we're trying to retain as well. And all
2206 those petitions that people signed, a lot of them said, "I moved to
2207 Sherwood because...," and they listed the reasons. So for us to at least
2208 take what they said and to paraphrase it and to talk about it would
2209 be part of this whole discussion I think.

2210 **MEYER:** Okay.

2211 **PESSEMIER:** So you asked if I have more, but I wanted to touch on a
2212 couple things that I mentioned because I've heard them a number of
2213 times, and I think they deserve to be kind of addressed. So I'll start
2214 with the economic development strategy and economic development in
2215 general. We've had a conversation going on in regards to what we've
2216 done there and what we plan to do. The economic development strategy
2217 was adopted in 2006. It was a joint effort that included consultants,
2218 the planning department, planning commission, and council. It was a
2219 good plan and had a lot of information. I know there were some things
2220 missing in it, but for the most part, it was a good plan. But it
2221 didn't really - while a lot of things in there got implemented, it was
2222 kind of a project that kind of went on the shelf and wasn't talked
2223 about. And this is all stuff we've talked about, so we've picked that
2224 up in the SURPAC committee which is the Sherwood Urban Renewal Policy
2225 and Advisory Committee. So while it sounds like SURPAC's mission is

2226 limited to urban renewal, council back in 2005 added economic
2227 development to their plate. So that is something that we have talked
2228 with SURPAC about. We've actually gone through the economic
2229 development strategy with them. We've also given a presentation to the
2230 city council in regards to that, and city council pretty much
2231 indicated that they would really like to see more information that
2232 would empower SURPAC to really start taking the economic development
2233 strategy more seriously and making sure that the components in there
2234 are actually working. Some things that have come up that are in the
2235 study is this mix between jobs and housing. And the strategy
2236 identified a certain low, medium, and high jobs that they would like
2237 to accomplish over a 20-year time frame. And with the talk in
2238 employment area, the amount of jobs that are identified in that area
2239 will exceed the high ratio of what they wanted for employment in the
2240 area. So that's an important area for us to continue to focus on
2241 because that is what was desired in the study and in the community to
2242 kind of change that ratio of housing to jobs and balance. At the same
2243 time, limiting the amount of housing that comes in is the other part
2244 of that because if you just let people build everywhere, everybody
2245 loves Sherwood, and a lot of people want to be here, and obviously the
2246 market doesn't support that right now but probably would in the
2247 future. So there's got to be a balance there on the housing side as
2248 well. Retail was a small component of that study, and certainly with
2249 the retail coming in and other things, we're probably getting close to
2250 where that study was suggesting that we - so it kind of balanced all
2251 three of those things. It also touched a lot of tourism, and we also
2252 have had a conversation with Urban Renewal Board about tourism, and
2253 that is going to continue. There were four areas that were identified
2254 in the tourism. One is the Tualatin National Wildlife Refuge, one was
2255 the gateway to the wine country that Naomi just mentioned, another was
2256 a hotel/motel initiative, and the fourth one was sports complexes
2257 (indecipherable) U.S.A. And again that's something that SURPAC is
2258 going to be working. So I guess what I'm trying to say is two things:
2259 First off, there is a committee that's looking into these and is
2260 interested and will continue to do that. And so if anybody wants to
2261 join the committee, we have a couple vacancies. I know we have an
2262 application in which we got the last couple of days from someone who
2263 is sitting in front of me. Doug actually applied for SURPAC. But we do
2264 have another vacancy, and it's actually a really interesting committee
2265 that's kind of shifting its focus out of urban renewal onto more of
2266 the economic development topics as we move forward. So certainly, it
2267 hasn't been lost on the city, and it's happening, it's just happening
2268 in a different venue from this committee. The other thing I'd like to
2269 kind of touch on is traffic because that's been brought up number of
2270 times as well. And I'm not going to get into all the different things
2271 on traffic, but I do want to kind of list off the improvements and
2272 give you kind of a general idea because I think everybody probably on
2273 this committee and maybe in Sherwood can agree that traffic is a
2274 problem. I think that's a universal thing that pretty much everybody
2275 in Sherwood can agree on. But there are a number of things going on
2276 and specifically some things going on in the very near future. So the
2277 Tualatin-Sherwood Road improvements, that's about a \$10 million

2278 project that Washington County is doing, and that's going to carry
2279 additional lanes all the way through to Borchers as you're coming up
2280 Tualatin-Sherwood towards 99W where the backup towards Tualatin goes.
2281 They're planning on carrying an additional lane all the way through to
2282 Borchers on the other side. They're also planning to eliminate a
2283 signal, if at all possible, at the theater and where Albertson's is
2284 and provide alternative access to those businesses. Additional lanes,
2285 additional turn lanes, additional queuing lanes for staging which will
2286 then allow more efficient operations at the intersection of 99W and
2287 Tualatin-Sherwood which is a real problem. Their models show that
2288 they're going to probably be solving the problem at that intersection
2289 anywhere from 15-20 years. What that means, you know, I'll let
2290 everybody decide, but I guess I don't want to leave people thinking,
2291 yes, we all know it's bad today. And I guess if you look at what
2292 people are planning, things are going to get better in the future.
2293 Along with that is the Adams North project that will get extended all
2294 the way through from Tualatin-Sherwood around to the Home Depot
2295 signal. Washington County is also working on an extension of 124th
2296 which will go south all the way down to Tonquin Road and then from
2297 Tonquin over to Grahams Ferry which will then provide a freight route
2298 to serve all those - the Tonquin employment area and everything and
2299 provide another access to I-5. They're also doing an intelligent
2300 transportation system project on Tualatin-Sherwood where they're going
2301 to link all the signal together so that they communicate with each
2302 other better and can get a better work flow. And they're working with
2303 the state to coordinate the county signals with the signal the state
2304 has at the intersection of 99W and Tualatin-Sherwood and Roy Rogers.
2305 So those are all projects that are working that will definitely make
2306 the situation better. And then within a larger timeframe, we're still
2307 hoping to get a southern arterial from I-5 over to 124th or Tonquin,
2308 and I know that was a long project, but it's still something that's
2309 out there and still something that we're trying to pursue in more of a
2310 20 to 30-year time frame. But those are all projects that will make
2311 things better. Everybody decide what that means for them for traffic
2312 but I definitely think that it's been something that's been identified
2313 and something that is being worked on currently.

2314 **MEYER:** Is there any discussion of a re-review of the capacity
2315 allocation program?

2316 **PESSEMIER:** It was certainly a part of the town center thing that I
2317 think kind of got dropped. I'm not sure where that is in the town
2318 center, but it's something that's kind of been talked about from time
2319 to time. And it's difficult to try to do land use through caps and
2320 other things because there's usually better ways to get there. And
2321 that was specifically trying to look at preserving capacity on Highway
2322 99W. And I think once all this settles down and, probably more
2323 appropriately, once we go through our transportation system plan which
2324 is something that we are, I think tomorrow night, are planning to
2325 hopefully get approval for the IGA to work with the state. I think
2326 that's probably the better time to do it because then we can do some
2327 modeling and see okay, well, did the cap do what it was expected to
2328 do. Is it still effective is doing what we want it to do and move
2329 forward? So I think that's probably a better conversation to have is

2330 the transportation system plan that was being discussed and
2331 implemented which will probably be a year and a half from now.
2332 **MEYER:** Thanks, Tom.
2333 **BELOV:** Have you heard of light rail also being brought in?
2334 Specifically or is Metro just talking about it.
2335 **PESSEMIER:** I think it's been dropped. It was certainly part of this
2336 southwest corridor plan that was being put together. I'm pretty sure
2337 that they dropped light rail from consideration quite a while ago.
2338 They're still taking a look at mass rapid transit and see whether that
2339 would be unofficial to Sherwood or not.
2340 **SCOTT:** I think the latest I thought I saw was light rail to Tualatin
2341 with some sort of bus transit between here and there.
2342 **MAYOR:** We vote on it actually on next week some time. Light rail is
2343 not even in the picture.
2344 **SCOTT:** Oh. Completely out? Even to Tualatin?
2345 **MAYOR:** It is, but the costs are very prohibitive.
2346 **PESSEMIER:** But Naomi brings up a good point because it's not just
2347 about building new roads and making roads bigger, but it's also about
2348 transit and changing the way that people tend to commute from
2349 different places. And there's other projects that we're working on as
2350 well including Cedar Creek Trail which will provide a backbone for a
2351 trail network so people can hopefully get out of their cars and walk
2352 or bike to work as well as hopefully increase transit service. We're
2353 continuing to work on - I don't know what we can do there to improve
2354 that.
2355 **MEYER:** Well thank you for all of the efforts staff is making toward
2356 progress for our city. Unless there are any other comments, I think I
2357 will move to adjourn. And we are adjourned (9:28pm).
2358
2359 0727et01
2360
2361 Minutes Transcribed by:
2362 Automated Typing Services
2363 205 SE Spokane Street, Suite 395
2364 Portland, OR 97202
2365
2366
2367 Minutes Approved:
2368
2369 
2370
2371 Meerta Meyer, Chair
2372 8.2.13
2373
2374 Date
2375
2376 Documents presented at the meeting:
2377 Exhibit A: City of Ashland Living Wage Code
2378 Exhibit B: San Francisco Chapter 14 Health Care Security Code
2379 Exhibit C: DC Living Wage Ordinance, District of Columbia
2380 Exhibit D: Memo from City Attorney's office Beery Elsner & Hammond, Living Wage Issues
2381