



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, August 6, 2013

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**

5:30 pm City Council Executive Session
(Pursuant to ORS 192.660 (2)(F), Exempt Public Records)

6:00 pm City Council Work Session

7:00 pm Regular City Council Meeting

City Council Executive Session
(Pursuant to ORS 192.660 (2)(I), Performance Evaluation)
(following the regular City Council Meeting)



Home of the Tualatin River National Wildlife Refuge

5:30 EXECUTIVE SESSION

1. ORS 192.660(2)(F) Exempt Public Records

6:00 PM COUNCIL WORK SESSION

1. YMCA Discussion

REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CONSENT

- A. Approval of July 16, 2013 Council Meeting Minutes
- B. Resolution 2013-043 Appointing Beth Cooke to the Planning Commission
- C. Resolution 2013-037 Authorizing an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) to receive Transportation Growth Management (TGM) funds to perform an update of the City of Sherwood Transportation System Plan (TSP)
(Bob Galati, City Engineer)
- D. Resolution 2013-044 Authorizing the City Manager to sign 3-year On-Call Planning Contracts with three selected firms (Brad Kilby, Planning Manager)

5. PRESENTATIONS

- A. Recognition of Sherwood High School Students Academic Achievement

6. NEW BUSINESS

- A. Special Committee Report

7. PUBLIC HEARING - Special Committee Proposed Ordinance Language

- A. Regulation of Camping
- B. Regulation of Business Hours
- C. Regulation of Hazardous Substances

Note: The above documents are estimated to be available on Friday August 2, 2013. The meeting packet will be amended upon receipt of said documents.

8. CITIZEN COMMENTS

AGENDA

**SHERWOOD CITY COUNCIL
August 6, 2013**

5:30 pm Executive Session

6:00 pm City Council Work Session

7:00 pm Regular City Council Meeting

**Executive Session, ORS 192.660(2)(i)
Performance Evaluation
(following the regular City Council meeting)**

**Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140**

9. COUNCIL ANNOUNCEMENTS

10. CITY MANAGER AND STAFF DEPT REPORTS

11. ADJOURN TO EXECUTIVE SESSION

How to Find Out What's on the Council Schedule:

City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, by the Friday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the YMCA, the Senior Center, and the City's bulletin board at Albertson's. Council meeting materials are available to the public at the Library.

To Schedule a Presentation before Council:

If you would like to appear before Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy by calling 503-625-4246 or by e-mail to: murphys@sherwoodoregon.gov



SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
July 16, 2013

CITY COUNCIL WORK SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:32 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Councilors Bill Butterfield and Matt Langer. Councilor Robyn Folsom arrived at 6:40 pm. Council President Linda Henderson, Councilors Krisanna Clark and Dave Grant were absent.
3. **STAFF PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Julia Hajduk Community Development Director, Craig Sheldon Public Works Director, Julie Blums Interim Finance Director, Police Chief Jeff Groth, Police Captain Mark Daniel, City Engineer Bob Galati, Ashley Graff Intern, Colleen Resch Administrative Assistant, and Sylvia Murphy City Recorder.
4. **OTHERS PRESENT:**

Mark Fryburg, Rodney Lewis and Breanna Hyder with PGE.
5. **TOPICS DISCUSSED:**
 - A. **PGE Report** – Mark Fryburg Local Government Affairs Representative, Rodney Lewis General Foreman and Brianne Hyder Corporate Communications Representative were in attendance and provided the Council with a report of the power outage that occurred on May 22nd. Mark informed the Council that PGE received 329 claims and paid out on 156 claims and stated most claims were for damaged appliances. Mr. Lewis explained how the outage occurred. Mark provided handouts to the Council (see record, Exhibit A) and presented a power point presentation (see record, Exhibit B). Discussion followed.
 - B. The Council briefly discussed the recent fire that occurred off Oregon Street.

Mayor Middleton adjourned the work session at 6:57 pm and convened to a regular meeting.

REGULAR CITY COUNCIL MEETING

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:08 pm.
2. **PLEDGE OF ALLEGIANCE:**

3. ROLL CALL:

- 4. COUNCIL PRESENT:** Mayor Bill Middleton, Councilors Robyn Folsom, Bill Butterfield, and Matt Langer. Council President Linda Henderson, Councilors Krisanna Clark and Dave Grant were absent.
- 6. STAFF AND LEGAL COUNSEL PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Julia Hajduk Community Development Director, Craig Sheldon Public Works Director, Julie Blums Interim Finance Director, Police Chief Jeff Groth, City Engineer Bob Galati, Engineering Associate Craig Christensen, Ashley Graff Intern, Colleen Resch Administrative Assistant, and Sylvia Murphy City Recorder. City Attorney Pam Beery.

Mayor Middleton addressed the Consent Agenda and asked for a motion.

5. CONSENT AGENDA:

- A. Approval of June 3, 2013 Council Meeting Minutes**
- B. Approval of June 4, 2013 Council Meeting Minutes**
- C. Approval of June 12, 2013 Council Meeting Minutes**
- D. Approval of June 18, 2013 Council Meeting Minutes**
- E. Approval of July 2, 2013 Council Meeting Minutes**

- F. Resolution 2013-040 A Resolution To Ratify The Contract Agreement Between The City Of Sherwood And The American Federation Of State, County And Municipal Employees (AFSCME); And To Authorize The City Manager To Sign The Successor Collective Bargaining Agreement And Memorandum Of Agreement Between The City Of Sherwood And The American Federation Of State, County And Municipal Employees (AFSCME)**

- G. Resolution 2013-041 A Resolution To Ratify The Contract Agreement Between The City Of Sherwood And Sherwood Police Officer's Association (SPOA); And To Authorize The City Manager To Sign The Successor Collective Bargaining Agreement Between The City Of Sherwood And Sherwood Police Officer's Association**

MOTION: FROM COUNCILOR ROBYN FOLSOM TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCILOR MATT LANGER, MOTION PASSED 4:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR (COUNCILORS HENDERSON, CLARK AND GRANT WERE ABSENT).

Mayor Middleton addressed the next agenda item.

6. PRESENTATIONS:

A. Proclamation Relay for Life 2013

Mayor Middleton stated the Sherwood Chapter of the American Cancer Society will hold its 9th Annual Relay For Life on August 3rd and 4th at the Sherwood High School Field, and he proclaimed August 3rd-4th, 2013, as Relay for Life days. He read the proclamation which stated the American Cancer Society is the nationwide community-based voluntary health organization dedicated to

eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer through research, education, advocacy and service and by these efforts the overall, age-adjusted cancer mortality rate is declining for the first time in human history and will continue to do so. He stated the Relay for Life is unique in this community in that it blends fundraising, cancer awareness and prevention activities, fellowship and support for cancer survivors.

Mayor Middleton addressed the next agenda item.

B. Proclamation Recognizing Robin Hood Festival Days 2013

Mayor Middleton stated the City will proclaim July 19th and July 20th as Robin Hood Festival Days 2013. He read the proclamation which stated this as the 60th Anniversary of the Sherwood Robin Hood Festival which has been a long standing tradition in the City of Sherwood. He said the Sherwood Robin Hood Festival Committee is made up entirely of volunteers from the community who have willingly given countless hours to make this a memorable and successful event for the community. He encouraged citizens and the surrounding communities to participate fully in all of the festival ceremonies, activities, and events.

Mayor Middleton recognized Sherwood Citizen of the Year Selma Broadhurst, who is a big promoter of the Relay for Life and thanked the volunteers.

Mayor Middleton addressed the next agenda item.

C. Recognition of Sherwood High School Baseball Team State Championship

Mayor Middleton announced that the Sherwood High School Baseball Team won the 5A State Championship last month and he recognized the athletes in attendance and provided them with Certificates of Achievement. He asked the team to describe their season. Jacob Urbach commented that the season started off rough, but they won 24 of the last 26 games which lead to the state title. He thanked the community for all their support.

Mayor Middleton addressed the next agenda item.

D. Recognition of Sherwood High School Track State Champions

Tom Pessemier stated he spoke with Coach Smith and he requested the presentation be moved to a future date when the athletes could attend. Mayor Middleton agreed.

Mayor Middleton addressed the next agenda item.

E. Eagle Scout Recognition

No scouts were present. Mayor Middleton addressed the next agenda item.

F. Swearing in of Police Officer, George Lopez

Police Chief Jeff Groth introduced Officer George Lopez and gave a brief introduction stating that Officer Lopez was born in California and grew up in Toledo, Oregon. He said Officer Lopez

graduated from Western Oregon University and graduated from the Mid Valley Reserve Police Officer Training Academy and has been a Reserve Police Officer in Independence, Oregon for the past 3 ½ years. He stated that Officer Lopez is married with children and is fluent in Spanish. Chief Groth mentioned that Officer Lopez was slated to be hired last July as one of two replacement positions, but for budget saving, this was put off until January, and then pushed to this July for additional savings. Chief Groth swore in Officer Lopez and welcomed him to the community.

Mayor Middleton addressed the next agenda item and indicated that Resolution 2013-037 has been removed from the agenda and Resolution 2013-042 has been added.

7. NEW BUSINESS:

A. Ordinance 2013-004 Approving vacation of a public storm sewer easement located on private property and establishing a new public storm water easement with adjusted boundary to match encroachment conditions

City Engineer Bob Galati approached the Council and recapped the staff report and stated the legislation before the Council is for a correction that was created during the construction of the new buildings (Residences at Cannery Square) where there was an easement with a storm drain in it. He said the plans showed the easement on the civil portion of the drawings, but the architectural drawings did not pick it up and identify it clearly. He stated when they started to place the building footings and construct the building, they encroached upon the easement, and the encroachment was about 2 feet into the 7½ foot easement. He stated staff checked with Public Works and determined that the amount of the encroachment, if we were to reduce the easement, would still allow us to do work on the sewer line and it would not be an issue with the building. He said as part of the process, staff needs to come before the Council and get approval to vacate the easement and then we will have the owners of the property provide us with another easement that will match the encroachment limits of the building and reestablish the easement again and we will record both simultaneously and that will take care of the issue.

Councilor Butterfield asked if the other property owners are in agreement. Bob responded yes.

With no further Council questions, Mayor Middleton asked for a motion.

MOTION: FROM COUNCILOR BUTTERFIELD TO READ CAPTION AND ADOPT ORDINANCE 2013-004, SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 4:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILORS HENDERSON, CLARK AND GRANT WERE ABSENT).

Mayor Middleton addressed the next agenda item.

B. Resolution 2013-036 Authorizing an Intergovernmental Agreement (IGA) with the Clean Water Services (CWS) to utilize System Development Charge (SDC) funds in the construction of the Tonquin Employment Area Sanitary Sewer Upgrade Project

City Engineer Bob Galati approached the Council and recapped the staff report and stated it is based on the City's continuing efforts to upgrade systems based on our Sanitary Sewer Master Plan and

this project was identified in the City's Master Plan and Clean Water Services Master Plan as being necessary for future development of the area. He said the system is coming close to being maxed out as far as the ability to add more flow and with the Tonquin Employment Area potentially being developed in the future the City is trying to get ahead of it so that we are ready. He stated we have city funds to take care of the city portion but to get the CWS portion of the funding, the SDCs that are available through the agreements we have with CWS, this resolution to enter into an IGA is necessary to make the funds available and it is approximately 38-42% of the construction cost that would be recouped through reimbursement.

Councilor Folsom asked where the city portion of the funds came from. Bob responded from the sanitary SDCs.

Councilor Folsom asked if the sanitary SDCs come from new construction of businesses and residences or just one or the other. Bob responded the SDCs are levied against businesses and residences when they are constructed, this is just a standard fund that is for capital improvements, not for maintenance, and that includes upgrades to infrastructure based on flow capacity.

With no further Council questions, Mayor Middleton asked for a motion.

MOTION: FROM COUNCILOR FOLSOM TO ADOPT RESOLUTION 2013-036, SECONDED BY COUNCILOR LANGER, MOTION PASSED 4:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILORS HENDERSON, CLARK AND GRANT WERE ABSENT).

Mayor Middleton addressed the next agenda item.

C. Resolution 2013-038 Authorizing the City Manager to execute a construction contract for the Villa Road Wall Repair Project

Engineering Associate Craig Christensen approached the Council and stated this resolution is for the repair of an existing wall that is located between SW Wildlife Haven Court and SW Villa Road. He said the current wall is along the tributary and portions of the wall have fallen into the tributary. He stated due to the failure there are bank erosion and stabilization problems. He said due to these issues the Public Works Department has put forth maintenance funds to repair the wall and restore the water quality swale that is behind it. He said there is also a mitigation plan to restore plantings. He noted the project went out for bid, the City received three bids and the highest bid was \$140,769.45 and the lowest bid was \$91,414.11. He said the Engineer's estimate for the project was \$116,000. He stated the lowest responsive bidder was JJ&L Excavation and said staff is requesting authorization to enter into a contract with JJ&L Excavation for the construction of this project.

Councilor Folsom asked if the funding for this project comes from the maintenance fund. Craig stated that this is the storm maintenance funds from Public Works. Councilor Folsom asked if they are from fees. Craig responded he believes that they are part of the monthly fees from the storm water funds.

With no further Council questions, Mayor Middleton asked for a motion.

MOTION: FROM COUNCILOR LANGER TO ADOPT RESOLUTION 2013-038, SECONDED BY COUNCILOR BUTTERFIELD, MOTION PASSED 4:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILORS HENDERSON, CLARK AND GRANT WERE ABSENT).

D. Resolution 2013-042 Amending Resolution 2013-034 and Resolution 2013-035 revising membership of a special committee to advise the City Council on possible referral to voters of Ordinances establishing new business regulations

Assistant City Manager Tom Pessemier stated there have been two resolutions passed to set up a Special Committee to advise Council on potential ordinances regarding new business regulations. He stated that the resolutions were done quickly to give the committee as much as time as possible to draft ordinances for Council consideration to refer to the voters. He stated Resolution 2013-034 was approved to set up the formation of the committee and the basic rules of operation, specifically identifying the number of members on the committee and Resolution 2013-035 was approved, subsequently naming particular members to the committee. He said there were 9 members; 5 members were residents of the City of Sherwood and 4 members conducted business in Sherwood. He stated the committee has met 3 times in less than a week and plans to continue to meet through July and into August. He noted they are been working collaboratively and making good progress and doing what Council set them out to do, but they lost 2 members before the first meeting. He said given the fact that they have been working well, this resolution changes it from 9 members to 7 members, where 4 members are residents and 3 conduct business in Sherwood. He stated this resolution would amend the previous resolutions, changing the number of members and removing those names from the committee.

Mayor Middleton stated that he attended the meeting last night and the Special Committee was in favor of this.

With no Council questions, Mayor Middleton asked for a motion.

MOTION: FROM COUNCILOR FOLSOM TO ADOPT RESOLUTION 2013-042, SECONDED BY COUNCILOR BUTTERFIELD, MOTION PASSED 4:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILORS HENDERSON, CLARK AND GRANT WERE ABSENT).

Mayor Middleton addressed the next agenda item and the City Recorder read the public hearing statement.

8. PUBLIC HEARING:

A. Resolution 2013-039 Adopting a Supplemental Budget and Making Appropriations

Interim Finance Director Julie Blums approached the Council and recapped the staff report and referred to 3 items on the supplemental budget. She stated the first item is a transfer from Street Capital Fund to the Urban Renewal Capital Fund. She said in 2010 we took out a loan from the Urban Renewal for street projects in the downtown area and other street projects, even though its funded by Urban Renewal, we typically run them out of our Street Fund, so the loan proceeds were put in the Street Fund. She noted when the contracts were bid for the Phase 2 construction of the downtown street, they were bid under Urban Renewal so the loan proceeds need to be moved back to the Urban Renewal so we can make the payments from that fund. She said the second item staff

mentioned to the Council a few weeks ago when staff brought the contract forward, for the pavement management projects and street operations fund and said the contract services did not get appropriated during the budget process, and were inadvertently left in the fund balance. She said this would appropriate them so we can spend them on contract services for the pavement management projects for the year. She stated the third item is requesting \$5,000 for the special election for business regulation ordinances. She said that was not part of the budget process, or contemplated, so staff is trying to be proactive.

Mayor Middleton opened the public hearing.

Susan Claus, 22211 SW Pacific Hwy, came forward and commented that none of the materials were available on the website or in the library until Monday. She said it is Tuesday and the packet is 223 pages and asked if there is a stipulation that the materials need to be available to citizens at least five days in advance.

The City Recorder said the agenda was posted on Tuesday and once the agenda is posted the documents are available to the public, but the packet was not posted to the website because it lacked the consent items, the minutes, as they were not ready. She stated that the documents were available and it is a matter of the public requesting them. Ms. Claus clarified that you don't automatically put them on the website. The City Recorder said once the packet is complete, it is posted to the website. Susan clarified that until then, the citizens can get the documents from you? The City Recorder replied they can be requested. Susan said this is a change from the past when everything used to be posted and said she doesn't know what to do and we are considering changes to the budget that was passed and she doesn't feel there was enough time.

Jim Claus, 22211 SW Pacific Hwy, approached the Council and said he finds it strange that we have an accountant and two business people, and said we are now doing a budget and asking the staff what they collected in development fees, SDCs, TIFs and MSTIF, grant money, bonds, and wants the answer at the push of a button. He said he did not want a freedom of information act to find out what has occurred. He said it is a simple question and said the system development credits on houses are paybacks for infrastructure we supposedly bought. He referred to manipulating those like \$500,000 and vote on the ordinance and somebody is getting our development fees. He said he is not much of an accountant but is a pretty good urban land economist and when he finds someone that is using his money, and it is the landowner's money that you take away from them, and it is a direct drop in the price, unless you give it back to them, on a 8 million MSTIF. He said that money goes in a public trust but we don't know what is held in the public trust and said we haven't known ever since we brought Ross Schultz here, our money was nobody's money. He stated if he asks what a capital project cost, like just how much did you pay, you can't tell me. He said it is a capitalized item and it is an asset that is going to last. He noted we don't know what you are capitalizing but it appears you take off 18% of the development money and give it to staff to run and another 40% disappears. He commented regarding a forensic audit and by his numbers \$50 million is missing, given away. He said why don't you stop this and start going back on the capital expense and find out what you collected and what you collected in grants before you move forward. He said it is a silly question to ask a City what they have done with the money they collected from the landowners, from grants and what did you spend it on and what is your contract price for what you did. He said you can't tell me how much you spent on Cannery Square and if you take what you have expensed over here it could be as high as \$20 million. He asked if it would be too much to get you to go back and do that rather than worry about taking more money from Urban Renewal to pay your over draft. He

stated when you take money out of Urban Renewal, if your tax base doesn't go up, the children of Oregon suffer.

Eugene Stewart, PO Box 534, approached the Council and said it is confusing and referred to speaking with Craig Gibbons when he started and he could not show him how the city came up with the numbers compared to the audit reports. He said Elaine Johnson came in and that is the number that they started with. He said he has never been given anything that shows year by year where the money was spent and how much on each project. He asked if this is on the City side if the Urban Renewal Agency having the same problem, don't you need an adjustment on that side too. He said if you are transferring money from the city to the Urban Renewal Agency did you forget to do the same thing on the Urban Renewal Agency? He said this makes sense to him, because you have to show money coming in and money going out. He asked where the money is, is it in the Urban Renewal or is it already in the budget and how did you reconcile the balance. He said you we need more studies on where we are spending our money and how it is being spent.

With no further public comments, Mayor Middleton closed the public hearing and asked for Council comments.

Councilor Folsom asked Julie Blums to answer Mr. Stewart's question and asked if we need to do it on the Urban Renewal side as well. Julie responded that we do not and supplement budget are for expenditures only and the budget law only requires that we appropriate our expenditures and not our revenues, therefore we do not need to do a supplemental to show the revenue and we have already budgeted for the downtown streets project. Julie said the expenditures are already budgeted, so we do not need to do a supplemental on the URA side to show revenue.

Councilor Folsom asked if they were budgeted on the City side or the URA side. Julie responded the URA side.

Councilor Folsom asked how we came in on that budget. Tom Pessemier said the final numbers are not in but it looks good, project is on schedule and under budget. He stated he doesn't know the exact amount but we are looking at somewhere between \$200,000 to \$300,000 under budget for the project.

Councilor Langer asked about the \$5000 for the special election and asked if that is the whole cost. Julie responded that it is an estimate. She stated that it depends on how many jurisdictions have items on the ballot and the cost for the entire election is split between the jurisdictions. She said she looked at typically what an election would cost and this is close.

Councilor Langer asked about the balance for the rest of the costs for the Special Committee and gave the example of the city attorney attending these meetings and asked where that cost comes from and clarified city attorney costs are not part of the \$5000. Julie confirmed that was correct and said at the moment we will have to be saving elsewhere to pay for it. She said if it turns out to be significant, we may have to come back with another supplemental.

Councilor Folsom said she believes the numbers we saw were significant, the estimates that were provided yesterday. She said this may not be the time, but we need to discuss this. Julie said staff costs are already budgeted so it is anything above and beyond that, that we will need to look at.

City Manager Gall clarified staff costs, except for city attorney costs. Julie said that is correct. Mr. Gall said he believed the number was \$25,000-\$30,000 of city attorney time and said that is an estimate based on the committee's scheduled 9 meeting. He said Tom can provide details, but he put together an estimate of what it could cost to staff this committee and do the full nine meetings. He said the primary cost he is concerned about is for city attorney time. He said the cost for Sylvia Murphy and Tom Pessemier is time away from their other projects as their current work will be diverted as this was not anticipated in terms of their work loads. He said staff wanted to provide an estimate to the Council in terms of what it could cost.

Councilor Folsom clarified that the estimate for the special election was \$5,000. Julie confirmed. Ms. Folsom said if there are several other jurisdictions it may go down. Julie informed the Council if they chose to, they can add additional funds tonight to pay for additional attorney costs or the other option is to wait to the end and see what the total is and do it at that point.

Councilor Folsom replied we need to talk about it and did not want to do it here.

Councilor Butterfield said he is concerned and said not only are we spending time and funds on the Special Committee, there are other things that we are not doing because they are taking up time with this. He said we have to keep moving forward with the city and running the city and said he doesn't know how many hours staff can put into supporting this and we need to be aware of that, have staff getting run down and stressed out is not necessarily a good thing.

Councilor Folsom asked if it was just an oversight in not allocating the funds.

Mayor Middleton asked where the \$540,000 was coming from.

Julie responded that it is coming from fund balance and said the beginning fund balance for the year was \$1.1 million and the ending fund balance projected for the year was \$1.7 million, so it just simply didn't get allocated as an expense so it increased the fund balance for year end.

Mayor Middleton asked if the \$540,000 was coming from fund balance and asked if it doesn't pass then where do we get the \$540,000. Julie responded we don't and we will have a list of projects that don't get done.

Mayor Middleton asked for a list of the projects. Julie listed the following projects: pavement of Wildrose Place, 12th Street between 99W and Sherwood Blvd, Upper Roy to Sunset, and slurry seal projects. Mayor Middleton commented that he wanted the public to know this money isn't going to go into some project or a study and these are projects we have to do for the citizens and not an issue of more waste in our budget and directly goes to the citizens.

Councilor Langer stated that he remembers discussing this during the budget process and it just wasn't allocated accordingly.

Councilor Folsom commented regarding processes and staff teaching the Council over the years of PCI (Pavement Condition Index) and trying to improve the roads in our community and this being the bread and butter of our responsibility and that is why we are allocating the money that we have already chose to spend.

Councilor Langer commented that some of these projects are the original pavements built in the sixties and it is time to improve, appropriate it and move on.

With no further Council questions, Mayor Middleton asked for a motion.

MOTION: FROM COUNCILOR FOLSOM TO ADOPT RESOLUTION 2013-039, SECONDED BY COUNCILOR LANGER, MOTION PASSED 4:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILORS HENDERSON, CLARK AND GRANT WERE ABSENT).

Mayor Middleton addressed the next agenda item.

9. CITIZEN COMMENTS:

Nathan Claus, 22211 SW Pacific Hwy, approached the Council and provided documents (see record) and pleaded for fairness within the City and said he witnessed the unfairness of City staff toward citizens. He referred to attending a meeting on July 11 with his father, Charlie Harp (sp?) and Jeff Bolton (sp?) and city staff Bob Galati and Scott McKee and two other City staffers that did not introduce themselves or give business cards. He said the purpose of the meeting was a preconstruction meeting for the McFall lots. He stated Mr. Galati did not provide them with anything before the meeting so they could prepare for the meeting and came not knowing what to expect. Nathan said they tried having an attorney at the meeting and was told by staff that they would suspend the meeting for an “indefinite amount of time”, to go get the city attorney. Nathan said in the meeting they spent an hour going through Exhibit A (see record) line by line and the only time Mr. Galati would go off the meeting document was to tell us that the requirements are required of all people trying to develop and if they deviated from it just a little bit he would bring the entire force of the Police Department down on us to stop the production. Nathan referred to Exhibit B (see record), which is Mr. Galati’s Engineering General Construction Practices for plan of operations and it has 14 points and the first one refers to the hours you’re able to work, which are only Monday through Friday, and you can only work on Saturday and Sunday with the approval of the City Manager via the City Engineer. He said under the assumption that this applies to everyone equally, he, his father and mother went to all the different construction sites and complained that they were working on the weekends. He said they emailed Office Rodriguez, which is Exhibit D (see record), saying that they should not be allowed to work on weekends. He said Officer Rodriguez emailed them back and provided the official construction practices of the City follows, which stated they were allowed to work on weekends. He said there is a big difference in the information provided by Officer Rodriguez and said you are allowed to work on Saturday and Sunday and Monday through Friday. Nathan said he was flabbergasted by this and said it is one thing to have a difference but to claim that all citizens have to deal with it is unforgiveable in his opinion. He noted that their contractor, Charlie Harp, stated after the meeting that if we have to follow these requirements, it is nearly impossible to build. He commented that he works with the Boy Scouts of America and said he was elected last year as the Chief Officer of the eighth largest scouting organization in America and said if he ever tried doing something like this to people within my group, he is sure he would not have his job for very long. He said they need to treat everyone fairly and it’s not fair to put these restrictions on people even if they disagree with some of the policies of the people running the City.

Mayor Middleton asked City staff to look into this.

Susan Claus, 22211 SW Pacific Hwy, came forward and also spoke about the McFall subdivision. She said she provided a map (see record) and it is an 8 lot property that they have been trying to do for 6 years. She said in the process, it's a bit over one acre for the lots and there are another seven acres we are dedicating to the City as part of that dedication. She commented regarding SDC calculations and referred to the different categories and said when you do a subdivision as small as that one the proportionality wasn't there for one acre set of lots versus seven acres on gifting, there was supposed to be, there are some categories for open space and parks and storm water facility. She said at the staff level when the calculations come it is way down the road and not at the time you have approvals, you only have 21 days if you disagree, you have no idea what the staff is going to do at the time you preset a lot to them, this is when they do individual calculations. She commented that this is not the only crazy thing that has happened directly against us. She stated that they dedicated seven acres of the property and there are no credits. She said they are doing the Cedar Creek Trail project and the City told Metro that they needed this property in order to get the \$5.1 million yet it has no value and there are no credits to us. She said everyone knows the story of them trying to put Cedar Creek Trail through the building envelopes of those lots and we had to go to Metro to get that taken care of to put the on the other side of Cedar Creek. She said the property has been under assault for a variety of reasons from the staff and said if they wanted the whole property they should have come upfront and said they did not want us to put 8 little lots in here and now they are just making it as miserable and terrible as they can. She said every step of the way it has been brutal fighting and confrontation at the staff level and asked what do you do when you have fundamental disagreements when you are having a gifting or dedication and you believe that you will get a portion of credit and will still be doing gifting and you find out after all of the land use approvals are gone you can't do anything about it, where do you go, we don't have anything in the city. She said Mr. Gall has said the Council should butt out of his business and he will run the city, she asked what do we do on something like this. She stated there is no process and said they had to going to Metro to get the pathway changed. She said there is \$5 million, plus that the City is getting from the Cedar Creek Trail project and this in an intrical part of the project. She stated they thought they were doing something nice for the City and it has turned out horrible.

Lori Randel, 22710 SW Orcutt Place, approached the Council and read a document titled "An Inside Job from Day One". She read Walmart is a store that is generally welcomed into towns, or it has impossible odds to overcome to get into certain urban environments like Sherwood. She stated that presented on its merits, Walmart would have run into community resistance to gain access into Sherwood. She said slowly Walmart has gained location development strategies to not overcome the citizen resistances, but to bypass it, and in order to do this, trusted members of the community must be involved, political cover has to be given and highly sophisticated developers with attorneys need to be in place to manipulate the land use codes behind the scenes in order to grant Walmart's entrance without public scrutiny. She said at first glance it would not appear that the Sherwood Langer Gramor operation was candidate for a Walmart entry. She said on careful examination of public documents, including a tax court ruling, however, it becomes clear that Sherwood is a case in point where land use manipulation behind the scenes, encouraged and directed by Mayor Mays, was the perfect environment for Walmart to slip into town without an open and public process. Sophisticated landowners and developers and a City that lawyered up. She said Langers and Barry Cain of Gramor Development are highly sophisticated developers. On controversial projects they use public relations firms to influence communities. The Langers are the largest developers in Sherwood they developed the Albertsons, Target as well as Home Depot. Langer enlisted the help of another

sophisticated developer, Brenecky (sp?) in the Sherwood Home Depot zoning manipulation. That zoning manipulation resulted in the firing of your staff and a lawsuit where the City Council tried unsuccessfully to stop the applicant in circuit court. She thanked Mayor Middleton for trying to get some transparency in Sherwood government.

Terrance Miller, 14904 SW Lowell Lane, came forward and read a document titled “A Spend Thrift City in Need of Development Fees and Urban Renewal Taxes”. He stated because of previous overspending in the past years, Sherwood City Council led by former Mayor Keith Mays, Dave Grant and at least two other Council members, created a desperate need for money. When Keith Mays lost the election to current Mayor Bill Middleton citizens found out for the first time that without the Langer urban renewal ground with its development fees and taxes the City would be in default of its bond obligations. Mayor Middleton can testify to this. The staff under former City Manager Jim Patterson and present City Manager Joe Gall had a significant financial motive to promote the Walmart scheme job security, bonuses and raises, were only possible by forcing Walmart in the urban renewal that is under developed farm ground district. If Walmart were to build on a commercial site within the City boundaries, the City would not have revenue that could be directly funneled to their salaries and PERS accounts. Being in urban renewal zoning gave the city the opportunity to double dip. Had Walmart been zoned in a regular commercial zone, not in an urban renewal, the city would have received revenue but the revenue generated would be shared with schools, the library, Police, and Fire Department, which does not happen in urban renewal zones. The city employees would not get the direct funds into their PERS accounts and salaries as happens with urban renewal monies. SO it pays more to the city employees to have Walmart build within the urban renewal district. This explains why Mayor Mays pushed to have it developed on the Langer PUD, Public Utility District which falls within the urban renewal district and not elsewhere. He stated the development would have been nearly impossible without the political cover up by Mayor Mays and the City Attorneys who told Walmart that they could only locate on the Langer PUD. Mayors Mays restrains competition and grants Walmart a green light in urban renewal area. The development would have been difficult to impossible without this political cover and motivation. Ex-Mayor Mays with Paul Elsner of Beery Elsner & Hammond told Walmart they could only locate on the Langer public utility district. To Mayor Mays, he was covering his need for money. Walmart only needed a political green light. Walmart needed a front, Langer and his business partners were more than willing. Walmarts coming had to be kept secret, you never see the Walmart footprint on any of the plans. The realtors, etc, pretended it was going to be a shopping center, they lied and falsely testified. When asked by several different people at different times, Matt Langer insisted “it’s not going to be a Walmart”. The city failed to notify people living within 1000 feet of the proposed development.

Michael Buffington, 22511 SW Dewey Drive, approached the Council and stated Councilor Matt Langer has made or is in the position to make significant profits, result of changes made to city ordinance, interpretations of zoning definitions and city council resolutions made specifically for land within the Langer Farm PUD, officially known as PUD 95-1. He said the original PUD was 125 acres, to be developed over 8 phases, was zoned as open space, high density residential, retail commercial and light industrial. He stated the land set aside for Phase 7 is zoned light industrial and this is the land Walmart intends to build on. He stated what follows is a timeline of publically available and documented events. In 1995 the original Langer Farm PUD was submitted and approved, November 6, 2007 the Langers applied to make minor modifications to the PUD that allowed changes to be made to the uses of each phase which the city accepted. July 26, 2010 a resolution was made to accept the Langer’s desire to use the Phase 7 land, zoned as light industrial land as general

commercial land and in that same resolution the requirement that buildings must be 60,000 square feet or less was explicitly waived. November 2010 Matt Langer ran unopposed for an open position on City Council and won the seat. May 2, 2011 Matt Langer submitted an annual verified statement of economic interest form for 2010 stating that the Langer Family LLC was a "family farm development" and his title of office was member and the business was held by self and he listed the Langer Family LLC as a source of income on that same form. He also listed the 56 acre Langer Farms PUD land as property he owned. January 2011 Matt Langer was appointed as the liaison to the Sherwood Urban Renewal Planning Advisory Committee. September 30, 2011 land use economic consulting firm, Johnson Reed published a study that identified 90 Portland area industrial properties as prime redevelopment sites. The study has been used by local Portland area governments and agencies as a way of identifying properties with the highest potential of benefiting from urban renewal funding. In the study after removing properties owned by the Port of Portland or by utilities, railroad or local government, the list was narrowed down to 41 sites, of those 41 sites, the lowest with the lowest market value was the 56 acre site that includes the land set aside for phases 6, 7 and 8 of the Langer Farms PUD. Of the 90 candidate sites, the Langer property was the only site that had not been used for actual industrial purposes before. It was also the only site that was a functional farm at the time of the study. While the Johnson Reed study was primarily focused on formerly functional and now decaying industrial sites, it considered the Langer parcel to be vacant industrial land because of the zoning applied to the land in 1995 and because of its lack of actual light industrial activity over the prior 16 years. Considered a vacant industrial lot the real market value for the Langer Farms site in 2011 and according to the study was 3 cents per square foot. Sometime after the study was released the land for phase 7 was designated as urban renewal land, making projects on that land eligible for a portion of the \$45 million dollars available in urban renewal funding. Today it is estimated that once functional farm land owned by Council member Matt Langer and his family, land that was categorized as underdeveloped light industrial land worth 3 cents per square foot, right for urban renewal funding, is actually worth more, anywhere from \$3 to \$10 per square foot when it is categorized as general commercial land.

Amanda Roe, 17938 SW Fitch, came forward and stated Matt Langer ignores the rules of potential or actual conflicts of interests where and when necessary. Not once was there a statement of potential conflict or actual conflict of interest unless Matt Langer's family was directly receiving funds. Any number of times Matt Langer has been involved in marginal votes and not called out a potential conflict of interest, for example the sign code. The Langer's are the landowners at Sherwood Plaza, repeatedly this code benefited Langer's property and specifically with the Sherwood Plaza sign. Singled out for extraordinary generous sign, Langer never once gave vote that he had a potential or actual conflict of interest. Additionally the Langer's acknowledged in their IRS Probate Hearing in 2007 that this type of frontage that the signs afforded on 99 west is worth \$5 a square foot for retail property, even though Matt Langer knows about the value of the property sign, he ignores it when voting. This fact is known by the State Ethics Committee. The problem here is that there are instances where Matt Langer recuses himself. When the City obtained property through eminent domain which was a more overtly beneficial act for the developer, but many instances where it is less obvious he did not recuse himself, as with the code and ordinances changes. There are instances where he acted ethical and recused himself, for example when the development fees were not increased. In a conversation in the hall between two citizens, when they asked why he recused himself, on this he said, "I couldn't vote on this because it benefited my family". But the issue is that any number of times Matt Langer has been involved in marginal votes and has not called out as a potential or actual conflict of interest. If we refer to the Penn Landing in Baltimore the FBI came in

with a major indictment for the city's attempt to gain payment for zoning changes, in comparison Langer saw no issue with manipulating the code that controlled the PUD when it benefited his family to the tune of millions of dollars. If Langer did this which in all probability it looks to purport to Walmart's letter of intent, this is one of the most serious acts our community can imagine. Only through land use manipulation could he have obtained the right zoning and land use regulations to allow Walmart to build on this site. By bringing back the 1995 PUD codes back into existence which is a flat contradiction which was told to the IRS. There are points in conceptual matters here that go far beyond the manipulation of land use regulation to line the Langer's pocket and some of this is a conspiracy to restrain trade. It certainly makes the zoning laws in Oregon impotent.

Naomi Belov, 22741 SW Lincoln Street, came forward and read portions of a few of the letters she had been collecting (see record). She read comments from an individual who said he worked for Walmart in the past and referred to bullying tactics by Walmarks and what they have done to small communities, there are no benefits to Sherwood residents by allowing a Walmart to be built here. A letter from an individual referencing healthcare for employees, more non big box stores in Sherwood. A letter from an individual stating belief that Walmart's business practices do not fit Sherwood. A letter indicating the likes for the small town feel, lives here and cares, loves Sherwood, fair wages and insurance, wants businesses to have high standards, likes locally owned businesses, blight on community, business model is only good for Walmart and destructive to community, an injustice to local businesses, increased traffic, Walmart sells guns, treatment of employees, don't want a 24 hour big box, not in the best interest of our community, wants Whole Foods, Trader Joe's or New Seasons instead, does not represent Sherwood's values, the negative impact on traffic and the overall feel of Sherwood.

Nancy Taylor, 17036 SW Lynnly Way, approached the Council and stated the entire PUD was not possible in one form at the tax court when the Langer's wished to save tax payments, but in another form in existence in 1995. She said they told the IRS in one story that the PUD did not exist and it was just light industrial ground that saved them \$25 million in property taxes. She stated the Langer's told the tax court judge that this was light industrial property and did not have this potential of a PUD and it had a variety of uses including industrial and commercial. She said these poor old farmers just couldn't do anything. After working with Mayor Mays it was conservatively worth \$20 million more than they told anybody. She said they got the ordinances changed, and asked if that was luck or to avoid paying taxes. Ms. Taylor presented the Mayor with a gift.

Lori Stevens, 15630 Farmer Way, came forward and stated she appreciated the moving up of citizen comments and referred to the Y issue as discussed on June 18th and asked if the City sent a letter to the YMCA on June 19, 2013 as the Assistant City Manager promised? Tom Pessemier responded that the letter went out a few days after June 19. She asked if it included a deadline. Tom replied it made a request to have information within 30 days. She asked if it included a request for a list of members? Staff did not respond to the question and Ms. Stevens stated she is just commenting and this was the only forum in which we could do this, it was not referenced on the city website and she wanted to be sure this was taken care of.

Mayor Middleton stated he believed the Council will be holding a meeting on the Y, Ms. Stevens asked if the meeting was open to the public, he said it was a work session and confirmed when asked regarding noticing, that it would be more than 2 days.

Tracie Butterfield, 23614 SW Heron Lakes Drive, came forward and stated she wanted to give some positive comments and said she has lived here over 20 years and has seen this small town grow and lived through the growing pains of not enough field space for our kids to play sports, not good enough facilities to have plays or musicals or provide for the arts. She stated she is proud of our city and feels we have come along way and said we still have a long way to go. She said when her husband became a Council Member she remembers he took it upon himself to visit every staff member and find out what they do and he came home with so many positive comments about the staff and how hard they work and sometimes for free as there are not enough hours in the day and at times they do work on their own. She thanked the city staff and the City Council and said with the Walmart thing, no matter what side of the fence you're on, she feels a City needs to come together as best as they can to make the best out of the situation and positivity is the only way that she knows. She commented that she knows 3 Council Members very well and can vouch for their strong character and moral value and said her husband knows the city staff and she trusts his judgment about the staff. She thanked everyone for their service and referred to the service that her husband gives the City in many different ways fixing things in schools or on fields and believes he has a good heart and that he wants to better the City. She said she believes in the right to let your voice be heard and understands the frustration of not wanting a big box store in town and said, its coming and she is trying to make her peace with it. She stated one thing she doesn't like, she doesn't think it is fair to be personally attacked. She said that her husband has received phones calls that have been unsettling and not right. She stated the only thing she does not like about the City is the Claus reader board on Highway 99. She said people talk about Matt Langer having a responsibility to the city and she believes Mr. Claus has a responsibility to the City as well and said she thinks he is rude. She said she feels there is some responsibility there and the Council has opened themselves to criticism and he has done the same thing. She said she doesn't know if the sign is legal or not and this is something she has heard from fiends and people in the area that it is unbecoming. She stated she feels the City is going in a great direction and appreciates all the hard work and all that is done.

Meerta Meyer, 24002 SW Middleton, approached the Council and asked about the budget and asked if on an annual basis if there is a line by line reconciliation for citizen review available and if it's not available is that something that could become available so questions, similar to what has come up tonight, could be answered in advance.

Jennifer Kuiper, 17075 SW Cobblestone Drive, came forward and referred to the conversations and the discussions which have propelled her to say a few things. She stated that she appreciated the Council Members and said she knows many of you personally and has worked with you on many things from extracurricular activities to the Parks and Recreation Board and the YMCA Board. She thanked the City staff and said she has spoken to Joe Gall and Tom Pessemier and they have been very forthcoming with information and very helpful. She said to everyone in the room and referred to one of the letters referred to by Naomi's that said he "loves this town". She stated if you love this town it would behoove most people to understand a little bit of civics. She said in listening to a lot of people talk, it sounds like some people of well-versed in certain pieces of things but understanding how regulations and resolutions are made, what does it mean to have zoning, what is the difference between vacant industrial and undeveloped industrial land, this can be very different. She referred to having an attorney on one side of the discussion and needing one on the other side, and said this is just standard operating procedures to have two attorneys, one from each side, and said there is nothing underhanded about that. She said she personally is not well versed in civics and asked the Council to consider a resolution to come up with a plan to open up lessons on civics to our

community. She said there are a lot of compassionate people in the community and said she has heard a lot of conversations of presupposition and assumption and said it is getting muddled with the facts and feels it would be a great idea. She said she is not one to shy away from controversy and said she actually likes Claus' sign because it leads to discussion, whether you're on one side or another and believes that conflicts lead to resolution. She said she believes the citizens of Sherwood should have a good foundation and have this offered to them, so they can understand civics and everyone can be working from the same page. She thanked the Council for considering including the YMCA Board in their discussions at a Council meeting next week and thanked them in advance for including them.

Mayor Middleton replied the meeting will be on two weeks.

Angela Rizzo, 23914 SW Aspen Lakes Drive, came forward and spoke about the Y, she said she wasn't able to make the last meeting but watched the video several times and read the minutes. She said she is very proud of the Council for stepping up and looking into the Y and how they have treated the kids and the parents and said she is speaking directly to the young swim athletes. She said the YMCA almost destroyed her daughter and she almost quit swimming. She said she was able to pull her out and send her to TTSC. She said they have her back swimming and competing and she recently returned from a swim camp, swimming the 200 and she is 10 years old. She said the YMCA destroyed the swim program and did not keep their promises to keep the program running at the level that it was running at when they took it upon themselves to kick out the SSA. She commented regarding being in the community and part of the program for only a few months and staying with the program because they promised and said they pushed the parents and the community away and said it all had to do with money. She read a letter from a young lady that related to her daughter and the kids, a letter from the year end awards ceremony. She referenced the letter which was from a former YMCA swimmer describing how difficult it was to leave the YMCA program and move to TTSC because her coach was fired. The letter indicated she wasn't happy with the situation and struggled to grow up, and almost quit because she felt no one respected her and she wasn't improving. She struggled as she held herself back and struggled to be part of the team. The letter indicated how she started to participate and be part of the TTSC team and is now forever grateful for the team that welcomed her with open arms. Ms. Rizzo spoke highly of the TTSC who overloaded their program to accept these kids, bringing on new coaches and treating the kids and parents with respect, something that you would expect from the YMCA. She said she is ashamed of the YMCA and agrees this community needs to look at a different avenue in 2018 because the YMCA doesn't fit with us.

John Lee, 28801 SW Ladd Hill Road, approached the Council and referred to Tracie Butterfield's comments and said he has lived here for over 20 years. He said he wanted to infuse some positive in the Council and the city we live in. He thanked Councilor Grant for his service. He commented on serving with Councilor Langer on the YMCA Board of Managers, with conversations being enjoyable and believes he is a good Christian man and thanked him for his service. He thanked Councilor Clark and Henderson for their service. He noted that Councilor Folsom has an amazing daughter who helped his son to come out of his shell through the friendship they shared, he thanked her for her service. He said he respects Councilor Butterfield and thanked him for his service. He commented on Mayor Middleton service to our country and serving in Iraq, Afghanistan and South Korea, and he said if it weren't for the US Military he would have grown up in what is now North Korea and our family would not have had the opportunities they now have in the United States. He wanted to tell Mr. Gall that since he is being held accountable for things that some consider to be

wrong with our City, he should also be held accountable for the things that are great in our city. He referred to the clean street, groomed parks and trees, children playing in neighborhoods, people walking or jogging their dogs. He said in his every day conversations with residents, the overwhelming majority think this city is the greatest place to live and this is because of the care and work of Joe Gall, the staff and the City Council. Mr. Lee invited everyone to participate in the 6th Annual Family Triathlon at the YMCA on August 17, 2013 and said if you can't participate please join us at the barbeque afterward's for free food and drinks.

Renee Brouse, 22794 SW Highland Drive, came forward and shared her appreciation to the City staff and City Council and thanked them for sharing their talents and time. She referred to her positive experiences working with city staff and they being professional and timely. She commented on the last several months of the tension and drama and said the staff has responded in a positive and professional manner. She quoted Martin Luther King Jr. as saying "the ultimate measure of a man is not where he stands in moments of comfort, but where he stands in at times of challenge and controversy". She said she has watched City Manager Gall lead by example with integrity and referred to how he inspires his staff to greatness with his weekly updates and said he has a great staff and she appreciated them. She commented on the Police Department, even with a small force, are doing great things for the community and believes this is due to the leadership and management of Chief Groth and Captains Hanlon and Daniel. She said the police are at community events keeping the peace and building relationships and building community. She said we are blessed to have a great group keeping our city safe. She said there is much conflict and tearing down of people in this community and she ask that we each find ways to build each other up, this community is too good of a community to continue in the current direction. She concluded by saying, never one thing and seldom one person can make for a success, it takes a number of them merging into one perfect whole. Ms. Brouse responded to the question asked by Ms. Steven; that the YMCA did receive the letter and they did respond with the information that is now in the City Manager's office.

Sunny Yopez, 21655 SW Cedar Brook Way, approached the Council and said she has lived and or worked in this community since 1998 and has enjoyed about 99% of it, but has had a huge challenge with the way people have been behaving. She said she worked at the YMCA and said it was a tough separation and said there are a lot of things that don't go your way in life and life is not fair. She referred to attending a Chamber business forum last Tuesday and her table group discussed an article in the Oregonian pertaining to Walmart and noted it was the second most commented article in the Oregonian ever. She asked if anyone is embarrassed by this and stated she is and commented on the amazing community, asked if this is what we want to be known for. She said we have amazing staff, amazing volunteers and parents in our community and give their service and passion. She said she participates in the Cash Mobs as much as she possibly can, and said a lot of the people here that are passionate about shopping local, she doesn't see at cash mob. She stated the Cash Mob is nonprofit that supports local businesses and asked why don't these people that are so fired up spend their cash in local businesses like Mud Puddles, she listed a few local businesses and said they all started small. She said she is proud to be part of the community and referred to experiences she has shared with the Mayor and Councilors and said she supports sports and the arts.

Jennifer Harris, 21484 SW Roellich Avenue, came forward and said that she has been to almost every Cash Mob, but she runs a small business and is not always there at the time, but will go later in the day. She commented on the various groups in town, such as the No-Walmart group and the Recall group and said the City Council is not the only people getting bullied. She referred to threats

she has received to leave, to watch her children, people driving by her house very slowly and stare at her, and said that other people in her circle have also experienced this and said she does not condone bullying. She said this is not personal to her, as far as the recall. She stated the bullying is not one sided and gave examples of the things she has been told that discredit her participation such as the amount of property tax she pays doesn't count as she has not lived here her entire life, her nine years of residency doesn't count even though she has lived within 10 miles of here for the past 40 years, she was told her service in the schools PAC doesn't count because she has been on it for 2 years, that her role as president of her HOA doesn't count and she is not a true citizen because she didn't fight against Target or Home Depot, she said she wasn't here when they came in and didn't have a choice they were here when she arrived. She said even if she was here, she doesn't believe it discounts how she feels and what's going on today. She referred to the \$5,000 or \$10,000 cost for the Special Committee and said in a \$40 million dollar budget, it's not much and said she thinks if the Council is concerned with the money they can take the job back. She said if this is something the Council wants to consider she suggested doing it quickly as some people who are attending three meetings a week and this is killing their families.

Eugene Stewart, PO Box 534, approached the Council and referred to an article from Oregon Representative Richardson that said the State of Oregon is \$13 billion dollars in the hole with PERS and wanted to know how this relates to the City and asked what the amount is for Sherwood. He said if Richardson knows what it is, why is it not being discussed at the City Council level. PERS has to know what your unfunded liability is. He noted that cities are not required to put that on their balance sheet but it is hard for him to understand how staff and Council can make financial decisions without knowing that number. He said if PERS gives that number to staff it would be nice if they passed it on. He said he knows it goes up 5% each year and said we can't afford to keep going on and referred to losing teachers and City staff. He said it is a problem and nobody wants to pay for it. He referred to a town in Georgia that went bankrupt and said this is a dangerous thing to keep ignoring. He commented on the Governors efforts that he has put forward regarding ways to pay down PERS that have not been supported by his own colleagues. He encouraged the City Council to get a handle on this before making these financial decisions. He referred to them not normally getting financial statements to be able to make decisions. He said when you make decision out of the goodness of your heart but you need to know the financial information. He said he has lived here since 1946 and has seen changes and have all gone through these growing pains and we keep repeating the same mistakes all the time, we've become a bedroom community, then we say we need to bring businesses in to pay for our schools and help support our roads, and then the housing boom comes and we are forgetting the lessons. He referred to speaking with Mr. Gall when he first started and they discussed visioning and said as part of this visioning someone at staff or Council needs to take the leadership to get the people together instead of banging heads.

Jim Claus, 22211 SW Pacific Hwy, came forward and stated he has enjoyed the comments, but what he doesn't like and wants this clear as it has now progressed to them getting papers prepared to take it to the next forum. He said what Susan was taking about when we built the Refuge in Sherwood it followed an environmental effort they did in California and said with the help of RJ Wagner and Senator Mark Hatfield, they helped him build the refuge. He said they donated the Robin Hood Theatre, the trail land so we could build Stella Olsen Park, and the 70 acres for the refuge. He said he promised Mark Hatfield that the 9 acres that finishes that walkway went to the public. He said he knows people don't like his sign but that has never bothered him much. He stated he has donated ground at a \$1 million expense to his family, and suggested that none of the Council has come close

to those kinds of donations. He said in order to get the final steps done on that donation they had to go to Governor Roberts since Mark Hatfield had passed away and it took 6 years to make the donation around your staff's attempts to stop us. He said Mark Hatfield and Barbara Roberts and other outstanding people, Dave Wagner stepped forward to give you that system. He commented that the Council did not have a thing to do with it, and some fought it. He said if you're going to complain about my sign, talk about our good works and if you are going to complain that he supports free speech, complain about his good works. He commented on lies and statements that he brought Walmart to town and said Walmart was trespassing when he found out they were here but said that will come out in the proper forum. He said the Council brought this on yourselves and spoke about input, output and feedback and when you break the loop it's only a matter of time people will get angry. He commented on some being lucky and some being brought into the right educational environment and most like his mother struggle all their life. He said he is sick of having to walk over staff and have nowhere to complain. He referred to Mr. Galls psychological profile (see record) he said when he went to Mr. Gall to complain about not being able to complete a million dollar gift he sent Mr. Galati who tried to drive the contractors out of there. He suggested appointing a mediation arbitration board, put a law professor, Lee Weislogel and a citizen on that and you won't have your citizens coming here so angry.

Mayor Middleton addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS:

Councilor Folsom thanked the Senior Center for allowing them to rehearse the Little Mermaid and store their costumes while under construction. She referred to offers she received from seniors to help sew costumes and commented on the welcome that Senior Center Director Teresa gives everyone. She said she appreciated the citizen's comments and the joy and love they have for Sherwood. She commented that she has done the YMCA Triathlon in the past and appreciated the invitation. She said she is excited about the 60th Robin Hood Festival, which is brought to you by volunteers and encouraged everyone to attend and spoke of the various activities. She said this year the Royal Academy will host the Little Mermaid encore performances in the Cannery Plaza with crafts. She commented that Sherwood is what it is on the backs of the volunteers and provided examples. She asked the Council if they could discuss after Council announcements the cost of the Special Committee and asked if we had to have attorneys at every meeting and if there's efficiency's here, she said she saw figures in the \$57,000 range. She asked if this is something they can discuss or if the Council would prefer to have all members present. She stated she knows the Mayor ran on a fiscal important policy and knows it is important to him.

Mayor Middleton said he would rather wait. She said can we have that conversation at our next meeting on August 6th and asked if we can encourage staff to be as economical as possible.

Mayor Middleton said he agreed with that, but this a citizen issue and he thinks we can look at cuts in other areas that we are throwing money at. He said to him this is a critically important voice for the community that we may not agree with or may not vote on the resolutions to go, but to him the \$57,000 is worth a lot more than some other money that he feels we are just throwing at another project, and said we should have a discussion at the next meeting.

Councilor Folsom said that frankly by the next meeting it will be water under the bridge. She said we need to have the discussion with all of the Council. She said she believes everyone is passionate allowing the citizens to have opportunities to work through the processes and said we always encourage staff and referred to the commitment of the citizens having 3 meetings per week is impressive.

City Manager Mr. Gall said there are costs to this and said as mentioned earlier this evening, this is a \$40 million budget and from what he has heard from staff and people that are committed is the committee is working hard and working well together but they need guidance in legal areas and you don't want a citizens committee to create or suggest something that is illegal or unconstitutional. He said having the city attorney there to do their job is going to cost us, he said he shared the cost with the Council just to let them know and said we will find the savings in other places and said we have the resources to do this and said he appreciates the concerns but it is the cost of doing a good job and helping the citizens craft something the Council can consider putting on the ballot.

Councilor Folsom thanked Mr. Gall for his perspective.

Councilor Langer responded to some of the testimonies and said he did not hear anything new from testimony presented by Lori Randel, Terrance Miller, Michael Buffington, or Amanda Roe that has not been presented in the past by others present in the room. He said there have been 3 ethics complaints filed against him over the last 30 months and all have come back clear. He said people in the room have threatened to send the FBI after his family for over a decade and recommended to those that have newly gotten involved to avoid those who only spout outlandish tall tales and to ask if any of that stuff we heard tonight was true the FBI would have already set up camp here in Sherwood and would be here tonight. He said to keep that in mind and run it through that filter and he stated this stuff happened in 1995 and a lot of the zoning that people are upset about was present by the same person that is presenting you with these outlandish tall tales. He said thanks to that individual, that is how a lot of this got there. He referred to the 2007 decision and said that was three years prior to him being on Council, he said all this hoopla about what has occurred, occurred way before he had anything to do with the City Council. He suggested to be careful of the lies and tales you are hearing because you are just newly involved in what is going on in Sherwood. He said he loves this community and his family is not going anywhere and his family has been here for 6 generations now and said he will probably not be the last Langer sitting here. He said they have been here since 1879 and they will take care of this community as best as we can and will defend if from those that are trying to break it down as much as possible and referred to an individual in the audience, that is the biggest problem in the whole town.

Mayor Middleton asked everyone to keep it civil and addressed the next agenda item.

11. CITY MANAGER AND STAFF DEPT REPORTS:

Mr. Gall asked Public Works Director Craig Sheldon to come forward and provide an update on the soccer field.

Craig said they will do GMax testing tomorrow and the field is complete and there are no problems with the base and hopefully will have results by Friday, July 19th. He said it was done in a month and everything was done as planned, under budget and on time.

Councilor Butterfield said he looked at it and they did a great job once again and said he is proud to be associated with the staff of Sherwood and is proud to be on Council and said staff has done a great job up there and should pat themselves on the back.

With no other business to address, Mayor Middleton adjourned the meeting.

12. ADJOURN:

Meeting adjourned at 9:10 pm.

Submitted by:

Sylvia Murphy, CMC, City Recorder

Bill Middleton, Mayor

TO: Sherwood City Council

FROM: Brad Kilby, Planning Manager
Through: Joseph Gall, City Manager

SUBJECT: Resolution 2013-043, Appointing Beth Cooke to the Planning Commission

Issue:

Should the City Council appoint Beth Cooke to the Planning Commission?

Background:

The Planning Commission consists of seven members. There is a vacant position following the recent resignation of Planning Commission Chair, Patrick Allen. Beth Cooke has been endorsed by Mayor Bill Middleton, Councilor Bill Butterfield, Alternate City Council Liaison to the Planning Commission, Planning Manager Brad Kilby and Planning Commission Chair Patrick Allen prior to his resignation. The term that Ms. Cook is being recommended to fill ends in March 2017.

Financials:

There are no financial impacts from this proposed action.

Recommendation:

Staff respectfully requests City Council adoption of Resolution 2013-043 appointing Beth Cooke to the Sherwood Planning Commission.



RESOLUTION 2013-043

A RESOLUTION APPOINTING BETH COOKE TO THE PLANNING COMMISSION

WHEREAS, a Planning Commission vacancy exists due to a resignation from a term expiring March 2017; and

WHEREAS, this vacancy needs to be filled to complete the term; and

WHEREAS, the City posted a request for applications on the website and announced the vacancy before both the Planning Commission and the City Council; and

WHEREAS, Beth Cooke completed an application expressing interest in serving on the Planning Commission; and

WHEREAS, after conducting interviews with potential candidates Mayor Bill Middleton, Councilor Bill Butterfield, Alternate City Council Liaison to the Planning Commission, Planning Commission Chair Patrick Allen, and Planning Manager Brad Kilby recommend appointment of Beth Cooke.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. Beth Cooke is hereby appointed to the Planning Commission to fill the remainder of a term expiring March 2017.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 6th day of August 2013.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

TO: Sherwood City Council

FROM: Bob Galati P.E., City Engineer

Through: Julia Hajduk, Community Development Director and Joseph Gall, City Manager

SUBJECT: Resolution 2013-037 authorizing the City Manager to sign an IGA with ODOT to receive TGM funds for updating the City's Transportation System Plan (TSP).

Issue:

Should the City Council authorize the City Manager to sign an Intergovernmental Agreement (IGA) with Oregon Department of Transportation (ODOT) to receive Transportation Growth Management (TGM) funds to perform an update of the City's Transportation Systems Plan (TSP).

Background:

In January 2012, the State of Oregon adopted amendments to the Oregon Administrative Rules 660-012-005 and 0060, regarding the State Transportation Planning Rules (TPR). In addition, in 2010 Metro adopted Ordinance No.10-1241B amending the 2035 Regional Transportation Plan (RTP), which establishes a comprehensive policy direction for the regional transportation system and recommends a balanced program of transportation investments to that policy direction. As a result of these adopted amendments, jurisdictional agencies which have transportation master/system plans are required to update their plans to conform to the changes of the TPR and RTP within two years of adoption of the amended TPR and RTP.

The City's current Transportation System Plan (TSP) was adopted in March of 2005, and was based on data developed in 2003, which indicates that the City is currently performing transportation planning with data that is between seven and eleven years old. Since the adoption of the 2005 TSP, several TSP amendments have occurred, along with completion of four concept plans (Area 59 – Sherwood School District, Area 54/55 – Brookman Area, Area 48 – Tonquin Employment Area, and Adams Avenue North), and the current work on the Sherwood Town Center Plan.

The City submitted for and received approval for award of a TGM grant from the State of Oregon contingent on the City entering into an IGA with ODOT. The City and ODOT have conducted a competitive selection process administered by ODOT, and selected the transportation engineering firm of DKS & Associates to perform the consultant services for the TSP update. The City, ODOT and DKS have also negotiated a scope of work and budget consistent with the TGM grant award amount of \$151,000.

To receive the TGM grant funds, the City must enter into an IGA with ODOT prior to any issuance of a Notice to Proceed (NTP), or being able to expend any resources or charge against the project funds.

Financials:

By entering into the IGA with ODOT, the City commits itself to completing the TSP update and also providing City staff and resources to meet the local cost match of \$22,274. This amounts to 13% of the total estimated project budget of \$173,724. The staff time and resources necessary to provide this match have been factored into the adopted FY13-14 budget and will be paid for out of transportation funds as opposed to General Fund.

Recommendation:

Staff respectfully requests adoption of Resolution 2013-037 authorizing the City Manager to execute an IGA with ODOT to receive TGM Grant funds and proceed with updating the City's TSP.



RESOLUTION 2013-037

AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) TO RECEIVE TRANSPORTATION GROWTH MANAGEMENT (TGM) FUNDS TO PERFORM AN UPDATE OF THE CITY OF SHERWOOD TRANSPORTATION SYSTEM PLAN (TSP)

WHEREAS, on January 1, 2012, the State of Oregon adopted amendments to the Oregon Administrative Rule 660-012-005 and 0060, regarding the State Transportation Planning Rules (TPR); and

WHEREAS, Metro adopted Ordinance No.10-1241B amending the 2035 Regional Transportation Plan (RTP) which establishes a comprehensive policy direction for the regional transportation system and recommends a balanced program of transportation investments to implement that policy direction; and

WHEREAS, Metro's RTP is updated every four years, as required by federal law, and may be amended as necessary in response to changing local conditions and newly adopted plans, and to be eligible to build a project with federal funds projects must first be amended into the RTP; and

WHEREAS, as required by law jurisdiction agencies are required to bring their existing Transportation System Plans (TSP) into compliance with the requirements of the updated State of Oregon TPR and Metro 2035 RTP, and are given a 2-year time period to conduct said updates; and

WHEREAS, the current City TSP was adopted in March 2005, and was based on data developed in 2003, which indicates that the City is currently performing transportation planning with data that is between seven and eleven years old; and

WHEREAS, TSP's are recommended to be updated every 5 years to reflect changes in policies and assumptions; and

WHEREAS, to perform the TSP update the City submitted for and was awarded a TGM Grant conditioned on execution of an IGA with ODOT; and

WHEREAS, the City and ODOT have selected through a competitive process administered by ODOT, the transportation engineering firm DKS & Associates to perform consultant services for the City's TSP update; and

WHEREAS, the City, ODOT and the consultant have negotiated a Scope of Work (SOW) and budget consistent with the TGM grant award of \$151,000; and

WHEREAS, the City must enter into an IGA with ODOT prior to a Notice to Proceed (NTP) being issued and work being charged to the project; and

WHEREAS, through the signing of the IGA the City is committed to completing the TSP update and is also committed to providing local staff and resources to meet the required local match of \$22,724, which is 13% of the total project cost of \$173,724; and

WHEREAS, it is in the best interests of the City of Sherwood and its residents to have an updated TSP which is in conformance with the TPR.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1: The City Manager is authorized to sign the IGA, attached as Exhibit A to this Resolution.

Section 2: This Resolution shall be effective as of the date of its adoption by the City Council.

Duly passed by the City Council this 6th day of August 2013.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

EXHIBIT A

TGM Grant Agreement No. 29551
TGM File Code 1C-12
EA # TG13LA06

INTERGOVERNMENTAL AGREEMENT City of Sherwood, Transportation System Plan Update

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation (“ODOT” or “Agency”), and City of Sherwood (“City” or “Grantee”).

RECITALS

1. The Transportation and Growth Management (“TGM”) Program is a joint program of ODOT and the Oregon Department of Land Conservation and Development.
2. The TGM Program includes a program of grants for local governments for planning projects. The objective of these projects is to better integrate transportation and land use planning and develop new ways to manage growth in order to achieve compact pedestrian, bicycle, and transit friendly urban development.
3. This TGM Grant (as defined below) is financed with federal Moving Ahead for Progress in the 21st Century (“MAP-21”) funds. Local funds are used as match for MAP-21 funds.
4. By authority granted in ORS 190.110, state agencies may enter into agreements with units of local government or other state agencies to perform any functions and activities that the parties to the agreement or their officers or agents have the duty or authority to perform.
5. City has been awarded a TGM Grant which is conditional upon the execution of this Agreement.
6. The parties desire to enter into this Agreement for their mutual benefit.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

SECTION 1. DEFINITIONS

Unless the context requires otherwise, the following terms, when used in this Agreement, shall have the meanings assigned to them below:

A. "City's Amount" means the portion of the Grant Amount payable by ODOT to City for performing the tasks indicated in Exhibit A as being the responsibility of City.

B. "City's Matching Amount" means the amount of matching funds which City is required to expend to fund the Project.

C. "City's Project Manager" means the individual designated by City as its project manager for the Project.

D. "Consultant" means the personal services contractor(s) (if any) hired by ODOT to do the tasks indicated in Exhibit A as being the responsibility of such contractor(s).

E. "Consultant's Amount" means the portion of the Grant Amount payable by ODOT to the Consultant for the deliverables described in Exhibit A for which the Consultant is responsible.

F. "Direct Project Costs" means those costs which are directly associated with the Project. These may include the salaries and benefits of personnel assigned to the Project and the cost of supplies, postage, travel, and printing. General administrative costs, capital costs, and overhead are not Direct Project Costs. Any jurisdiction or metropolitan planning organization that has federally approved indirect cost plans may treat such indirect costs as Direct Project Costs.

G. "Federally Eligible Costs" means those costs which are Direct Project Costs of the type listed in Exhibit D incurred by City and Consultant during the term of this Agreement.

H. "Grant Amount" or "Grant" means the total amount of financial assistance disbursed under this Agreement, which consists of the City's Amount and the Consultant's Amount.

I. "ODOT's Contract Administrator" means the individual designated by ODOT to be its contract administrator for this Agreement.

J. "PSK" means the personal services contract(s) executed between ODOT and the Consultant related to the portion of the Project that is the responsibility of the Consultant.

K. "Project" means the project described in Exhibit A.

L. "Termination Date" has the meaning set forth in Section 2.A below.

M. "Total Project Costs" means the total amount of money required to complete the Project.

N. "Work Product" has the meaning set forth in Section 5.I below.

SECTION 2. TERMS OF AGREEMENT

A. Term. This Agreement becomes effective on the date on which all parties have signed this Agreement and all approvals (if any) required to be obtained by ODOT have been received. This Agreement terminates on June 30, 2014 ("Termination Date").

B. Grant Amount. The Grant Amount shall not exceed \$133,900.

C. City's Amount. The City's Amount shall not exceed \$0.

D. Consultant's Amount. The Consultant's Amount shall not exceed \$133,900.

E. City's Matching Amount. The City's Matching Amount is \$22,724 or 14.51% of the Total Project Costs.

SECTION 3. DISBURSEMENTS

A. Subject to submission by City of such documentation of costs and progress on the Project (including deliverables) as are satisfactory to ODOT, the City may be reimbursed by ODOT for, or may use as part of the City's Matching Amount, as the case may be only Direct Project Costs that are Federally Eligible Costs that City incurs after the execution of this Agreement up to the City's Amount. Generally accepted accounting principles and definitions of ORS 294.311 shall be applied to clearly document verifiable costs that are incurred.

B. City shall present cost reports, progress reports, and deliverables to ODOT's Contract Administrator no less than every other month. City shall submit cost reports for 100% of City's Federally Eligible Costs.

C. **Reserved**

D. **Reserved**

E. **Reserved**

F. ODOT shall limit reimbursement of, or use as part of the City's Matching Amount, travel expenses in accordance with current State of Oregon Accounting Manual, General Travel Rules, effective on the date the expenses are incurred.

SECTION 4. CITY'S REPRESENTATIONS, WARRANTIES, AND CERTIFICATION

A. City represents and warrants to ODOT as follows:

1. It is a municipality duly organized and existing under the laws of the State of Oregon.

2. It has full legal right and authority to execute and deliver this Agreement and to observe and perform its duties, obligations, covenants and agreements hereunder and to undertake and complete the Project.

3. All official action required to be taken to authorize this Agreement has been taken, adopted and authorized in accordance with applicable state law and the organizational documents of City.

4. This Agreement has been executed and delivered by an authorized officer(s) of City and constitutes the legal, valid and binding obligation of City enforceable against it in accordance with its terms.

5. The authorization, execution and delivery of this Agreement by City, the observation and performance of its duties, obligations, covenants and agreements hereunder, and the undertaking and completion of the Project do not and will not contravene any existing law, rule or regulation or any existing order, injunction, judgment, or decree of any court or governmental or administrative agency, authority or person having jurisdiction over it or its property or violate or breach any provision of any agreement, instrument or indenture by which City or its property is bound.

6. The statement of work attached to this Agreement as Exhibit A has been reviewed and approved by the necessary official(s) of City.

B. As federal funds are involved in this Grant, City, by execution of this Agreement, makes the certifications set forth in Exhibits B and C.

SECTION 5. GENERAL COVENANTS OF CITY

A. City shall be responsible for the portion of the Total Project Costs in excess of the Grant Amount. City shall complete the Project; provided, however, that City shall not be liable for the quality or completion of that part of the Project which Exhibit A describes as the responsibility of the Consultant.

B. City shall, in a good and workmanlike manner, perform the work on the Project, and provide the deliverables for which City is identified in Exhibit A as being responsible.

C. City shall perform such work identified in Exhibit A as City's responsibility as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform such work. City shall also be responsible for providing for employment-related benefits and deductions that are required by law, including, but not limited to, federal and state income tax withholdings, unemployment taxes, workers' compensation coverage, and contributions to any retirement system.

D. All employers, including City, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. City shall ensure that each of its contractors complies with these requirements.

E. City shall not enter into any subcontracts to accomplish any of the work described in Exhibit A, unless it first obtains written approval from ODOT.

F. City agrees to cooperate with ODOT's Contract Administrator. At the request of ODOT's Contract Administrator, City agrees to:

- (1) Meet with the ODOT's Contract Administrator; and
- (2) Form a project steering committee (which shall include ODOT's Contract Administrator) to oversee the Project.

G. City shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, applicable provisions of the Oregon Public Contracting Code. Without limiting the generality of the foregoing, City expressly agrees to comply with: (1) Title VI of Civil Rights Act of 1964; (2) Title V and Section 504 of the Rehabilitation

Act of 1973; (3) the Americans with Disabilities Act of 1990 and ORS 659A.142; (4) all regulations and administrative rules established pursuant to the foregoing laws; and (5) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

H. City shall maintain all fiscal records relating to this Agreement in accordance with generally accepted accounting principles. In addition, City shall maintain any other records pertinent to this Agreement in such a manner as to clearly document City's performance. City acknowledges and agrees that ODOT, the Oregon Secretary of State's Office and the federal government and their duly authorized representatives shall have access to such fiscal records and other books, documents, papers, plans, and writings of City that are pertinent to this Agreement to perform examinations and audits and make copies, excerpts and transcripts.

City shall retain and keep accessible all such fiscal records, books, documents, papers, plans, and writings for a minimum of six (6) years, or such longer period as may be required by applicable law, following final payment and termination of this Agreement, or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later.

I. (1) All of City's work product related to the Project that results from this Agreement ("Work Product") is the exclusive property of ODOT. ODOT and City intend that such Work Product be deemed "work made for hire" of which ODOT shall be deemed the author. If, for any reason, such Work Product is not deemed "work made for hire", City hereby irrevocably assigns to ODOT all of its rights, title, and interest in and to any and all of the Work Product, whether arising from copyright, patent, trademark, trade secret, or any other state or federal intellectual property law or doctrine. City shall execute such further documents and instruments as ODOT may reasonably request in order to fully vest such rights in ODOT. City forever waives any and all rights relating to the Work Product, including without limitation, any and all rights arising under 17 USC §106A or any other rights of identification of authorship or rights of approval, restriction or limitation on use or subsequent modifications.

(2) ODOT hereby grants to City a royalty free, non-exclusive license to reproduce any Work Product for distribution upon request to members of the public.

(3) City shall ensure that any work products produced pursuant to this Agreement include the following statement:

"This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land

Conservation and Development. This TGM grant is financed, in part, by federal Moving Ahead for Progress in the 21st Century (“MAP-21”), local government, and State of Oregon funds.

The contents of this document do not necessarily reflect views or policies of the State of Oregon.”

(4) The Oregon Department of Land Conservation and Development and ODOT may each display appropriate products on its “home page”.

J. Unless otherwise specified in Exhibit A, City shall submit all final products produced in accordance with this Agreement to ODOT’s Contract Administrator in the following form:

- (1) two hard copies; and
- (2) in electronic form using generally available word processing or graphics programs for personal computers via e-mail or on compact diskettes.

K. Within 30 days after the Termination Date, City shall

- (1) pay to ODOT City’s Matching Amount less Federally Eligible Costs previously reported as City’s Matching Amount. ODOT may use any funds paid to it under this Section 5.K (1) or any of the City’s Matching Amount that is applied to the Project pursuant to Section 3.A to substitute for an equal amount of federal MAP-21 funds used for the Project or use such funds as matching funds; and
- (2) provide to ODOT’s Contract Administrator, in a format provided by ODOT, a completion report. This completion report shall contain:
 - (a) The permanent location of Project records (which may be subject to audit);
 - (b) A summary of the Total Project Costs, including a breakdown of those Project costs that are reimbursable hereunder and those costs which are being treated by City as City’s Matching Amount;
 - (c) A list of final deliverables; and
 - (d) [Reserved].

SECTION 6. CONSULTANT

If the Grant provided pursuant to this Agreement includes a Consultant's Amount, ODOT shall enter into a PSK with the Consultant to accomplish the work described in Exhibit A as being the responsibility of the Consultant. In such a case, even though ODOT, rather than City is the party to the PSK with the Consultant, ODOT and City agree that as between themselves:

- A. Selection of the Consultant will be conducted by ODOT in accordance with ODOT procedures with the participation and input of City;
- B. ODOT will review and approve Consultant's work, billings and progress reports after having obtained input from City;
- C. City shall be responsible for prompt communication to ODOT's Contract Administrator of its comments regarding (A) and (B) above; and
- D. City will appoint a Project Manager to:
 - (1) be City's principal contact person for ODOT's Contract Administrator and the Consultant on all matters dealing with the Project;
 - (2) monitor the work of the Consultant and coordinate the work of the Consultant with ODOT's Contract Administrator and City personnel, as necessary;
 - (3) review any deliverables produced by the Consultant and communicate any concerns it may have to ODOT's Contract Administrator; and
 - (4) review disbursement requests and advise ODOT's Contract Administrator regarding payments to Consultant.

SECTION 7. ODOT'S REPRESENTATIONS AND COVENANTS

- A. ODOT certifies that, at the time this Agreement is executed, sufficient funds are authorized and available for expenditure to finance ODOT's portion of this Agreement within the appropriation or limitation of its current biennial budget.
- B. The statement of work attached to this Agreement as Exhibit A has been reviewed and approved by the necessary official(s) of ODOT.
- C. ODOT will assign a Contract Administrator for this Agreement who will be ODOT's principal contact person regarding administration of this Agreement and will

participate in the selection of the Consultant, the monitoring of the Consultant's work, and the review and approval of the Consultant's work, billings and progress reports.

D. If the Grant provided pursuant to this Agreement includes a Consultant's Amount, ODOT shall enter into a PSK with the Consultant to perform the work described in Exhibit A designated as being the responsibility of the Consultant, and in such a case ODOT agrees to pay the Consultant in accordance with the terms of the PSK up to the Consultant's Amount.

SECTION 8. TERMINATION

This Agreement may be terminated by mutual written consent of all parties. ODOT may terminate this Agreement effective upon delivery of written notice to City, or at such later date as may be established by ODOT under, but not limited to, any of the following conditions:

A. City fails to complete work specified in Exhibit A within the time specified in this Agreement, including any extensions thereof, or fails to perform any of the provisions of this Agreement and does not correct any such failure within 10 days of receipt of written notice or the date specified by ODOT in such written notice.

B. Consultant fails to complete work specified in Exhibit A within the time specified in this Agreement, including any extensions thereof, and does not correct any such failure within 10 days of receipt of written notice or the date specified by ODOT in such written notice.

C. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or ODOT is prohibited from paying for such work from the planned funding source.

D. If ODOT fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow ODOT, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.

In the case of termination pursuant to A, B, C or D above, ODOT shall have any remedy at law or in equity, including but not limited to termination of any further disbursements hereunder. Any termination of this Agreement shall not prejudice any right or obligations accrued to the parties prior to termination.

SECTION 9. GENERAL PROVISIONS

A. Time is of the essence of this Agreement.

B. Except as otherwise expressly provided in this Agreement, any notices to be given hereunder shall be given in writing by personal delivery, facsimile, or mailing the same, postage prepaid, to ODOT or City at the address or number set forth on the signature page of this Agreement, or to such other addresses or numbers as either party may hereafter indicate pursuant to this Section. Any communication or notice so addressed and mailed is in effect five (5) days after the date postmarked. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine. To be effective against ODOT, such facsimile transmission must be confirmed by telephone notice to ODOT's Contract Administrator. Any communication or notice by personal delivery shall be deemed to be given when actually delivered.

C. ODOT and City are the only parties to this Agreement and are the only parties entitled to enforce the terms of this Agreement. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right not held by or made generally available to the public, whether directly, indirectly or otherwise, to third persons (including but not limited to any Consultant) unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

D. Sections 5(H), 5(I), and 9 of this Agreement and any other provision which by its terms is intended to survive termination of this Agreement shall survive.

E. The parties agree as follows:

(a) Contribution.

If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against ODOT or Grantee ("Notified Party") with respect to which the other party ("Other Party") may have liability, the Notified Party must promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this paragraph and meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Party's liability with respect to the Third Party Claim.

With respect to a Third Party Claim for which ODOT is jointly liable with the Grantee (or would be if joined in the Third Party Claim), ODOT shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the Grantee in such proportion as is appropriate to reflect the relative fault of ODOT on the one hand and of the Grantee on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of ODOT on the one hand and of the Grantee on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The ODOT's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including but not limited to the Oregon Tort Claims Act, ORS 30.260 to 30.300, if ODOT had sole liability in the proceeding.

With respect to a Third Party Claim for which the Grantee is jointly liable with ODOT (or would be if joined in the Third Party Claim), the Grantee shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by ODOT in such proportion as is appropriate to reflect the relative fault of the Grantee on the one hand and of ODOT on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Grantee on the one hand and of ODOT on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The Grantee's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including but not limited to the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

(b) Choice of Law; Designation of Forum; Federal Forum.

(1) The laws of the State of Oregon (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Agreement, including, without limitation, its validity, interpretation, construction, performance, and enforcement.

(2) Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County (unless Oregon law requires that it be brought and conducted in another county). Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

(3) Notwithstanding Section 9.E (b)(2), if a claim must be brought in a federal forum, then it must be brought and adjudicated solely and exclusively within the United States District Court for the District of Oregon. This Section 9.E(b)(3) applies to a claim brought against the State of Oregon only to the extent Congress has appropriately abrogated the State of Oregon's sovereign immunity and is not consent by the State of

Oregon to be sued in federal court. This Section 9.E(b)(3) is also not a waiver by the State of Oregon of any form of defense or immunity, including but not limited to sovereign immunity and immunity based on the Eleventh Amendment to the Constitution of the United States.

(c) Alternative Dispute Resolution.

The parties shall attempt in good faith to resolve any dispute arising out of this Agreement. This may be done at any management level, including at a level higher than persons directly responsible for administration of the Agreement. In addition, the parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

F. This Agreement and attached Exhibits (which are by this reference incorporated herein) constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No modification or change of terms of this Agreement shall bind either party unless in writing and signed by all parties and all necessary approvals have been obtained. Budget modifications and adjustments from the work described in Exhibit A must be processed as an amendment(s) to this Agreement and the PSK. No waiver or consent shall be effective unless in writing and signed by the party against whom such waiver or consent is asserted. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of ODOT to enforce any provision of this Agreement shall not constitute a waiver by ODOT of that or any other provision.

G. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

On December 1, 2010 the Director of the Oregon Department of Transportation approved DIR-06, in which authority is delegated from the Director of the Oregon Department of Transportation to the Operations Deputy Director and Transportation Development Division Administrator, to approve agreements with local governments, other state agencies, federal governments, state governments, other countries, and tribes as described in ORS 190 developed in consultation with the Chief Procurement Officer.

TGM Grant Agreement No. 29551
TGM File Code 1C-12
EA # TG13LA06

City

City of Sherwood

By: _____
(Official's Signature)

(Printed Name and Title of Official)

Date: _____

ODOT

STATE OF OREGON, by and through
its Department of Transportation

By: _____
Jerri Bohard, Division Administrator
Transportation Development Division

Date: _____

Contact Names:

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**TGM 1C-12
 City of Sherwood
 Transportation System Plan Update**

Name: Address: Phone: Fax: Email:	<u>Agency Work Order Contract Project Manager (WOCPM)</u> Ross Kevlin ODOT Region 1 123 NW Flanders Portland, OR 97209-4037 503-731-8232 503-731-3266 Ross.p.kevlin@odot.state.or.us	Name: Address: Phone: Fax: Email:	<u>Consultant Project Manager</u> Chris Maciejewski DKS Associates 720 SW Washington, Suite 500 Portland, OR 97205 503-243-3500 503-843-1934 cms@dksassociates.com
Name: Address: Phone: Fax: Email:	<u>City Project Manager</u> Robert Galati City of Sherwood 22560 SW Pine Street Sherwood, OR 97140 503-925-2303 503-625-0629 galatib@sherwoodoregon.gov		

This statement of work describes the responsibilities of all entities involved in this cooperative project.

The work order contract (for the purposes of the quoted language below the “WOC”) with the work order consultant (“Consultant”) shall contain the following provisions in substantially the form set forth below:

“PROJECT COOPERATION

This statement of work describes the responsibilities of the entities involved in this cooperative Project. In this Work Order Contract (WOC), the Consultant shall only be responsible for those deliverables assigned to the Consultant. All work assigned to other entities are not Consultant’s obligations under this WOC, but shall be obtained by Agency through separate intergovernmental agreements which contain a statement of work that is the same as or similar to this statement of work. The obligations of entities in this statement of work other than the Consultant are merely stated for informational purposes and are in no way binding, nor are the named entities parties to this WOC. Any tasks or deliverables assigned to a subcontractor shall be construed as being the responsibility of the Consultant.

Any Consultant tasks or deliverables which are contingent upon receiving information, resources, assistance, or cooperation in any way from another entity as described in this statement of work shall be subject to the following guidelines:

1. At the first sign of non-cooperation, the Consultant shall provide written notice (email acceptable) to Oregon Department of Transportation (Agency) Work Order Contract Project Manager (WOCPM) of any deliverables that may be delayed due to lack of cooperation by other entities referenced in this statement of work.
2. WOCPM shall contact the non-cooperative entity or entities to discuss the matter and attempt to correct the problem and expedite items determined to be delaying the Consultant.

If Consultant has followed the notification process described in item 1, and Agency finds that delinquency of any deliverable is a result of the failure of other referenced entities to provide information, resources, assistance, or cooperation, as described in this statement of work, the Consultant will not be found in breach of contract; nor shall Consultant be assessed or liable for any damages arising as a result of such delinquencies. Neither shall ODOT be responsible or liable for any damages to Consultant as the result of such non-cooperation by other entities. WOCPM will negotiate with Consultant in the best interest of the State, and may amend the delivery schedule to allow for delinquencies beyond the control of the Consultant.”

Definitions

Agency/ODOT – Oregon Department of Transportation

CAC –Citizen Advisory Committee

City – City of Sherwood

RTFP – Regional Transportation Functional Plan

RTP – Regional Transportation Plan

SPIS – Safety Priority Index System

TAC – Technical Advisory Committee

TSP – Transportation System Plan

WOCPM – Work Order Contract Project Manager

Project Purpose and Transportation Relationship and Benefit

The City of Sherwood (City) is undertaking this project to update its Transportation System Plan (TSP) to revise plans, policies, project lists and implementing ordinances to incorporate recently developed facility plans and adopted amendments, to identify new improvements for pedestrian, bicycle, transit and roadway facilities, and to address new requirements for local TSPs required in the updated Regional Transportation Plan (RTP) and its associated Regional Transportation Functional Plan (RTFP). The City’s current TSP was adopted in 2005, and to date has had six amendments since adoption.

Project Area

The Project Area consists of the area inside the Sherwood Urban Growth Boundary limits (see attached map).

Background

Metro, Oregon Department of Transportation (ODOT), and local partners are in the process of working on the Southwest Corridor Plan, which addresses local growth aspirations through transit-supportive land uses and development, analyzes transportation needs, gaps and deficiencies, and will identify High Capacity Transit, Active Transportation, and Roadway improvements on state, county and local systems in the corridor traversing the cities of Portland, Tigard, Tualatin, and Sherwood. Sherwood staff is representing the City in that project, and will serve as the liaison between the Corridor Plan and TSP Update. It is intended that all agreed upon solutions identified in the Southwest Corridor Plan be incorporated into the TSP Update project list as the TSP Update timeline allows.

In addition, the City is also in the process of developing a Town Center Plan which will identify Town Center boundaries and opportunities and constraints for the successful development of Sherwood's Town Center, and create a strategy for implementation of the Town Center Plan. The Town Center Plan will establish modifications to land uses and a multimodal transportation network that will be supportive of Metro's 2040 Growth Concept and Urban Growth Management Functional Plan. Town Center Plan recommendations regarding transportation improvements will be incorporated into the TSP Update.

The City intends that the TSP Update Project produces neither a brand-new, "from scratch" TSP, nor a simple fill-in-the-blank update of the 2005 TSP. Instead, the City desires the Project to refine the 2005 TSP into a more concise, user-friendly document that separates key elements of the plan from supporting materials and information, and eliminates extraneous background information. This is expected to entail some degree of editing and reorganizing the document for clarity and readability. Also, the TSP Update will clarify in the City's plan, code and standards documents, as necessary, that TSP decisions identify the mode, function, typical cross-sections, and general location of transportation improvements, whereas project development and development review decisions implement the TSP subject to engineering judgment and site-specific considerations.

Project Objectives

- Adopt a TSP Update that meets the requirements of state and regional requirements, including the *Oregon Transportation Plan*, *Oregon Highway Plan*, the Transportation Planning Rule, and the Metro RTP, Metro Transportation and Growth Management Functional Plans, Metro State of Safety Report, and Title VI of the Civil Rights Act of 1964 (Title VI).

- Incorporate recommendations of the Southwest Corridor Plan, and maintain the mobility of State Highway 99W.
- Update the 2005 TSP to address the 2035 horizon year, confirm the goals and policies of the City's adopted Comprehensive Plan, and identify amendments to the Comprehensive Plan, the development code, and the Engineering Design and Standard Detail Manual necessary to implement the TSP Update.
- Review relevant plans, inventory transportation network and facility projects completed subsequent to the 2005 TSP, conduct additional inventories as needed, identify transportation needs, gaps, and deficiencies for all modes, and identify necessary projects to meet identified needs.
- Obtain public input on needs and solutions for transportation for each mode of travel consistent with Statewide Planning Goal 1 for Public Participation. Conduct an outreach program that reaches all segments of the community, and ensures the Project complies with Title VI of the Federal Civil Rights Act.
- Identify needs and determine options for meeting identified needs for all modes of travel and all transportation user groups.
- Plan improvements to the local street and bicycle/pedestrian network to reduce local trips on arterial streets. Identify gaps and barriers in the street network (including local streets) that require excessive out-of-direction travel that discourages biking and walking, and generally discuss opportunities and constraints to bridging the gaps and barriers.
- Evaluate pedestrian facility needs, particularly for safe routes to school and access to key community activity centers including shopping areas and parks. Consider pedestrian crossing needs and design options for arterial and collector roadways.
- Identify City comprehensive plan and development code changes necessary to implement the TSP Update. Ensure that transportation impacts and availability of facilities is linked to land development processes.
- Ensure the TSP Update is a concise, user-friendly document, and includes caveats to the plan, code and street standards manual discussing the need to consider site-specific issues and apply engineering judgment during project development and development review.
- Ensure the TSP Update is financially realistic.
- Generate a transportation financing program as required by the Transportation Planning Rule, Oregon Administrative Rule 660-012-0040, including a list of Capital Improvement Projects to implement the TSP Update. The updated TSP must include prioritized project lists, with general planning level cost estimates, for all planned improvements.

Expectations

Expectations about Written and Graphic Deliverables

All Consultant text products must be produced in Word and maps must be produced in ArcGIS (or compatible software) and PDF format. All Consultant deliverables must be provided simultaneously in electronic version to City and ODOT's Work Order Contract Project Manager (WOCPM) one week in advance of the scheduled Technical Advisory Committee (TAC) or Citizen Advisory Committee (CAC) meeting. **The City shall distribute the electronic deliverables to the TAC and CAC members in advance of the committee meetings.**

Consultant shall prepare plans and amendments to plans as draft final policy statements of the local government and shall not include language such as "it is recommended..." or "the City should ...". Consultant shall prepare new and amended code language as draft final regulatory statements of City. Draft final plan, plan amendments, code, and code amendments must include all necessary amendments or deletions to existing City plans or code to avoid conflicts and enable full integration of proposed plan with existing City documents.

City shall collect, prepare, and provide to Consultant one adjudicated set of written City comments on the Draft deliverables. Consultant shall revise draft deliverables based on comments received.

Expectations about Meetings

All TAC and CAC meetings will be held at the City of Sherwood in the City Council Chamber. City shall provide logistics such as reserving and preparing the room on the scheduled committee meeting dates for TAC, CAC, City Planning Commission, and City Council meetings.

Consultant shall have primary responsibility for facilitation of meetings and public events and taking meeting minutes, unless otherwise stated.

Work Approach

Task 1: Public Involvement and Interagency Coordination

Objectives

- Ensure an open planning process that solicits and considers input from direct stakeholders and community members.
- Ensure the project is coordinated with agency stakeholders, including the City, Tualatin Valley Fire and Rescue, City of Tigard, City of Tualatin, Washington County, Tri-Met, ODOT, and Metro.
- Ensure good project management through internal team coordination.

Methodology

- 1.1 TAC and CAC Rosters - City shall identify representatives to comprise a TAC and CAC. The TAC must consist of representatives from affected jurisdictions, as well as departments of the City, to provide a technical and policy review of draft materials. The TAC should include representatives from the City of Sherwood, the City of Tigard, the City of Tualatin, Tualatin Valley Fire and Rescue, Washington County, Tri-Met, ODOT, and Metro. The CAC's purpose is to provide community review and input on interim and final products, to help ensure products are consistent with community desires. City shall develop and confirm TAC and CAC rosters.
- 1.2 Project Management Team Meetings Roster – City shall identify members of the Project Management Team. City, Consultant and ODOT shall participate in up to four Project Management Team Meetings throughout Project to discuss and coordinate work program and deliverables. Project Management Team Meetings are not deliverables themselves, but are necessary for project management; the cost of Consultant attendance is reflected in the cost of other Consultant deliverables. City Project Manager shall determine, subject to WOCPM approval, how many and when Project Management Team Meetings are held.
- 1.3 Publicity Materials - Consultant shall write and City shall review Publicity Materials to publicize the TSP Update efforts to the community. Materials must include a letter to stakeholders, and an article for publication in City newsletter. The letter and article must describe the TSP Update's objectives and public involvement opportunities, and encourage participation. City shall mail the letter to stakeholders and address outreach to Title VI populations. City shall create a project page on the City's website (including opportunities for submitting comments via the website). The Consultant shall log comments, provide a summary of comments to the PMT, and respond to frequently asked questions or comments on a monthly basis.
- 1.4 Organizational Meeting – City, WOCPM, and Consultant shall attend an Organizational Meeting at the City of Sherwood to coordinate schedules for meetings, workshops, and project publicity. As part of Organizational Meeting, Consultant shall prepare tentative working schedule for review and a revision of same after the Organizational Meeting. The working schedule must outline the target dates for project meetings and completing project tasks.
- 1.5 Progress and Close-Out Reports – City shall provide Progress and Close-Out Reports throughout Project as stated in the Intergovernmental Agreement.
- 1.6 Background Information – City shall compile and provide available Background Information to Consultant relevant to updating the 2005 TSP. Background information at a minimum, must include the following (unless it is available electronically via the City website):
 - Sherwood 2005 TSP

- Sherwood Comprehensive Plan
- Area 59 Concept Plan
- Brookman Area Concept Plan
- Adams Avenue North Concept Plan
- Tonquin Employment Area Concept Plan
- Transportation System Plan Amendments: Cannery Square PUD and Cedar Brook Way TSP amendment
- Sherwood Zoning and Development Code and City Engineering Design and Standard Details Manual.
- Sherwood Capital Improvement Plan
- Baseline GIS data for creation of base maps.
- Baseline data on transportation system revenues (from federal, state and local sources) and expenses (for maintenance and capital projects).
- Sherwood Town Center Plan
- Sherwood Budget and Revenue Summaries
- Sherwood Parks Master Plan
- Sherwood Urban Renewal Plan

City Deliverables

- 1.1 TAC and CAC Rosters
- 1.2 Project Management Team Roster
- 1.3 Review and comment on Publicity Materials
- 1.4 Organizational Meeting attendance
- 1.5 Progress and Close-Out Reports
- 1.6 Background Information
- 1.7 Review and comment on Task 1 deliverables

Consultant Deliverables

- 1.1 Publicity Materials
- 1.2 Organizational Meeting, including tentative and revised working schedule

Task 2: Existing Conditions, Plans and Policies

Objectives

- Document existing transportation facilities and land use designations that should be considered in updating 2005 TSP.
- Identify local, regional and state plans and policies affecting TSP Update development and implementation.
- Identify criteria for evaluating and identifying TSP Update solutions.

Methodology

- 2.1 Base Maps -- Consultant shall prepare Base Maps of Project Area depicting property lines, streets, existing plan and zone designations, and right-of-way lines. For major facilities (e.g., arterials and collectors), Base Maps must include locations where pedestrian or bicycle facilities do not meet standard widths, general curb-to-curb dimensions, travel lane area configuration including travel lanes, bike lanes and marked crosswalks, bike and pedestrian accessways, signal locations, transit stops, medians, railroads, obstacles such as steep slopes and known wetlands, and major land use attractors such as commercial zones, parks and schools. To-scale aerial photography may be used to show travel lane configurations, curb-to-curb dimensions, and median locations. Base Maps must be in a GIS-compatible data format. Base Map must be developed so that map layers may be used in subsequent tasks, for example to produce modal maps for the TSP Update.
- 2.2 Plan and Policy Summary Report – Consultant shall review plans and policies affecting the TSP Update, and produce a draft and revised assessment highlighting conflicts, changed conditions, data gaps, and revision needs.

Plans and policies that must be considered include the 2005 TSP, Transportation Planning Rule, Oregon Transportation Plan, Oregon Statewide Planning Goals, Oregon Access Management Rule (OAR 734-051), the Oregon Highway Plan, ODOT Highway Design Manual, the RTP, RTFP, Metro State of Safety Report, Metro 2040 Growth Concept, Metro transportation and urban growth management functional plans, Washington County Transportation System Plan, TriMet Transit Investment Plan, plans for facilities within the City (e.g. Southwest Corridor Plan, I-5-99W Connector Study, Tualatin-Sherwood Road Improvements, Ice Age Tonquin Trail Master Plan), and City plans as listed in Task 1.6. The assessment must generally describe actions that must be taken to address plan and policy requirements (e.g. whether policies require mandatory actions or consideration of actions, whether actions are to be implemented through the TSP or development ordinances).

Consultant shall revise Plan and Policy Summary Report after Task 2 meetings to reflect TAC and CAC comments.

- 2.3 Planning Commission Briefing #1 - City shall arrange and introduce the project and project team at a Planning Commission Work Session. Consultant shall prepare and present an Introduction to Transportation System Plans presentation, answer questions, and take notes of meeting.
- 2.4 Existing Conditions Report – Consultant shall review base maps and crash data, to produce a draft and revised report summarizing existing conditions of the transportation system.
- i. Existing Conditions Report must include a review of the most recent five years of crash data for the City, including identification of locations where crashes occurred involving pedestrians, bicycles, or resulted in a fatality. Safety needs identified by ODOT for ODOT Top 10% and Top 5% Safety Priority Index System (SPIS) locations will be summarized. Safety needs at Washington County SPIS locations will be summarized, including identification of key crash patterns and which locations may be affected by further traffic growth.
 - ii. Consultant shall identify existing bicycle and pedestrian facilities and gaps and deficiencies in the bicycle/pedestrian system (i.e. locations where barriers or a lack of connections require excessive out-of-direction travel, or where existing facilities are substandard), including local streets and off-street facilities, and including safe pedestrian crossings and controlled crossings on major arterials.
 - iii. Consultant shall assess the spacing of existing arterial and collector streets against the spacing targets specified in section 3.08.110 of the RTFP, and identify locations where targets are not met.
 - iv. Consultant shall provide a summary description and maps of public transportation, freight routes (as designated by ODOT and Washington County), air transportation, and pipeline transportation facilities running through or serving Sherwood. The transit system element and map must include all elements required in the RTFP, section 3.08.120.A and B.1.
 - v. Using baseline revenue and expense data from the City and data from Metro, Consultant shall quantitatively document and generally describe historic local, regional, and state transportation system funding sources available to the City, and shall apply trend and growth estimation to forecast total transportation system funding and maintenance expenses to 2035. Additionally, report must discuss potential new transportation system funding sources, including debt financing, and discuss the pros, cons, applicability and trade-offs of each.
 - vi. Existing Conditions Report must include narratives and maps (scalable so as to be overlaid) depicting existing sidewalks (distinguishing if on one side or both sides of street), existing bike facilities, existing off-street access ways, the existing arterial/collector network, transit routes, freight system and major trip attractors and

essential destinations such as transit stops, shopping centers, schools, hospitals, medical centers, grocery stores, and social service centers.

- vii. Consultant shall collect weekday PM peak period intersection turn-movement counts at up to 10 intersections to update historic traffic count data and to aid in future forecasting tasks. PMT shall review and approve the locations where counts will be collected.

Draft Existing Conditions Report must be revised after Task 2 meetings to reflect TAC and CAC comments.

- 2.5 TAC Meeting #1 - City shall arrange TAC Meeting #1 to present Base Map, Existing Conditions, and Plan and Policy Summary Reports. Consultant shall facilitate the meeting and present Consultant Task 2 deliverables. Consultant shall document participant comments and provide a written summary to WOCPM and City.
- 2.6 CAC Meeting #1 - City shall arrange CAC Meeting #1 to present drafts of Base Map, Existing Conditions Report, and Plan and Policy Summary Report. Consultant shall facilitate the meeting and present Consultant Task 2 deliverables. Consultant shall document participant comments and provide a written summary to WOCPM and City.

City Deliverables

- 2.1 Planning Commission Briefing #1
- 2.2 TAC Meeting #1
- 2.3 CAC Meeting #1
- 2.4 Review and comment on Task 2 deliverables

Consultant Deliverables

- 2.1 Base Maps
- 2.2 Plan and Policy Summary Report
- 2.3 Planning Commission Briefing #1
- 2.4 Existing Conditions Report
- 2.5 TAC Meeting #1 and written summary.
- 2.6 CAC Meeting #1 and written summary.

Task 3: Needs, Opportunities, Constraints and Tools

Objectives

- Identify transportation system needs that must be addressed in the TSP Update including gaps in the bike and pedestrian system, poor connectivity, and facility plans developed since the 2005 TSP document was adopted.

- Identify needs the TSP update must address to comply with requirements of the Metro RTP and associated RTFP, section 3.08.210.
- Identify issues the TSP Update must address to account for incorporation of previous TSP amendments, Town Center Plan development, and Urban Growth Boundary concept plan findings.
- Develop criteria for identifying and evaluating projects, implementation measures, and other elements of the TSP Update.
- Identify general opportunities, constraints, and tools to establish new street or accessway connections in gap locations identified in the prior task to enhance system connectivity, both for bicyclists and pedestrians, and to address local street, arterial and collector spacing targets per the RTFP.

Methodology

- 3.1 Needs, Opportunities, Constraints and Tools Report -- Consultant shall produce a draft and revised Needs, Opportunities, Constraints and Tools Report to evaluate the existing transportation system and 2005 TSP and development code and identify needs the TSP Update must address, as well as potential solutions. Needs, Opportunities, Constraints and Tools Report must include:
- An evaluation of the 2005 TSP and development code considering plan, policy and regulatory requirements identified in the Plan and Policy Summary Report.
 - An evaluation of the existing multi-modal transportation system. Consultant shall develop a peak hour mesoscopic focus area model for Sherwood utilizing Metro's latest Regional Travel Demand Model (Gamma). The mesoscopic focus area will include traffic assignment utilizing Highway Capacity Manual node delay methodologies and be used to identify constraints in the operation of the roadway system (i.e., intersection bottleneck locations). Multi-modal needs that must be addressed in developing the TSP Update (i.e., for the street, bike, pedestrian, freight and transit systems), including needs to comply with policy and regulatory requirements identified above, will be described. Performance measures required to meet RTFP requirements will be evaluated, including Vehicle Miles Travelled per capita, Vehicle Hours of Delay on freight corridors, overall system Vehicle Hours of Delay, and non-single occupant vehicle percentages by transportation analysis zones. Transportation system needs must be expressed in text and graphics sufficient to describe the location and extent of needs (e.g., segments on arterials or collectors missing crossings, bike lanes or sidewalks).
 - A discussion of tools and methods that may potentially address identified needs, including their general applicability, pros, cons and trade-offs. For example, where constraints could preclude construction of a planned bike or pedestrian facility, a

method to address the underlying need would be the consideration of alternative, unconstrained routes.

- Identification of opportunities and constraints to address and resolve identified needs. This must include a discussion of opportunities and constraints for each of the bike/pedestrian and arterial/collector gap locations identified in the Existing Conditions Report. Consultant shall complete a GIS analysis to evaluate walking and bicycling priority areas (based on proximity to key generators as identified by the PMT).
- Criteria for evaluating potential solutions consistent with the hierarchy of solutions described in RTFP 3.08.220 to determine which are most appropriate for prioritization and inclusion in the TSP Update.

Draft Needs, Opportunities, Constraints and Tools Report must be revised after Task 3 meetings to reflect comments from TAC and CAC.

- 3.2 TAC Meeting #2 - City shall arrange TAC Meeting #2 to present draft Needs, Opportunities, Constraints and Tools Report. Consultant shall attend and facilitate meeting to present Consultant Task 3 deliverables. Consultant shall document participant comments and provide a written summary to WOCPM and City.
- 3.3 CAC Meeting #2 - City shall arrange CAC Meeting #2 to present draft Needs, Opportunities, Constraints and Tools Report. Consultant shall attend and facilitate meeting to present Consultant Task 3 deliverables. Consultant shall document participant comments and provide a written summary to WOCPM and City.
- 3.4 Open House #1 - City shall arrange Open House #1 to share information from the draft Needs, Opportunities, Constraints and Tools Report and collect public input. Consultant shall prepare informational materials (e.g., posters) and facilitate the Open House event. Consultant shall prepare a summary of public input.

City Deliverables

- 3.1 TAC Meeting #2
- 3.2 CAC Meeting #2
- 3.3 Open House #1
- 3.4 Review and comment on Task 3 deliverables

Consultant Deliverables

- 3.1 Needs, Opportunities, Constraints and Tools Report
- 3.2 TAC Meeting #2 and written summary notes.
- 3.3 CAC Meeting #2 and written summary notes.
- 3.4 Open House #1

Task 4: Project Selection and Prioritization

Objectives

- Select the best solutions to address needs
- Prioritize projects considering available funding

Methodology

4.1 Project Options Memo – Consultant shall prepare a draft and revised Project Options Memo including a list of potential projects addressing the needs identified in the Needs, Opportunities, Constraints and Tools Report, and considering results from the modeling of alternatives packages for the Southwest Corridor Plan. Project Options Memo must describe how each identified project responds to an identified need, and for locations or needs where there is more than one feasible project, Project Options Memo must describe the advantages and disadvantages for each option.

Consultant shall seek comment from the TAC and PMT, which may be by phone or e-mail, on the list of potential projects prior to modeling selected motor vehicle projects. Consultant shall run the focus area mesoscopic model including selected motor vehicle projects to evaluate mobility. Project Options Memo must document model run results.

Project Options Memo must include planning level cost estimates for all potential projects, and must recommend a prioritized projects list or lists reflecting the criteria developed in Task 3, consistent with the “hierarchy” of solutions described in RTFP section 3.08.220, and reflecting likely available funding as described in the transportation system funding and expense forecasts in the Existing Conditions Report. Draft Project Options Memo must be revised after Task 4 meetings to reflect comments from TAC and CAC.

4.2 TAC Meeting #3 -- City shall arrange and Consultant shall facilitate TAC Meeting #3 to present Project Options Memo and make project selection recommendations and recommended prioritization of projects. Consultant shall present Consultant Task 4 deliverables. Consultant shall document participant comments.

4.3 CAC Meeting #3 -- City shall arrange and Consultant shall facilitate CAC Meeting #3 to present Project Options Memo and review TAC recommendations on project selection and prioritization. Consultant shall document participant comments.

4.4 Open House #2 - City shall arrange Open House #2 to share information from the Project Options Memo and collect public input. Consultant shall prepare informational materials (e.g., posters) and facilitate the event. Consultant shall prepare a summary of public input.

- 4.5 Joint City Council/Planning Commission Briefing - City shall arrange and conduct a joint City Council/Planning Commission Work Session to share information from the Project Options Memo and public input. Consultant shall prepare and present a summary of the Project Options Memo and project recommendations and priorities.

City Deliverables

- 4.1 TAC Meeting #3
- 4.2 CAC Meeting #3
- 4.3 Open House #2
- 4.4 Joint City Council/Planning Commission Briefing
- 4.5 Review and comment on Task 4 deliverables

Consultant Deliverables

- 4.1 Project Options Memo
- 4.2 TAC Meeting #3 and written summary notes
- 4.3 CAC Meeting #3 and written summary notes
- 4.4 Open House #2
- 4.5 Joint City Council/Planning Commission Briefing

Task 5: TSP Recommendations and Adoption

Objectives

- Develop recommendations for updating the 2005 TSP.
- Ensure technical soundness and public acceptance of TSP Update recommendations
- Develop adoption-ready materials for plan and code and TSP Update amendments and implementation tools.
- Conduct hearings to adopt recommended TSP Update and ordinance amendments and implementation tools.

Methodology

- 5.1 Draft TSP Update - Consultant shall prepare a draft TSP Update, containing prioritized plans, projects and facility design standards which address roadway, bicycle, pedestrian and transit needs. The project lists must identify the need or needs each project is intended to address. Projects, plans and facility design standards must be described in text and graphics, in a manner that may be adopted through a TSP amendment, and include a planning-level cost estimate and construction prioritization. Consultant shall prepare an annotated outline of the draft TSP Update for PMT review prior to preparing the draft TSP Update.

The TSP Update must include a summary of the considerations leading to the selection of the prioritized project lists, as well as findings to support any motor vehicle capacity improvements. The TSP Update must include functional classifications and planned and

financially constrained networks for all modes, and must include performance targets consistent with RTFP section 3.08.230. TSP policies must be updated as necessary to support and reflect changes elsewhere in the TSP Update. The TSP Update must refine the 2005 TSP into a more concise, user-friendly document that separates key elements of the plan from supporting materials and information, and eliminates extraneous background information. Also, the TSP Update will clarify in the City's plan, code and standards documents, as necessary, that TSP decisions identify the mode, function, typical cross-sections, and general location of transportation improvements, whereas project development and development review decisions implement the TSP Update subject to engineering judgment and site-specific considerations.

Consultant shall prepare a revised draft TSP Update based on comments from TAC and CAC. Consultant shall provide three hard copies and two CDs (each containing written documents in MSWord and PDF format) of the final TSP Update to both WOCPM and City.

- 5.2 Draft Policy and Implementation Language - Consultant shall prepare draft recommended text amendments to Comprehensive Plan Chapter 6 (Transportation) and City development code ordinances to comply with the Metro RTP and functional plans, with text changes to existing policy and code language shown in underline/overstrike. Consultant shall revise the recommended implementation language based on comments from TAC and CAC.
- 5.3 TAC Meeting #4 - City shall arrange TAC Meeting #4 to present TSP Update and Implementation Language. Consultant shall facilitate meeting and present Consultant Task 5 deliverables. Consultant shall document participant comments.
- 5.4 CAC Meeting #4 - City shall arrange CAC Meeting #4 to present TSP Update and Implementation Language. Consultant shall facilitate meeting and present Consultant Task 5 deliverables. Consultant shall document participant comments.
- 5.5 Joint Planning Commission/City Council Work Session. City shall arrange and conduct a joint planning commission/city council work session. Consultant shall attend meeting and shall:
 - a. Review project background and outreach efforts.
 - b. Review major issues and proposed changes.
 - c. Respond to questions.
- 5.6 Notice and Staff Report. City shall provide public notice and prepare staff report(s) necessary to adopt TSP Update and Implementation Language. Consultant shall provide draft language for the required DLCD and Metro notice for City review, modification, and mailing. Consultant shall provide a summary of the project background, process, and necessary actions for inclusion into the staff report. Consultant shall also produce draft findings of fact to support the adoption of the TSP and related code language for City

incorporation into the staff report. Consultant shall provide support in modifying the City Council staff report to reflect PC recommendations and input.

- 5.7 Adoption Hearings – City shall schedule and document all necessary Planning Commission and City Council hearings to adopt TSP Update and Implementation Language. Consultant shall attend up to four hearings as determined by City Project Manager (and approved by WOCPM) to provide a summary presentation of the recommendations and answer questions.

Note: The scope and budget for this task does not include significant plan revisions or development of significant new information between adoption hearings.

- 5.8 Final TSP Update and Implementation Language - Consultant shall prepare a Final TSP Update and Final Implementation Language based on the outcome of the Adoption Hearings.

City Deliverables

- 5.1 TAC Meeting #4
- 5.2 CAC Meeting #4
- 5.3 Joint Planning Commission/City Council Work Session
- 5.4 Notice and Staff Report (lead)
- 5.5 Adoption Hearings
- 5.6 Review and comment on Task 5 deliverables

Consultant Deliverables

- 5.1 Draft TSP Update
- 5.2 Draft Policy and Implementation Language
- 5.3 TAC Meeting #4
- 5.4 CAC Meeting #4
- 5.5 Joint Planning Commission/City Council work session
- 5.6 Draft Notice and Staff Report
- 5.7 Adoption Hearings (up to 4)
- 5.8 Final TSP Update and Implementation Language

City Staff Labor Estimate:

<i>City Personnel</i>	<i>Rate/Hour</i>	<i>Hours</i>	<i>Total</i>
City Engineer	\$74.18	124	\$9,198.00
City Planning Manager	\$59.44	36	\$2,140.00
Associate Engineer II	\$59.44	86	\$5,112.00
Administrative Assistant	\$40.32	106	<u>\$4,274.00</u>
Sub-Total City Personnel Costs			<u>\$20,724.00</u>
Notifications and Mailings	\$2,000.00	1	<u>\$2,000.00</u>
Total City Costs			\$22,724.00

Project Schedule

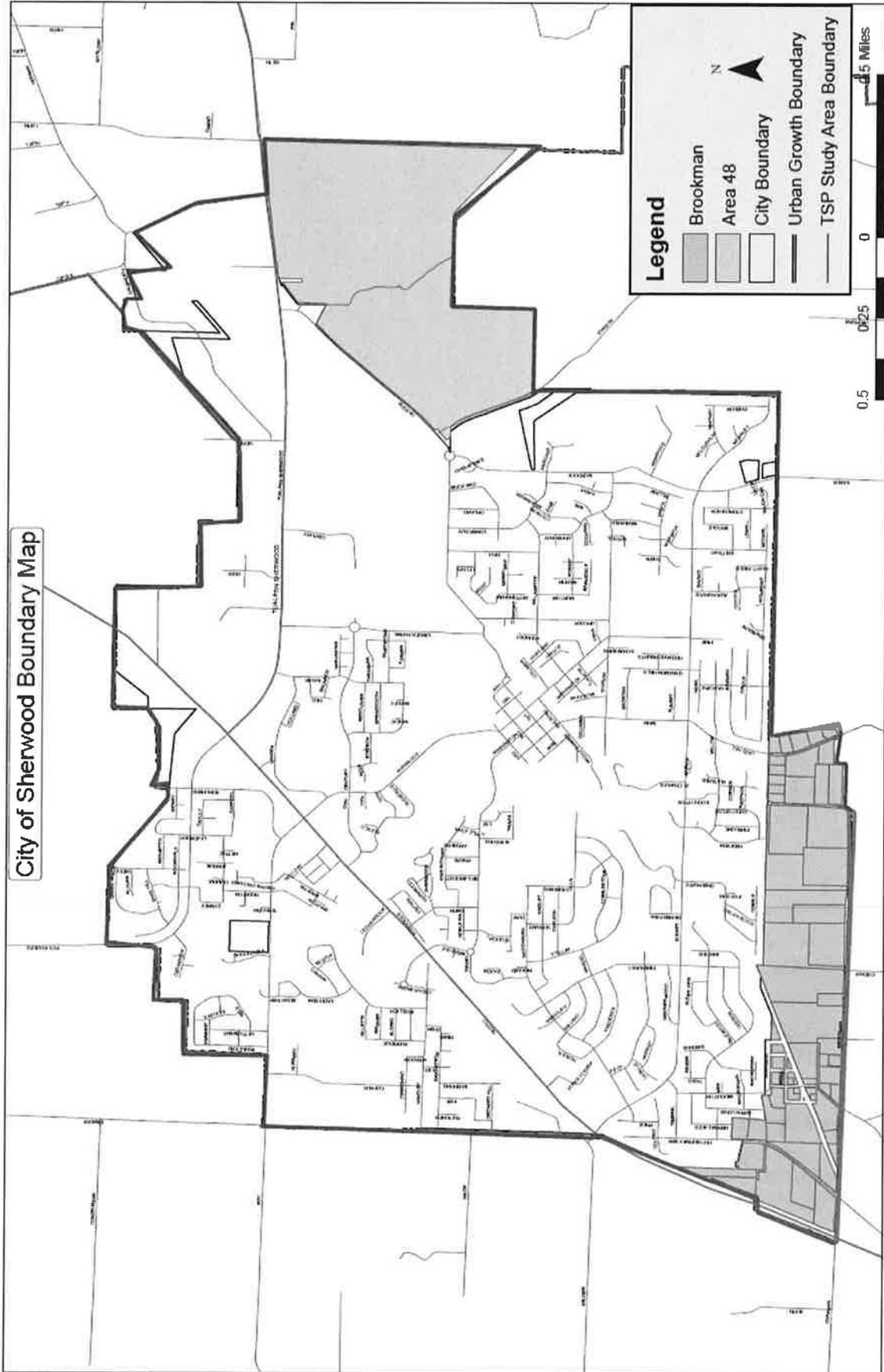
<i>Task #</i>	<i>Description</i>	<i>Months (after NTP)</i>
1	Public Involvement and Interagency Coordination	July 2013, ongoing
2	Existing Conditions, Plans and Policies	September 2013
3	Needs, Opportunities, Constraints and Tools	November 2013
4	Project Selection and Prioritization	February 2014
5	TSP Recommendations and Adoption	May 2014

Consultant Amounts per Deliverable

<i>Task</i>	<i>Deliverable</i>	<i>Lump Sum Per Deliverable</i>
1	Public Involvement and Interagency Coordination	
1.1	Publicity Materials	\$4,050
1.2	Organizational Meeting, including tentative and revised working schedule	\$1,050
	Task Total	\$5,100
2	Existing Conditions, Plans and Policies	
2.1	Base Map	\$5,050
2.2	Plan and Policy Summary Report	\$6,050
2.3	Planning Commission Briefing #1	\$1,250
2.4	Existing Conditions Report	\$11,800
2.5	TAC Meeting #1 and written summary	\$1,850
2.6	CAC Meeting #1 and written summary	\$1,850
	Task Total	\$27,850
3	Needs, Opportunities, Constraints and Tools	
3.1	Needs, Opportunities, Constraints and Tools Report	\$24,800
3.2	TAC Meeting #2 and written summary	\$1,850
3.3	CAC Meeting #2 and written summary	\$1,850
3.4	Open House #1	\$2,550
	Task Total	\$31,050
4	Project Selection and Prioritization	
4.1	Project Options Memo	\$16,350
4.2	TAC Meeting #3 and written summary notes	\$1,850
4.3	CAC Meeting #3 and written summary notes	\$1,850
4.4	Open House #2	\$2,550
4.5	Joint Council/Commission Meeting	\$1,950
	Task Total	\$24,550
5	TSP Recommendations and Adoption	
5.1	Draft TSP Update	\$15,950
5.2	Draft Implementation Language	\$5,650
5.3	TAC Meeting #4 and written summary	\$2,400
5.4	CAC Meeting #4 and written summary	\$2,400
5.5	Joint Planning Commission/City Council Work	\$2,000

<i>Task</i>	<i>Deliverable</i>	<i>Lump Sum Per Deliverable</i>
	Session	
5.6	Draft Notice and Staff Report	\$3,050
5.7	Adoption Hearings (up to 4 at \$1,950 per hearing)	\$7,800
5.8	Final TSP Update & Implementation Language	\$6,100
	Task Total	\$45,350
	Project Total	\$133,900

TGM Grant Agreement No. 29551
TGM File Code IC-12
EA # TG13LA06



Map prepared by MLM on 1.6.13 with PLUS data

EXHIBIT B (Local Agency or State Agency)

CONTRACTOR CERTIFICATION

Contractor certifies by signing this contract that Contractor has not:

- (a) Employed or retained for a commission, percentage, brokerage, contingency fee or other consideration, any firm or person (other than a bona fide employee working solely for me or the above consultant) to solicit or secure this contract,
- (b) agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the contract, or
- (c) paid or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above consultant), any fee, contribution, donation or consideration of any kind for or in connection with, procuring or carrying out the contract, except as here expressly stated (if any):

Contractor further acknowledges that this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

AGENCY OFFICIAL CERTIFICATION (ODOT)

Department official likewise certifies by signing this contract that Contractor or his/her representative has not been required directly or indirectly as an expression of implied condition in connection with obtaining or carrying out this contract to:

- (a) Employ, retain or agree to employ or retain, any firm or person or
- (b) pay or agree to pay, to any firm, person or organization, any fee, contribution, donation or consideration of any kind except as here expressly stated (if any):

Department official further acknowledges this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

EXHIBIT C

Federal Provisions
Oregon Department of Transportation

I. CERTIFICATION OF NONINVOLVEMENT IN ANY DEBARMENT AND SUSPENSION

Contractor certifies by signing this contract that to the best of its knowledge and belief, it and its principals:

- 1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
- 2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery falsification or destruction of records, making false statements or receiving stolen property;

3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state or local) terminated for cause or default.

Where the Contractor is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

List exceptions. For each exception noted, indicate to whom the exception applies, initiating agency, and dates of action. If additional space is required, attach another page with the following heading: Certification Exceptions continued, Contract Insert.

EXCEPTIONS:

Exceptions will not necessarily result in denial of award, but will be considered in determining Contractor responsibility. Providing false information may result in criminal prosecution or administrative sanctions.

The Contractor is advised that by signing this contract, the Contractor is deemed to have signed this certification.

II. INSTRUCTIONS FOR CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS—PRIMARY COVERED TRANSACTIONS

1. By signing this contract, the Contractor is providing the certification set out below.
2. The inability to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The Contractor shall explain why he or she cannot provide the certification set out below. This explanation will be considered in connection with the Oregon Department of Transportation determination to enter into this transaction. Failure to furnish an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the Department determined to enter into this transaction. If it is later determined that the Contractor knowingly rendered an erroneous

certification, in addition to other remedies available to the Federal Government or the Department may terminate this transaction for cause of default.

4. The Contractor shall provide immediate written notice to the Department to whom this proposal is submitted if at any time the Contractor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the Department's Program Section (Tel. (503) 986-3400) to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The Contractor agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transactions with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the Department or agency entering into this transaction.
7. The Contractor further agrees by submitting this proposal that it will include the Addendum to Form FHWA-1273 titled, "Appendix B--Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions", provided by the Department entering into this covered transaction without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List published by the U. S. General Services Administration.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government or the Department, the Department may terminate this transaction for cause or default.

III. ADDENDUM TO FORM FHWA-1273, REQUIRED CONTRACT PROVISIONS

This certification applies to subcontractors, material suppliers, vendors, and other lower tier participants.

- Appendix B of 49 CFR Part 29 -

Appendix B--Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this contract, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this contract is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", "proposal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this contract that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this contract that it will include this clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the nonprocurement list.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is

suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions

- a. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency.
- b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

IV. EMPLOYMENT

1. Contractor warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this contract and that he has not paid or agreed to pay any company or person, other than a bona fide employee working solely for Contractor, any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award or making of this contract. For breach or violation of this warranting, Department shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.
2. Contractor shall not engage, on a full or part-time basis or other basis, during the period of the contract, any professional or technical personnel who are or have been at any time during the period of this contract, in the employ of Department, except regularly retired employees, without written consent of the public employer of such person.
3. Contractor agrees to perform consulting services with that standard of care, skill and diligence normally provided by a professional in the performance of such consulting services on work similar to that hereunder. Department shall be

entitled to rely on the accuracy, competence, and completeness of Contractor's services.

V. NONDISCRIMINATION

During the performance of this contract, Contractor, for himself, his assignees and successors in interest, hereinafter referred to as Contractor, agrees as follows:

1. Compliance with Regulations. Contractor agrees to comply with Title VI of the Civil Rights Act of 1964, and Section 162(a) of the Federal-Aid Highway Act of 1973 and the Civil Rights Restoration Act of 1987. Contractor shall comply with the regulations of the Department of Transportation relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are incorporated by reference and made a part of this contract. Contractor, with regard to the work performed after award and prior to completion of the contract work, shall not discriminate on grounds of race, creed, color, sex or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contract covers a program set forth in Appendix B of the Regulations.
2. Solicitation for Subcontractors, including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations made by Contractor for work to be performed under a subcontract, including procurement of materials and equipment, each potential subcontractor or supplier shall be notified by Contractor of Contractor's obligations under this contract and regulations relative to nondiscrimination on the grounds of race, creed, color, sex or national origin.
3. Nondiscrimination in Employment (Title VII of the 1964 Civil Rights Act). During the performance of this contract, Contractor agrees as follows:
 - a. Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin. Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment,

without regard to their race, creed, color, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this nondiscrimination clause.

- b. Contractor will, in all solicitations or advertisements for employees placed by or on behalf of Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex or national origin.
4. Information and Reports. Contractor will provide all information and reports required by the Regulations or orders and instructions issued pursuant thereto, and will permit access to his books, records, accounts, other sources of information, and his facilities as may be determined by Department or FHWA as appropriate, and shall set forth what efforts he has made to obtain the information.
5. Sanctions for Noncompliance. In the event of Contractor's noncompliance with the nondiscrimination provisions of the contract, Department shall impose such agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. Withholding of payments to Contractor under the agreement until Contractor complies; and/or
 - b. Cancellation, termination or suspension of the agreement in whole or in part.
6. Incorporation of Provisions. Contractor will include the provisions of paragraphs 1 through 6 of this section in every subcontract, including procurement of materials and leases of equipment, unless exempt from Regulations, orders or instructions issued pursuant thereto. Contractor shall take such action with respect to any subcontractor or procurement as Department or FHWA may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event Contractor becomes involved in or is threatened with litigation with a subcontractor or supplier as a result of such

direction, Department may, at its option, enter into such litigation to protect the interests of Department, and, in addition, Contractor may request Department to enter into such litigation to protect the interests of the State of Oregon.

VI. DISADVANTAGED BUSINESS ENTERPRISE (DBE) POLICY

In accordance with Title 49, Code of Federal Regulations, Part 26, Contractor shall agree to abide by and take all necessary and reasonable steps to comply with the following statement:

DBE POLICY STATEMENT

DBE Policy. It is the policy of the United States Department of Transportation (USDOT) to practice nondiscrimination on the basis of race, color, sex and/or national origin in the award and administration of USDOT assist contracts. Consequently, the DBE requirements of 49 CFR 26 apply to this contract.

Required Statement For USDOT Financial Assistance Agreement. If as a condition of assistance the Agency has submitted and the US Department of Transportation has approved a Disadvantaged Business Enterprise Affirmative Action Program which the Agency agrees to carry out, this affirmative action program is incorporated into the financial assistance agreement by reference.

DBE Obligations. The Oregon Department of Transportation (ODOT) and its contractor agree to ensure that Disadvantaged Business Enterprises as defined in 49 CFR 26 have the opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds. In this regard, Contractor shall take all necessary and reasonable steps in accordance with 49 CFR 26 to ensure that Disadvantaged Business Enterprises have the opportunity to compete for and perform contracts. Neither ODOT nor its contractors shall discriminate on the basis of race, color, national origin or sex in the award and performance of federally-assisted contracts. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of such contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as ODOT deems appropriate.

The DBE Policy Statement and Obligations shall be included in all subcontracts entered into under this contract.

Records and Reports. Contractor shall provide monthly documentation to Department that it is subcontracting with or purchasing materials from the DBEs identified to meet contract goals. Contractor shall notify Department and obtain its written approval before replacing a DBE or making any change in the DBE participation listed. If a DBE is unable to fulfill the original obligation to the contract, Contractor must demonstrate to Department the Affirmative Action steps taken to replace the DBE with another DBE. Failure to do so will result in withholding payment on those items. The monthly documentation will not be required after the DBE goal commitment is satisfactory to Department.

Any DBE participation attained after the DBE goal has been satisfied should be reported to the Departments.

DBE Definition. Only firms DBE certified by the State of Oregon, Department of Consumer & Business Services, Office of Minority, Women & Emerging Small Business, may be utilized to satisfy this obligation.

CONTRACTOR'S DBE CONTRACT GOAL

DBE GOAL 0 %

By signing this contract, Contractor assures that good faith efforts have been made to meet the goal for the DBE participation specified in the Request for Proposal/Qualification for this project as required by ORS 200.045, and 49 CFR 26.53 and 49 CFR, Part 26, Appendix A.

VII. LOBBYING

The Contractor certifies, by signing this agreement to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to

influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor also agrees by signing this agreement that he or she shall require that the language of this certification be included in all lower tier subagreements, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

**FOR INQUIRY CONCERNING ODOT'S
DBE PROGRAM REQUIREMENT
CONTACT OFFICE OF CIVIL RIGHTS
AT (503)986-4354.**

EXHIBIT D
ELIGIBLE PARTICIPATING COST
DESCRIPTION
PERSONNEL SERVICES
<i>Salaries</i> - Straight time pay for regular working hours in a monthly period. Includes standard labor distributions like Social Security Taxes, Workers' Compensation Assessments and Medical, Dental, Life Insurance. Excludes mass transit tax, vacation leave, sick leave and compensatory time taken.
<i>Overtime</i> - Payments to employees for work performed in excess of their regular work shift.
<i>Shift Differential</i> - Payments to employees, in addition to regular pay, for shift differential work as described in labor contracts or Personnel Rules.
<i>Travel Differential</i> - Payments to employees, in addition to regular pay, for travel time to and from work on projects in excess and beyond an 8 hour day as described in labor contracts or Personnel Rules.
SERVICES AND SUPPLIES
In-State Travel - Per Rates Identified in State Travel Handbook
<i>Meals & Misc.</i> - Payment for meals incurred while traveling within the State of Oregon.
<i>Lodging & Room Tax</i> - Payment for lodging, including room taxes, incurred while traveling within the State of Oregon. Fares, Taxi, Bus, Air, Etc.
<i>Per Diem</i> - Payment for per diem, incurred while traveling within the State of Oregon.
<i>Other</i> - Payment for other miscellaneous expense, incurred while traveling within the State of Oregon.
<i>Private Car Mileage</i> - Payment for private car mileage while traveling within the State of Oregon.
Office Expense
<i>Direct Project Expenses Including:</i>
<i>Photo, Video & Microfilm Supplies</i> - Payment for photography, video and microfilm supplies such as film for cameras, blank video tapes, storage folders, etc.
<i>Printing, Reproduction & Duplication</i> - Expenditures for services to copy, print, reproduce and/or duplicate documents.
<i>Postage</i> - Payment for direct project postage.
<i>Freight & Express Mail</i> - Payment for direct project freight services on outgoing shipments.
Telecommunications
<i>Phone Toll Charges (long-distance)</i> - Payment for telephone long distance charges.
Publicity & Publication
<i>Publish & Print Photos</i> - Payment for printing and publishing photographs to development of publicity and publications.
<i>Conferences</i> (costs to put on conference or seminars)
Equipment \$250 - \$4,999
NOT ELIGIBLE
Employee Training, Excluding Travel
NOT ELIGIBLE
Training In-State Travel
NOT ELIGIBLE
CAPITOL OUTLAY
NOT ELIGIBLE

TO: Sherwood City Council

FROM: Brad Kilby, Planning Manager

Through: Julia Hajduk, Community Development Director and Joseph Gall, City Manager

SUBJECT: Resolution 2013-044, establishing a 3-year on-call planning consultant list to assist in providing planning services

Issue:

Should the Council authorize the City Manager to sign contracts with 3J Consulting, Winterbrook Planning, and Cardno for providing as-needed planning services for a period of three years?

Background:

The Planning Department has eliminated an Associate Planner position for the current budget year. This leaves the department with two planning positions to handle all current and long range planning activities. From time to time, the workload may require that the department hire consultants to provide assistance in managing the workload. As of the date of this report, the Planning Department is facilitating the creation of the Town Center Plan, will be responsible for managing the Cedar Creek Trail process, and will working with the Planning Commission to revise the Development Code including the Old Town Design Standards. In addition, the department is responsible for reviewing and processing several complex planning applications including the Brookman Road annexation, the Major Modification to the Community Center, a commercial parking expansion, a Minor Land Partition, two future amendments to the TSP, and the Comprehensive Plan. In addition, the department is responsible for providing daily customer service at the Counter and on the phone.

Financials:

Within the adopted budget, the department has allocated \$30,000 for professional services for this fiscal year.

Recommendation:

Staff respectfully requests City Council adoption of Resolution 2013-044 to allow the department to utilize these consultants to assist staff in managing the workload for a period of three years.



RESOLUTION 2013-044

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN 3-YEAR ON-CALL PLANNING CONTRACTS WITH THREE SELECTED FIRMS

WHEREAS, the Sherwood Planning Department eliminated a position within this fiscal year's adopted budget; and

WHEREAS, from time to time, it is necessary to supplement the staff with additional assistance in order to provide timely planning services;

WHEREAS, the City determined that soliciting consultants each time the assistance was needed would be costly and time consuming, and not the best use of staff time and resources to recruit;

WHEREAS, the City advertised in both the Daily Journal of Commerce and on the City's website a Request for Qualifications to develop a pool of qualified consultants to assist staff in the event that the workload compromises the timely service of planning services;

WHEREAS, after reviewing the qualifications and fees, the Planning Manager and Community Development Director have recommended that 3J-Consulting, Winterbrook Planning, and Cardno be placed onto a 3-year on-call list to be utilized as needed.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Council accepts the Community Development Director and Planning Manager's recommendation to place 3-J Consulting, Winterbrook Planning and Cardno onto a 3-year on-call consultant list.

Section 2. The City Manager is hereby authorized to execute a professional services agreement with the three firms to for a period of three years expiring August 2016.

Section 3. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 6th day of August 2013.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

New Business - Index of Documents

	<u>Mtg. Packet Page</u>
Special Committee Report	Pgs. 71-74
City Council Legislation Forming Special Committee	Pgs. 75-77
Special Committee Meeting Agendas	Pgs. 78-85
Special Committee <i>Approved</i> Meeting Minutes	Pgs. 86-224
Written Public Comment received by Special Committee	Pgs. 225-242
Written Correspondences to Committee from Police Chief Groth	Pgs. 243-249

City Council Meeting Date: August 6, 2013

Agenda Item: Public Hearing

TO: Sherwood City Council

FROM: Meerta Meyer, Chairperson on behalf of the Special Committee
Through: Tom Pessemier, Assistant City Manager

SUBJECT: Special Committee Report

Background: City Council heard comments from the community related to ordinances citizens proposed to establish new business regulations. City Council adopted Resolution 2013-034 on June 18, 2013 creating a special committee to advise City Council on possible referral to voters of ordinances establishing new business regulations. City Council appointed members to the committee on July 2, 2013 per Resolution 2013-035.

With the support of city staff and legal counsel, between July 10, 2013 and August 1, 2013, the special committee met eight (8) times to discuss ordinance language to be presented to City Council. Upon favorable review, the City Council may refer three (3) ordinances to the ballot for public vote in November, 2013. Public comment was accepted at each meeting. City staff and legal counsel provided valuable insight to ensure the committee worked within federal, state, and local laws and regulations.

Necessity: Business regulations act as a basic framework supporting the City of Sherwood's goals of providing services and infrastructure to support the highest quality of life for our residents, businesses, and visitors in a fiscally responsible manner.

Considerations: A proactive, community focused approach is necessary to preserve and promote livability, community well being, citizen involvement/civic participation, public healthy, safety, and wellness, local character and prosperity, and environmental sustainability.

The special committee discussed a number of issues, including, but not limited to the following:

1. Overnight camping in areas open to the public
2. Dilapidated vehicles, other nuisances, and general parking concerns
3. Fire arms and ammunition sales and alcohol sales
4. Storage and use of pesticides

5. Hazardous substances discharge and removal
6. Waste production and removal for businesses within Sherwood
7. How to better promote public safety and livability within Sherwood which led to discussion related to regulating business hours
8. General discussion including, but not limited to, construction of new buildings and developments, traffic concerns, review of new business and development applications
9. How to ensure and encourage living wage jobs within the city related to various wage and benefit ordinances
10. Development of a Sick Leave Ordinance
11. Public comment

General Findings of the Special Committee:

1. Overnight camping is an issue we explored at length; ordinance language has been prepared for Council review.
2. Dilapidated vehicles, other nuisances, and general parking concerns are a concern; the special committee collectively encourages City Council to engage the Sherwood Police Department to review and modify current Nuisance Code language to include additional language as it relates to such things as dilapidated vehicles and chronic nuisance properties within the City of Sherwood. Mayor Middleton suggested, due to our limited time in crafting other ordinance language and because the Sherwood Police Department already engages in modifications and improvements to city code, it may be in the public interest to defer this issue to the police department.
3. In regard to the sale of fire arms, ammunition, and alcoholic sales there are both state and federal preemptions that led to the dismissal of these discussions.
4. In regard to the use and storage of pesticides, there are both state and federal preemptions that led to the dismissal of this discussion.
5. Hazardous substance discharge and removal is an issue we explored at length; ordinance language has been prepared for Council review.
6. Waste production and removal for businesses within Sherwood is addressed within the City's current agreement with Pride Disposal; this led to the dismissal of further discussion.
7. The promotion and preservation of public safety and livability in Sherwood is an issue we explored at length; ordinance language regarding regulation of business hours has been

prepared for Council review.

8. The committee raised several concerns regarding such issues as construction of new buildings and developments, traffic concerns, review of new business and development applications – all of which fall under Chapter 16 of the City of Sherwood’s Municipal Code; a lengthy discussion related to these items was dismissed because the City’s land use regulations require the City to follow a specific process which includes a 35 day notice to the state and hearings before both the Planning Commission and City Council.

The committee encourages Council to promote and encourage staff and existing (or newly appointed) boards and committees to continue discussions and review of existing code language including but not limited to items such as:

- A comprehensive review of the traffic study language and Capacity Allocation Program (CAP) language
 - Consider modifying criteria in the review of new business or new development applications (potentially include such things as economic impact analysis or cost benefit analysis, review of current vacancy rates to determine need of new business/additional development, review of existing business mix before approving like business models/similar uses within the City, etc)
 - Review guidelines related to overall development/new construction to promote and encourage environmentally responsible building practices
 - Fostering economic development within the City of Sherwood
9. In regard to ordinances promoting and producing living wage jobs, there are both state and federal preemptions related to wages and benefits; this led to dismissal of these discussions.

The committee agrees, in an effort to better promote and produce living wage jobs the City of Sherwood has great opportunity to explore such things as small business development and promotion.

10. As it relates to crafting a sick leave ordinance, the committee agrees crafting such an ordinance would require significantly more time and would require considerable public involvement; this led the committee to dismiss drafting a sick leave ordinance.
11. Public comment was provided at each committee meeting and comments were received via email for committee consideration. Please refer to the special committee meeting minutes, video, and emails received from the public for more information.

Financial Impact: With the exception of the Hazardous Substance Regulations Ordinance, the committee was unable to analyze financial impacts to the City of Sherwood; city staff indicated should the proposed ordinance language be approved by City Council and adopted by public vote the proposed ordinances are likely to have minimal impact on city resources.

Recommendation(s): The Special Committee respectfully submits to City Council the following potential ballot ordinances for favorable review and consideration:

1. Hazardous Substance Regulations Ordinance
2. Regulation of Camping Ordinance
3. Regulation of Business Hours Ordinance



RESOLUTION 2013-034

A RESOLUTION CREATING A SPECIAL COMMITTEE TO ADVISE THE CITY COUNCIL ON POSSIBLE REFERRAL TO VOTERS OF ORDINANCES ESTABLISHING NEW BUSINESS REGULATIONS

WHEREAS, Sherwood residents have suggested to the City Council that it consider adoption of new ordinances to regulate the conduct of businesses in at least three respects; and

WHEREAS, the City Council wishes to solicit advice from its citizens and business owners concerning options about the purpose, nature, scope and duration of such possible regulatory ordinances; and

WHEREAS, the City Council wishes to create a special committee to advise it on such ordinances and referral to City voters; and

WHEREAS, the City Council wishes to consider referring any such business regulatory ordinances to a City election at the November 5, 2013 state election; and

WHEREAS, the special committee must make timely recommendations to the City Council for it to submit ballot measures to City voters at the November 5, 2013 election.

NOW THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. A special committee is hereby created for the purpose of advising the City Council on the possible referral to City voters of new ordinances regulating the conduct of businesses within the City.

Section 2. The special committee will have nine members appointed by the City Council. At least five members will be residents of the City. Four members must conduct business within the City, but need not be City residents. Appointments to the special committee shall be made by resolution of the City Council.

Section 3. The special committee is an official public body governed by Oregon Public Meeting Law and other applicable statutes. Minutes shall be kept of all committee meetings in accordance with applicable law.

7-10-13
Date

Mtg. Prep #2
Agenda Item

Special Committee
Gov. Body

A (2 pgs)
Exhibit #

Section 4. The Special Committee will appoint a special committee chair and vice-chair to preside at the committee's meetings. The committee will determine the time and place of its meetings. The committee will hold as many meetings as required to complete its work. A majority of the committee will be its quorum. The City Manager will provide or designate staff support for the committee. The City Attorney office will provide legal advice to the committee.

Section 5. The special committee will make a written and oral report and policy recommendations to the City Council at the first Council Meeting in August 2013. The terms of the special committee members will end at the conclusion of that meeting.

Section 6. The City Council will receive and consider the report and recommendations of the special committee and determine whether to refer ballot measures to City voters. The City Council must file any such measures with the Washington County elections office by September 5, 2013, in order for them to qualify for the November 5, 2013 election.

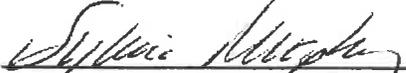
Section 7. City Council may choose to dissolve the committee at any time.

PASSED AND APPROVED this 18th day of June, 2013.



Bill Middleton, Mayor

Attest:



Sylvia Murphy, CMC, City Recorder



RESOLUTION 2013-035

A RESOLUTION APPOINTING MEMBERS TO A SPECIAL COMMITTEE TO ADVISE THE CITY COUNCIL ON POSSIBLE REFERRAL TO VOTERS OF ORDINANCES ESTABLISHING NEW BUSINESS REGULATIONS

WHEREAS, at the June 12, 2013 the City Council heard comments from the community related to ordinances that citizens proposed to establish new business regulations; and

WHEREAS, the City Council adopted Resolution 2013-034 at their June 18, 2013 meeting to form a special committee to advise the City Council on possible referral to voters of ordinances establishing new business regulations; and

WHEREAS, Resolution 2013-034 indicates the committee will be comprised of 9 members appointed by the City Council, at least five members will be residents of the City and four members must conduct business within the City, but need not be City residents.

WHEREAS, the City Council solicited applications which were reviewed by the Mayor, the Council President and the Assistant City Manager; and

WHEREAS, below are the applicants selected to serve on the special committee.

NOW THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. Resident representatives:

Beth Cooke
Naomi Belov
Meerta Meyer
Doug Scott
Dave Robins

Representatives whom conduct business:

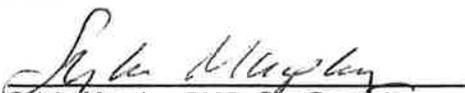
Lawrence O'Keefe
Nancy Bruton
Rachel Schoening
Alicia Shaw

Section 2: This Resolution shall be in effect upon its approval and adoption.

Duly passed by the City Council this 2nd day of July 2013.


Bill Middleton, Mayor

Attest:


Sylvia Murphy, CMC, City Recorder



Home of the Tualatin River National Wildlife Refuge

MEETING PREPARATION

1. INTRODUCTIONS
2. REVIEW RESOLUTIONS AND PROCESS TO FORM COMMITTEE (TOM PESSEMIER)
3. TRAINING ON CITY COMMITTEE RULES AND PUBLIC MEETING LAWS (CHRIS CREAM)
4. REVIEW REFERRAL PROCESS AND TIMELINES (SYLVIA MURPHY)
5. SELECTION OF CHAIR (TOM PESSEMIER)

REGULAR MEETING

1. CALL TO ORDER (CHAIR)
2. ROLL CALL (CHAIR/STAFF)
3. RATIFY SELECTION OF CHAIR (CHAIR/STAFF)
4. SELECTION OF VICE-CHAIR (CHAIR)
5. DISCUSSION AND VOTE ON REMAINING AGENDA (CHAIR)
6. *DISCUSSION ON TYPES OF ORDINANCES THAT COMMITTEE WANTS TO CONSIDER RECOMMENDING TO CITY COUNCIL FOR REFERRAL TO THE NOVEMBER BALLOT (CHAIR)
7. *DISCUSSION ON HOW ORDINANCES WILL BE DRAFTED AND WHAT COMMITTEE WILL NEED FROM STAFF AND CITY ATTORNEY'S OFFICE (CHAIR)
8. *DECISION ON UPCOMING MEETING SCHEDULE (ALL)
9. *SPECIFIC ORDINANCES THAT MEMBERS WANT TO DISCUSS (CHAIR) As time permits
10. ADJOURN

Notes: Names in parentheses () indicate person leading the agenda item
* Items marked with and asterisks are suggested agenda items.

AGENDA

SHERWOOD SPECIAL COMMITTEE
July 10, 2013

6:30pm Meeting

Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140



Home of the Tualatin River National Wildlife Refuge

REGULAR MEETING

1. Call to order and confirmation of quorum (chair)
2. Roll call (chair)
3. Approval of July 10, 2013 Meeting Minutes (chair)
4. Brief review of upcoming meeting schedule (chair)

Monday, July 15, 2013 - 6:30pm
Thursday, July 18, 2013 - **5:30pm** (please note change in time on this date only)
Monday, July 22, 2013 - 6:30pm
Thursday, July 25, 2013 - 6:30pm
Monday, July 29, 2013 - 6:30pm
Thursday, August 1, 2013 - 6:30pm
Monday, August 5, 2013 - 6:30pm

NEW BUSINESS:

5. Brief discussion related to providing opportunities for public comment (chair)
6. Review of example ordinances related to overnight camping, overnight parking of vehicles and rv's/motor-homes, and dilapidated vehicles (city attorney)
7. Discussion of ordinances listed in #6 (chair)
8. Review of example ordinances related to use and storage of pesticides and other chemicals (city attorney)
9. Discussion of #8 (chair)
10. Discussion of waste removal for businesses within Sherwood (chair)
11. Closing comments (all)
12. Adjourn (chair)

AGENDA

SHERWOOD SPECIAL COMMITTEE
July 12, 2013

6:30pm Meeting

Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140



Home of the Tualatin River National Wildlife Refuge

<p style="text-align: center;"><u>AGENDA</u></p> <p style="text-align: center;">SHERWOOD SPECIAL COMMITTEE July 15, 2013</p> <p style="text-align: center;">6:30pm Meeting</p> <p style="text-align: center;">Sherwood City Hall 22560 SW Pine Street Sherwood, OR 97140</p>

REGULAR MEETING

1. CALL TO ORDER AND CONFIRMATION OF QUORUM (CHAIR)
2. ROLL CALL (CHAIR)
3. APPROVAL OF JULY 10, 2013 MEETING MINUTES (CHAIR)
APPROVAL OF JULY 12, 2013 MEETING MINUTES (CHAIR)
4. PUBLIC COMMENT - THIS WILL BE LIMITED TO A MAXIMUM OF 40 MINUTES

NEW BUSINESS:

5. REVIEW ON WHETHER OR NOT SPECIAL COMMITTEE MAY WORK TOWARD DRAFTING AN ORDINANCE RELATED TO CONSTRUCTION OF NEW BUILDINGS AND DEVELOPMENTS (TOM PESSEMIER)
6. DISCUSSION RELATED TO #5
7. DISCUSSION RELATED TO CRAFTING AN ORDINANCE THAT WOULD EFFECTIVELY PROMOTE AND PRODUCE FAMILY WAGE JOBS WITHIN THE CITY OF SHERWOOD (CHAIR)
8. CLOSING COMMENTS (ALL)
9. ADJOURN (CHAIR)



Home of the Tualatin River National Wildlife Refuge

AGENDA
SHERWOOD SPECIAL COMMITTEE
July 18, 2013

5:30pm Meeting

Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140

REGULAR MEETING

1. CALL TO ORDER AND CONFIRMATION OF QUORUM (CHAIR)
2. ROLL CALL (CHAIR)
3. APPROVAL OF JULY 10, 2013 MEETING MINUTES (CHAIR)
APPROVAL OF JULY 12, 2013 MEETING MINUTES
APPROVAL OF JULY 15, 2013 MEETING MINUTES
4. PUBLIC COMMENT - THIS WILL BE LIMITED TO A MAXIMUM OF 40 MINUTES

NEW BUSINESS:

5. UPDATE ON PROGRESS OF 1ST DRAFT LANGUAGE OF ORDINANCES REQUESTED BY COMMITTEE (CITY ATTORNEY)
6. BRIEF DISCUSSION OF UPCOMING COMMITTEE MEETINGS BASED ON #5 (CHAIR)
7. DISCUSSION RELATED TO CRAFTING AN ORDINANCE THAT WOULD CREATE A SUPPORTIVE ENVIRONMENT FOR SMALL RETAIL BUSINESSES WITHIN SHERWOOD (CHAIR)
8. CLOSING COMMENTS (ALL)
9. ADJOURN (CHAIR)



Home of the Tualatin River National Wildlife Refuge

EXECUTIVE SESSION - Potential

1. PURSUANT TO ORS 192.660(2)(F), INFORMATION AND RECORDS EXEMPT FROM PUBLIC INSPECTION

REGULAR MEETING

1. CALL TO ORDER AND CONFIRMATION OF QUORUM (CHAIR)
2. ROLL CALL (CHAIR)
3. APPROVAL OF MINUTES FOR:

July 10, 2013
July 12, 2013
July 15, 2013
July 18, 2013

4. PUBLIC COMMENT - THIS WILL BE LIMITED TO A MAXIMUM OF 40 MINUTES

NEW BUSINESS:

5. UPDATE ON EMPLOYEE BENEFIT ISSUES (CITY ATTORNEY)
6. DISCUSSION REGARDING #5 (CHAIR)
7. REVIEW AND DISCUSSION OF 1ST DRAFT ORDINANCE LANGUAGE (CHAIR)
8. CLOSING COMMENTS (ALL)
9. ADJOURN (CHAIR)

<p style="text-align: center;"><u>AGENDA</u></p> <p style="text-align: center;">SHERWOOD SPECIAL COMMITTEE July 24, 2013</p> <p style="text-align: center;">6:30pm Meeting</p> <p style="text-align: center;">Sherwood City Hall 22560 SW Pine Street Sherwood, OR 97140</p>



Home of the Tualatin River National Wildlife Refuge

EXECUTIVE SESSION-POTENTIAL

1. PURSUANT TO ORS 192.660(2)(F), INFORMATION AND RECORDS EXEMPT FROM PUBLIC INSPECTION

REGULAR MEETING

1. CALL TO ORDER AND CONFIRMATION OF QUORUM (CHAIR)
2. ROLL CALL (CHAIR)
3. APPROVAL OF MINUTES (CHAIR)

July 12, 2013
July 15, 2013
July 18, 2013
July 24, 2013

4. PUBLIC COMMENT - THIS WILL BE LIMITED TO A MAXIMUM OF 40 MINUTES

NEW BUSINESS:

5. CONTINUED REVIEW AND DISCUSSION OF 1ST DRAFT ORDINANCE LANGUAGE (CHAIR)
6. CLOSING COMMENTS (ALL)
7. ADJOURN (CHAIR)

<p style="text-align: center;"><u>AGENDA</u></p> <p style="text-align: center;">SHERWOOD SPECIAL COMMITTEE July 25, 2013</p> <p style="text-align: center;">6:30pm Meeting</p> <p style="text-align: center;">Sherwood City Hall 22560 SW Pine Street Sherwood, OR 97140</p>



Home of the Tualatin River National Wildlife Refuge

AGENDA
SHERWOOD SPECIAL COMMITTEE
July 29, 2013

6:30pm Meeting

Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140

REGULAR MEETING

1. CALL TO ORDER AND CONFIRMATION OF QUORUM (CHAIR)
2. ROLL CALL (CITY RECORDER)
3. APPROVAL OF MEETING MINUTES (CHAIR)

- July 12, 2013
- July 15, 2013
- July 18, 2013
- July 24, 2013
- July 25, 2013

4. PUBLIC COMMENT - THIS WILL BE LIMITED TO A MAXIMUM OF 40 MINUTES

NEW BUSINESS:

5. SPECIAL COMMITTEE QUESTION AND ANSWER DISCUSSION WITH CHIEF GROTH, SHERWOOD POLICE DEPARTMENT (CHAIR)
6. REVIEW AND DISCUSSION OF **REVISED** 1ST DRAFT LANGUAGE REGARDING BUSINESS HOURS ORDINANCE (CHAIR)
7. REVIEW AND DISCUSSION OF **REVISED** 1ST DRAFT LANGUAGE REGARDING CAMPING ORDINANCE (CHAIR)
8. REVIEW AND DISCUSSION OF REPORT(S)/ RECOMMENDATION(S) TO CITY COUNCIL RELATED TO ESTABLISHING NEW BUSINESS REGULATIONS WITHIN THE CITY OF SHERWOOD (CHAIR)
9. CLOSING COMMENTS (ALL)
10. ADJOURN (CHAIR)



Home of the Tualatin River National Wildlife Refuge

<p style="text-align: center;"><u>AGENDA</u></p> <p style="text-align: center;">SHERWOOD SPECIAL COMMITTEE August 1, 2013</p> <p style="text-align: center;">6:30pm Meeting</p> <p style="text-align: center;">Sherwood City Hall 22560 SW Pine Street Sherwood, OR 97140</p>
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EXECUTIVE SESSION

1. Pursuant to ORS 192.660(2)(f), Exempt Public Records

REGULAR MEETING

1. CALL TO ORDER AND CONFIRMATION OF QUORUM (CHAIR)
2. ROLL CALL (CITY RECORDER)
3. APPROVAL OF SPECIAL COMMITTEE MEETING MINUTES (CHAIR)

JULY 12, 2013
JULY 15, 2013

4. PUBLIC COMMENT - THIS WILL BE LIMITED TO A MAXIMUM OF 40 MINUTES

NEW BUSINESS:

5. REVIEW AND DISCUSSION OF REGULATION OF CAMPING ORDINANCE - 3RD DRAFT LANGUAGE (CHAIR)
6. REVIEW AND DISCUSSION OF REGULATION OF BUSINESS HOURS - 3RD DRAFT LANGUAGE (CHAIR)
7. REVIEW AND DISCUSSION OF GENERAL REPORT TO CITY COUNCIL - 2ND DRAFT LANGUAGE (CHAIR)
8. REVIEW AND DISCUSSION OF REPORTS TO CITY COUNCIL FOR EACH OF THE FOLLOWING ORDINANCES: (CHAIR)

HAZARDOUS SUBSTANCES REGULATIONS
REGULATION OF CAMPING ORDINANCE
REGULATION OF BUSINESS HOURS

9. CLOSING COMMENTS (ALL)
10. ADJOURN (CHAIR)

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

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

FEMALE: She's on her way.

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

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

PESSEMIER: Great.

FEMALE: Did you say, "Albie?"

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

FEMALE: (Indecipherable) Harry Potter.

JACOBS: Exactly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

346 **JACOBS:** Yeah.

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

351 **JACOBS:** Yeah, absolutely.

352 **MALE:** Okay.

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

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

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

435 **JACOBS:** Yep.

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

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

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

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

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

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

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

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

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

463 **FEMALE:** Okay. Yeah

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

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

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

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

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

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

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

533 **MALE:** For this ballot.

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

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

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

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

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

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

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

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

641 **FEMALE:** I second.

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

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

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

647 **FEMALE:** Sure.

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

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

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

655 **FEMALE:** Aye.

656 **MALE:** Aye.

657 **FEMALE:** Aye.

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

661 **MEYER:** Oh, okay.

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

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

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

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

670 **MURPHY:** You should.

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

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

676 **MEYER:** Here.

677 **MURPHY:** Beth Cooke?

678 **COOKE:** Here.

679 **MURPHY:** Doug Scott?

680 **SCOTT:** Here.

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

682 **O'KEEFE:** Here.

683 **MURPHY:** Rachel Schoening?

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

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

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

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

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

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

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

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

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

929 **FEMALE:** Right.

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

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

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

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

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

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

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

948 **MEYER:** Sure.

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

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

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

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

956 **MEYER:** Yes, please.

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

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

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

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

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

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

964 **FEMALE:** Correct.

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

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

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

971 **COOKE:** Yeah.

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

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

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

983 **FEMALE:** Okay.

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

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

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

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

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

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

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

1010 **MEYER:** Okay.

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

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

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

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

1084 **MEYER:** Right.

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

1089 **MEYER:** Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1375 **FEMALE:** Yeah.

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

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

1382 **MALE:** Uncontroversial.

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

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

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

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

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

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

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

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

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

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

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

1476 **PESSEMIER:** There is, and we actually require a lot of bike parking compared
1477 to what actually is used - utilized in Sherwood. We kind of follow under
1478 Metro's rules and certainly, bicycle commuting is more common in the Downtown
1479 area, but we hope that that changes over time and that those spaces are used.
1480 That would be in chapter 16 of the development code. So we probably wouldn't
1481 be able to make a change there, but we haven't - our utilization on the
1482 number of bicycle parking spots that are used, we actually require, for that
1483 particular number, they would actually have to have covered parking spaces,
1484 bicycle parking spaces as well. It's probably around 10% at this point.

1485 **FEMALE:** And I think it's important too to remember that any changes we make,
1486 you know, it can't just be for one development. It has to be citywide. We
1487 might want to make requirements. For some of those things that are already
1488 built out, we can't go backwards. It would only apply to newer, so...

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

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

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

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

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

1500 **FEMALE:** Mmhm.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1547 **MALE:** Sure.

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

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

1582 **SCHOENING:** Mmhm.

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

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

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

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

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

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

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

1769 **FEMALE:** Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1959 **MEYER:** Okay.

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

1961 **MEYER:** Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2090 **SCHOENING:** Right.

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

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

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

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

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

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

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

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

2112 **SCHOENING:** Right.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2200 **JACOBS:** Not at all.

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

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

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

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

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

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

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

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

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

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

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

2251 **FEMALE:** Right.

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

2253 **FEMALE:** The drive through.

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

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

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

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

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

2282 **FEMALE:** What about Monday?

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

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

2288 **FEMALE:** Storage of chemicals.

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

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

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

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

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

2303 **SCOTT:** Timer.

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

2305 **SCOTT:** Sure.

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

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

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

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

2342 Taylor: Thank you. Anyone else?

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

2346 **MEYER:** Come on up.

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

2360 **TAYLOR:** Nancy Taylor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Meerta Meyer, Chair

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Documents presented at the meeting:

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

Exhibit B-Quick Reference Guide to Oregon Public Meetings Law

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

Exhibit D-Meeting Calendar

Exhibit E-Memorandum from Beery Elsner & Hammond, LLP

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City of Sherwood
Special Committee Meeting Minutes
07/12/13

22560 SW Pine Street, Sherwood, Or 97140

MEYER: Good evening. Today is July 12th, and it is 6:30pm, and I officially call the meeting to order. Sylvia, do you need to do roll call.

MURPHY: Yes. Please. Chair Meyer.

MEYER: Yes.

MURPHY: Rachel.

SCHOENING: Yes.

MURPHY: Doug Scott.

SCOTT: Here.

MURPHY: Larry O'Keefe.

O'KEEFE: Here.

MURPHY: Naomi Belov.

BELOV: Here.

MURPHY: Thank you. And absent is Beth Cooke.

MEYER: And Nancy Burt...

MURPHY: And Nancy Bruton. Yes. Thank you.

MEYER: Unfortunately, given the timing of our most recent meeting, we do not have minutes for approval today. So we will go ahead and postpone that review until Thursday. However, in an effort just to brief everyone on our upcoming meeting schedule, we do have that posted in this agenda. As a reminder, on Thursday the 18th, we will be meeting at 5:30 as opposed to 6:30. And now we can begin our new business. The first thing, Rachel and I talked a little bit after our last meeting on Wednesday about public comment, and we felt like it was important to address that as a committee. Because we have such a small window of opportunity to get a lot of work done, we felt like it might be worthwhile to have a conversation about limiting timing of public comment, perhaps considering opening public comment up at the beginning of our meetings as opposed toward the latter part of the evening so that we could reflect on citizen comments and that sort of thing. We'd like your thoughts.

SCOTT: I'll renew my comments from previous meeting that I think public comment is important. I value it. I agree that having it at the beginning of the meeting would be preferable because if ideas come to us about whatever topic we're discussing that night, we can reflect on those ideas and incorporate them into our discussion with an overall time limit if possible as well as an individual time limit. I also think that we should, as much as possible, try to keep comments related only to the topics on the agenda for that evening. So if that's allowed and possible, I would strongly encourage that to be a requirement at each meeting, specific comment period.

MEYER: Okay.

O'KEEFE: I would agree with that with having public comments before the meeting so that if they bring up any ideas - my only concern is that we have a lot different crowd than we had the other night. So for people that come in late, I don't know if we could - I don't want to get too many public comments out, but as long as we make that known that the public comments will be at the beginning of the meeting - and maybe tonight we can be flexible if people show up late or something.

MEYER: Okay. Do you have any different?

BELOV: No. I'm good.

MEYER: Okay. Great. Well, let's begin. Do you want to say anything?

SCHOENING: Nope.

MEYER: Okay. In like of that, is there anyone here tonight that would like to say anything? Okay. So let's move on to item #6 on our agenda, and I will

58 ask Heather to perhaps brief us on the questions that were posed at
59 Wednesday's meeting.

60 **MARTIN:** I'm Heather Martin from Beery, Elsner, & Hammond who acts as the
61 City Attorney. I don't come to the meetings regularly, but I will be here
62 tonight obviously and then I will be back on Monday as well. So bear with me
63 since I wasn't at last Wednesday's meetings. What we'll do is just kind of
64 work through like we have been here in the agenda. I just want to talk
65 generally about the first item here which is the overnight camping/overnight
66 parking of vehicles and RVs, motor homes, and then dilapidated vehicles. We
67 gave you a number of different ordinances to look at, different ideas of what
68 different cities are doing. So preliminarily, one of the issues that you
69 would probably need to resolve, and we would want to clarify this is right
70 now in your code, in the Sherwood Municipal Code in section 16.22.020,
71 there's a table of uses listed there, and right now, it says that RV storage
72 is not permitted in any of the commercial zones. There's no definition of
73 storage. So we could interpret that to mean - it doesn't mean that you can
74 park it there for long periods for a certain period of time. So that's one
75 thing that - just keeping that in mind in the back of your head in terms of
76 recreational vehicles specifically. I think before you went farther down that
77 road, you would want to check with the planning staff and just get a sense of
78 whether you have any - it doesn't directly address RV parks per se. So this
79 is just general prohibition that it's in all of your commercial zones, but
80 there is no mention of RV parks. So we would really want to - if there are
81 areas in the City where there are RV parks, we would want to make sure that
82 that interpretation of storage is not impacting them. We would want to get
83 more information from Planning about if there is a park, what zone are they
84 in. They might not be in the commercial zone, so it's not an issue. So that's
85 one of the sort of preliminary questions that we have for Staff.

86 **MEYER:** Well, it looks to me, Heather, that in section 10 of our code under
87 Vehicles and Traffic, there is under 10.08.030 some parking restrictions
88 already identified that do address parking for motor homes, travel trailers,
89 and that sort of thing. But you're right, I would agree. It doesn't appear
90 that there is a real definition of what camping might entail or durations of
91 parking might be and that sort of thing. Did you want to add to that?

92 **SCOTT:** Yeah. If this is the section you quoted is the same that I read, my
93 concern with that was that it specifically applied to public areas and
94 residential areas but not commercial.

95 **MEYER:** I would agree.

96 **SCOTT:** So whether we try to append or add to that section, or whether create
97 - I think it was suggested the other night that we might be better off
98 creating a new ordinance that applies specifically to commercial. So some
99 clarification around that would be helpful too.

100 **MARTIN:** So one other issue to consider as well, and looking at the approval
101 for the development, and making sure there wasn't specifically any explicit
102 approval or allowance of having a recreational vehicle. I did a really quick
103 search right before I came, and I didn't find anything, but that's also
104 something that we need to look at first to make sure - if there's something
105 already in the development approval, the land use file, basically stating if
106 they came to the City saying they wanted to be able to park the RVs in the
107 parking lot overnight because they wanted that to be allowed, that's
108 something you would have to look at too. So Cornelius, they in their land use
109 development approval for a Wal-Mart, they specifically put as a condition
110 through that process that they were not allowed. So we'd want to do a little
111 bit more research on that front and just double check the planning file to
112 make sure that there isn't anything there that would prohibit you from maybe
113 enacting some of the types of ordinances that we gave you examples of. That's
114 sort of just an overview of where you already are, the City. So basically

115 you're left with the RV storage language in the development code. Also in
116 interpreting that, it would be nice to know how the City - if they've
117 interpreted it in the past. And I don't know if Tom can speak to that.

118 **PESSEMIER:** I can, believe it not, which is unusual because that's a pretty
119 complicated questions. So first off, I'm very, not absolutely certain, but
120 pretty certain that this wasn't addressed in the land use decision as far as
121 storage or RV parking. Second off, the one thing that Heather doesn't know
122 that we talked about that any changes to section 16 probably wouldn't really
123 necessarily fall under this committee because of the timing issues with the
124 DLCD notice and having to go through planning commission and public hearings
125 and everything else. But we have had interpretations done not too very long
126 ago because we were having some issues with RV storage and people wanting to
127 redefine what RV storage was. And we certainly didn't make any
128 interpretations that would have indicated to me that would have addressed
129 camping or that type of thing on private property. So it would seem to me
130 that, I think Heather's cautions are good that we definitely need check those
131 things, but I think if we're going to proceed, we probably would want to
132 proceed with something outside of chapter 16 and just make sure whatever we
133 do does not conflict with what might have been there. But I can say with
134 pretty much certainty that we have already dealt with the storage issue, and
135 it certainly didn't include anything like overnight - plus the other problem
136 with chapter 16 is now you're in the land use violation. So if somebody is
137 camping overnight, you very well can't have code compliance apply any sort of
138 penalty that would have any sort of - if it's land use, it would probably go
139 to the developer, not necessarily to an individual who happened to have a
140 camper or something on the property. So I think there would be a lot of
141 technical issues with trying to manage that under chapter 16 without pretty
142 much changing the way that the penalties were applied, and then really that
143 doesn't really belong in Chapter 16. That's kind of my opinion.

144 **MARTIN:** Well, one issue that you could look at though is having an actual
145 planning commission interpretation of that term instead of actually changing
146 the development code and going through - because it's a pretty long process.
147 And I don't know if your code has an interpretation provision where the
148 planning commission can actually - First we need to check and see if they've
149 done it in the past, an official interpretation of what it means. But that
150 would just - I just wanted to put that out there, and I do know - to actually
151 change it, to change the code, the development code, that's going to be a
152 long process.

153 **MEYER:** Yeah. Given Tom expressed that as a concern, one of the things that
154 Chad indicated on Wednesday was that we could potentially look at expanding
155 the City of Sherwood, or not even expanding, but adding another ordinance in
156 regard to nuisances in which we could perhaps include oversized vehicle. The
157 City of Ashland for example, they have got some methods of parking and
158 parking regulations that would appear to be pretty helpful in terms of
159 creating perhaps, for our reasons, a district in which we are looking at a
160 larger area that might be referred to as our core or town center or something
161 along those lines for the promotion and well being of that core area.

162 **MARTIN:** You also have - so my next step, when I was looking at what you
163 already have in your code, you already have section 8.04 which you could
164 expand that. That deals with abandoned, discarded, and hazardedly located
165 vehicles. That would be- if you really want to get into more of the specifics
166 and incorporating some of the provisions that you see in some of those other
167 ordinances, that might be somewhere where you could look at actually changing
168 the code, and you wouldn't have to go through the development code to change
169 process.

170 **MEYER:** And that was what section?

171 **MARTIN:** 8.04, and it's Abandoned, Discarded, and Hazardously Located
172 Vehicles.

173 **BELOV:** Can I ask a question? Who's currently on staff to enforce the code
174 for this if there's an RV, vehicle?

175 **PESSEMIER:** Well, it somewhat depends. There are certainly - we have police
176 that are able to write tickets and do things that are more a timely nature
177 that are covered. We also have a Code Compliance Officer whose name is Bill
178 Collins. And so he handles all sorts of different kinds of nuisance
179 complaints and code violations for the planning code. So he covers a wide
180 range of things that the police officer could not necessarily do by just
181 writing a ticket that expressly allowed to do in the code. He writes tickets
182 at well, but it's a little bit different. He's looking at more of the things
183 that have been there for a week or a year or the grass is too high or
184 whatever. So that's how - that's it.

185 **MEYER:** So what I'm hearing is is making a modification or a change to the
186 development code given timing issues and notice issues as that may not be
187 applicable, one of the things that we could potentially look at is the City's
188 motor vehicles code, and we could include some language revising that area so
189 that - again, the goal of promoting positive visibility and all of those
190 things that I mentioned earlier could happen. Is that a yes?

191 **MARTIN:** I'd look at expanding it and looking at those other ordinances is a
192 way for you to look at saying, "This is something we would like to look at.
193 We like this section of this ordinance." That's sort of my next step here is
194 to get into some of the ordinances that we provided.

195 **MEYER:** Okay.

196 **MARTIN:** But I don't know if you want to talk more generally first before...

197 **MEYER:** Well, I just wanted to make sure that we have an understanding. Your
198 office provided to Council on I think June 3rd during the work session some of
199 the work that you looked at previously in regard to some of the proposed
200 ordinances. So I just want to make sure that we've got that clear that
201 looking at amending or modifying the motor vehicles code is something that is
202 an option.

203 **MARTIN:** It's an option definitely to modify it.

204 **MEYER:** Okay.

205 **MARTIN:** And what we would want to do is when we get down to the nitty gritty
206 of what exactly you want to do and which changes you want to enact, just
207 making sure that none of them are contrary to the State motor vehicle code or
208 any other state law. So once we get into more of the specifics, it will be
209 easier to give you a better idea of those types of restrictions.

210 **MEYER:** Okay.

211 **PESSEMIER:** So just to make sure that it's clear. If an ordinance is enacted,
212 essentially that changes the code. And so you can change a portion of the
213 code, or you can change a whole section, you can add a section, but the way
214 to change the municipal code is to do it by ordinance. So resolutions which
215 are passed don't change the municipal code, ordinances do. And so if we do an
216 ordinance, you can go into a section of code and modify, add, or delete, or
217 change particular items within that code; add completely different sections;
218 or manage it that way. So that's essentially what the process would be in
219 order if you wanted to change section 10 to add commercial properties to the
220 public - you would essentially do that by ordinance. The ordinance would be
221 passed and then Sylvia coordinates with everyone to get the municipal code
222 actually changed that way.

223 **SCOTT:** Am I correct in hearing that going into an existing sectio of code
224 and modifying it or adding to it is one way we could proceed immediately?
225 Another one would be coming up with the gist of what we want to do and then
226 having the attorneys then actually figure out where that impacts code, and it

227 comes back to us? And maybe that's a more efficient approach for us in our
228 time frame.

229 **MARTIN:** Yeah. And I think that's probably the best way is just saying, "We
230 want these types of provisions." And they could already be in your code in
231 certain areas, so it's (a) Making sure that they don't already exist, and
232 then (b) Making sure that - when you make code changes, you want to make sure
233 that they're consistent throughout. So you're changing one section and maybe
234 it impacts another section, so you end up going a little broader than you
235 originally intended. But those are the types of things that you would need to
236 be cognitive of as we move through the process. So it is a little more time
237 consuming even than just resolution as he was saying. When you're going
238 through and amending the code, you want to make sure that you're doing it in
239 a consistent manner.

240 **BELOV:** Can we have access to the developer's letter of intent maybe to see
241 if they did request to have RVs parked there?

242 **PESSEMIER:** I don't believe we have a copy of that. That would be a private
243 transaction.

244 **BELOV:** Oh okay. So what's the document that you were referring to where they
245 would have outlined what they needed to have.

246 **SCOTT:** The site plan application or the PUD or...

247 **PESSEMIER:** Yeah. That would have been through the site plan application
248 process where they would have, in their application, addressed some code
249 section through their narrative that would have then been reviewed and then
250 would have received some sort of comments or condition ultimately that would
251 have addressed that. But I'm pretty sure that it wasn't spelled out in their
252 application, and it wasn't addressed in the (indecipherable).

253 **SCOTT:** Yeah. And I read through the entire finalized site plan approval from
254 the Planning Commission, or at least skimmed most of it and read the parts
255 that I read the parts that I found more interesting, and I didn't see
256 anything about that. But I assume we could have Council double check that
257 offline.

258 **BELOV:** That'd be good. Right?

259 **MARTIN:** There really wasn't a lot in my cursory review that I did a bit in
260 terms of parking and - yeah, there were restrictions on traffic and how many
261 parking spaces, but in terms of actual parking and action of parking, I
262 didn't really find anything.

263 **O'KEEFE:** So if there's no written specifications on the parking or use of
264 the parking, they can pretty much do any - any retailer coming in can pretty
265 much do anything they want unless there's some sort of limitation written in
266 that...

267 **MARTIN:** And making sure that it comports with State law, too. That's the big
268 - that's always the big, overarching concern is just making sure that
269 whatever you want to do is not preempted by the State motor vehicle - and
270 that it wasn't outright allowed through the land use application process.

271 **MEYER:** Okay. Well maybe we can jump into the nitty gritty of what's
272 important.

273 **O'KEEFE:** I totally agree.

274 **MEYER:** Okay. And then maybe Heather can come back and let us know if it'll
275 work. One of the things that I noticed, and I unfortunately had not had time
276 to do, was go through all of the prohibited parking on certain streets within
277 our code, and one of the things I feel is really important is that the
278 storage of vehicles, dilapidated vehicles, for-sale vehicles, vehicles in
279 disrepair, all of those things including the oversized vehicles and RVs are
280 not parked along major thoroughfares or arterials where we've got folks
281 traveling in and about Sherwood. I'm guessing that a lot of the streets that
282 are already listed within the code include those areas. But as additional
283 development happens within Sherwood, I think that it's really important that

284 as folks are coming into our city that they see the best of what we have to
285 offer, and if we can protect the feel and the character of Sherwood, I think
286 that that would be fantastic. Does anyone have any other thoughts?
287 **PESSEMIER:** Well, can I - sorry. A little bit of a clarification here because
288 I know that Council didn't give you much guidance on where they wanted this
289 committee to go, but it was pretty clear to me the scope of what I understood
290 and to talk about was regulations or ordinance related to business
291 regulations. So I guess if that's somewhere you want to go, I guess there
292 would need to be some sort of finding or information that explained how that
293 related to business related ordinance which is kind of what the charge of
294 this committee was.
295 **MEYER:** Yeah. Well, I think in response to that, I feel like the goal of
296 development and growth is to encourage consumers and pedestrians and
297 connectivity between the different areas of Sherwood. So I think that as
298 folks are driving and walking and biking, those vehicles and all of the
299 things that I mentioned, they can be unsightly and unsafe. And so I feel that
300 could not only effect Sherwood but its guests and the folks that are going
301 into the businesses.
302 **SCOTT:** I think that's a valid concern and it's important. I guess to Tom's
303 point, I think the first thing we should tackle is the RV parking in
304 commercial zones, and if we feel like it's important, and we have a mandate
305 from the Council to come back and talk about street public parking and what's
306 not in the code already, because I know there's some coverage of that
307 already, then I think that's fine to reuse it later. But I don't want to get
308 distracted from what the primary focus should be.
309 **MEYER:** Excuse me. If I could just clarify my point, and actually, I should
310 have said this, and I apologize, but my intention was within parking lot
311 areas, for example. So that as you're driving by shopping centers or other
312 retail facilities, restaurants, that they're not anchored by these kind of
313 vehicles.
314 **SCOTT:** I thought you were talking about the roadway itself.
315 **MEYER:** No. I'm sorry. I was not clear.
316 **BELOV:** I can understand your concern because I live on Lincoln street, and
317 we do have two RVs parked in private properties that house people
318 permanently. And I know there's a homeless population here, and I found this
319 site today - I saw a like a little fire coming up because there's a homeless
320 boy population that lives near the Linger site. I don't know you're all aware
321 of that. And because the workers aren't paid very well at Wal-Mart, for
322 example, I can see where your concern might be that people could be coming in
323 and then having RVs parked on residences that already exist.
324 **MEYER:** On the private property.
325 **BELOV:** Just to house the workers.
326 **MEYER:** Oh, I see. Okay. Do you have anything to add in terms of parking the
327 vehicles and that sort of thing?
328 **SCHOENING:** I feel as though the intent - I guess I tend to agree, if that's
329 the right term, with Tom in that when we start talking about - although I
330 think that Naomi's concerns or her point is valid, I think that when we start
331 talking about RVs being parked on private streets and residences, I just feel
332 like that's not what we're supposed to be doing here. And I think that there
333 are quite a few other cities and states that address RVs being parked in
334 private parking lots. But for instance, hospitals do it all the time for
335 visiting doctors and families who have people in long-term care. They have
336 RVs parked in parking lots. I tried to look for things that might be an issue
337 for us. So medical facilities, hospitals, they do this quite often, and they
338 actually have a place for them to park and stay.
339 **O'KEEFE:** Designated areas.

340 **SCHOENING:** Yes. So obviously that is not a retail center, but if there were
341 a center - if that were to affect commercial parking, I would think we'd need
342 to pay attention to things like that. Most definitely, I feel like if in the
343 application of a new development, they're not expressly asking for places to
344 have power and hook up and plug in that we maybe address not allowing that to
345 happen in parking areas. It seems like that could be a pretty straightforward
346 way of making sure that people aren't parked long term.

347 **SCOTT:** Well, I think that if we just ban the camping outright, then why
348 would they ever go there.

349 **SCHOENING:** But what is camping? Then we have to define (indecipherable).

350 **SCOTT:** Well, and I think some of the other ordinances here give a pretty
351 good - there are some definitions I really liked.

352 **SCHOENING:** Yeah. Gilroy does a great job of it, I think, and they have a
353 migrant population, migrant worker population, and that's part of the reason
354 why they have this in their code. But I do think they need to - my point is I
355 think we need to stick with commercial property and be very clear that it's
356 commercial property.

357 **O'KEEFE:** I would agree with Rachel on that. I think that's where
358 neighborhood association and CCNRs are put into place to...

359 **BELOV:** We don't live in one though. There's a whole neighborhood where I
360 live in the poorer part of town - I don't see this being an issue in
361 Woodhaven, but certainly where I live on Lincoln street and then going just
362 west of there - I mean east of there - I could foresee somebody opening up
363 their street to have somebody - because there really are - two of my
364 neighbors have full-time residents living in their RVs already.

365 **MEYER:** And not to at all dismiss your concern, Naomi, but I feel like the
366 current code does address RV parking and hours of storage of RV parking...

367 **BELOV:** We could maybe say like maybe within 2,000 feet of the development or
368 within the town center, no RV.

369 **MEYER:** Yeah. That's a possibility.

370 **O'KEEFE:** Is that something that we could do, Tom, is put a clarification
371 kind of like they do with schools and whatever kind of retail outlets is
372 1,000 feet from a retail center, there can be no RV parking on the street.

373 **MEYER:** Or within the parking lot or something.

374 **O'KEEFE:** Is that within our...

375 **PESSEMIER:** Well, and Heather might be able to chime in here, too. Maybe.
376 It'll depend on a lot of things, and I think this conversation is good, and I
377 get Naomi's tie to the business thing. That was I was trying to impress is
378 there has to be a tie between what's going on with the business and stuff.
379 I'm satisfied that you guys have done that with your clarification, so that's
380 good. But I think until we know what section of code we're actually going to
381 be changing, it might be a little bit more challenging to figure out the
382 specifics of how we're going to do things. So probably what might be more
383 helpful tonight is to come up with a list of those things that you want to be
384 taking a look at so that Heather and Beery, Elsner and Staff can go back and
385 take a look at those code sections and figure out, "Okay, well this would be
386 here. This would be here. This would be here," and hopefully they'll all end
387 up in the same section so you can clarify things within there, but we might
388 be diving a little bit too deep on particular items. Because I don't know
389 which section the three things that have kind of come up reside in, and they
390 might be in three different places in the code, so now we're looking at three
391 different ordinances. So maybe the list of what you want us to take a look at
392 and then coming back and giving you feedback on how that can be accomplished
393 might be...

394 **MARTIN:** And if it's already in your code.

395 **MEYER:** Yeah.

396 **O'KEEFE:** Well, I might suggest then if we could maybe narrow that down to
397 like specific no parking hours at a retail center. Are we going to have any
398 parking? Are we going to have a maximum of 2-hour parking, 4-hour parking, or
399 no parking between such and such hours. And that may be - if we could just
400 kind of focus in on that and then go on to get each agenda item nailed down
401 after that.

402 **SCOTT:** I'll jump in. I have some suggestion, I guess, that may be a little
403 more specific. So I have read several of these ordinances from other towns as
404 well, and I kind of like a combination of things from multiple of them. I
405 think the Beaverton one is a pretty decent starting point. The only thing I'd
406 say is I don't care about the hours; I care about the activity. I don't want
407 someone camping at 3:00 in the afternoon anymore than I want them camping at
408 3:00 in the morning.

409 **SCHOENING:** I tend to agree with that.

410 **SCOTT:** To me, that's the important part is what the use is, and there some
411 of the - the definitions in some of these codes are pretty good. Hillsboro
412 says, "Live, sleep, or reside in a recreational vehicle." That's a pretty
413 broad definition that would cover sleeping as well as cooking and camping.
414 Other ones that actually specifically talked about cooking and sleeping and
415 those type of activities, I think if we got that kind of definition around,
416 this is the activity we're talking about, right? I don't care if somebody
417 stops at a store that happens to be open - we'll get to the hours of
418 operation at another topic, but let's say that there's a store that's open at
419 3:00 in the morning, and somebody pulls in, and they're there for 40 minutes
420 because they're inside the store shopping. Well, that would be in violation
421 if we had a 30-minute limit, and that seems silly to me. They're in the store
422 shopping; they're not camping. So to me it's more about the activity. If
423 they're in their vehicle sleeping or cooking or whatever, then that's camping
424 in my definition. And to me - it doesn't matter what the time is. If you're
425 there for the apparent purpose of camping as defined as sleeping, residing,
426 cooking, whatever, then you're in violation. It doesn't matter if it's 10
427 minutes or 10 hours. And I think there's a combination of these codes that if
428 you put together kind of get to that. So the "live, sleep, or reside..."

429 **MARTIN:** That's in the Hillsboro?

430 **SCOTT:** That was from Hillsboro.

431 **MARTIN:** What section?

432 **SCOTT:** .2 - Overnight parking prohibited in commercial zones. We're talking
433 specifically about commercial zones, but maybe we need to expand that to make
434 sure we're covering the light industrial zone with the PUD overlay or any
435 retail centers. I mean, we can expand on that definition. I think we're all
436 in agreement that we would want it to apply to all commercial properties not
437 regardless of the zone. "Live, sleep, or reside" I talked about, and then the
438 thing I liked about Beaverton is they actually had a protocol. The person in
439 charge is required to (a) Make a reasonable attempt to get the person to move
440 along, and if they don't then the person in charge of that particular place
441 is in violation. Obviously, we don't want the burden to fall on Milo's, for
442 example, because someone's parked - it wouldn't apply because you don't have
443 a parking lot, but let's say you did. I think that would be overly burdensome
444 to small businesses. We'd have to have some definition of the size of the
445 retail center in that scenario. I think signs also. A retail center of a
446 certain amount of space, signs are required to be posted: This is the
447 ordinance. You can't camp here, and here's how we define camping, and here's
448 what the penalty is. And then the one thing that Beaverton didn't have is
449 what happens if the person in charge can't get the person to leave, or they
450 can't locate them, or they don't answer the door when they're knocking on it.
451 To me, the next step is you call the non-emergency number of the police
452 department, and they come along and try to get the person to move along or

453 issue a citation or whatever. And I think that we should require the person
454 in charge of a large enough retail center to do that.

455 **SCHOENING:** On the Van Horn, Texas code, which was funny because when I did a
456 search, it was one of the ones that came up, they do a very good job of
457 defining what camp means, and it does talk about four consecutive hours. So I
458 get what you're saying about a time limit, but at the same time, if for
459 instance you stop at a Camping World, and you're getting your RV repaired,
460 and you pick it up, and you have kids, and you want to make them lunch, and
461 you're there for 3 or 4 hours, I don't think that's who we're trying to force
462 out of the parking lot. But this talks about four consecutive hours. It
463 expressly says, "Sleeping, making preparations to sleep including the laying
464 down of bedding," and what I like about this is it doesn't only address RV.
465 It's basically saying no camping at all. No digging. No fire making, no
466 nothing. It also talks about a public area which says, "Outdoor area to which
467 public has access and includes streets, highways, parks, parking lots," which
468 I get may not be maybe that fine line that we're not able to cross at this
469 point, but maybe we're laying ground work for somebody to eventually say we
470 would like this to be everywhere. And it does talk about schools, hospitals,
471 apartment house, and it expressly discusses right of way to those places. I
472 wonder though how difficult it would be to make some sort of - and talking
473 about this, it seems like there could be reasons why people might want to do
474 this and might want to allow it.

475 **SCOTT:** Temporary use permit.

476 **SCHOENING:** Yes. So could there be a temporary use permit at some point.

477 **MEYER:** I mean, I would guess, and Heather, please correct me if I'm wrong,
478 but I would guess that as the ordinance was drafted, there could be
479 exemptions written in to the ordinance for certain.

480 **MARTIN:** A lot of cities that have sort of RV restrictions, they'll have a
481 process where you can go and get a temporary permit to be there for however
482 long. And even another city that I represent, they have that process, and
483 then there were extenuating circumstances even beyond that. They came to
484 Council, they asked, "Can we keep our RV here." In that ordinance, it applied
485 to the whole city. You can definitely build a process like that into whatever
486 changes that you make. So there are exceptions.

487 **PESSEMIER:** And one that kind of jumps out to me is that the Elks Lodge has
488 RV and has had RV parking for a long period of time. So clearly they have a
489 use up there which their members appreciate and use where there is
490 essentially camping going on for months at a time for their members and for
491 other Elks members from other places. So you would want to consider those
492 things as you put things together. Obviously, potentially you could say, we
493 don't like that, and we want to change it, but then you get into issues of
494 preexisting and nonconforming uses which is probably more in chapter 16, but
495 you're then taking away a right, not a right, but something that somebody's
496 traditionally done for a real long time.

497 **SCOTT:** You're changing the current situation.

498 **O'KEEFE:** Wouldn't the Elks be exempt from that since they're not a retail
499 business or - they're a fraternal organization.

500 **PESSEMIER:** It depends on how you - exactly what you're talking about is what
501 I'm trying to get at. What exemptions are you going to make because you can't
502 apply it to the whole city.

503 **MEYER:** It's still a commercial property, right?

504 **PESSEMIER:** The Elks is zoned low density residential. So I believe probably
505 at this point in time, they're an existing, nonconforming use on their
506 property. So while they have a commercial use, they are not on commercial
507 property.

508 **MEYER:** Okay. So what I've heard everyone say is we're not comfortable with
509 folks cooking and sleeping in parking lots within any part of our commercial

510 district other than a few of these exemptions like the Elks club where - I
511 wonder how we could - Heather, how could we build that in? That's your job.
512 What are your thoughts?
513 **MARTIN:** In terms of how...
514 **MEYER:** So let me ask a question: So for us, what I've heard Tom say is
515 "Tell us what you want." You'll go back and figure out if we can do it, and
516 you'll draft the language - or if we already have it. So maybe as opposed to
517 talking about all the nitty gritty of what's exempt and what's not exempt
518 and all of those things, we can just start talking about our laundry list of
519 wishes, and Heather can go back and do her magic.
520 **MARTIN:** And take a look at some of the - I think it was in - in the Gilroy,
521 the California code. There is a section there that has - there's a little
522 exemption language there. It's under (e). But what type of exemption language
523 you'd be looking at too. What do you want? What type of exemption do you
524 want? That would be a provision in the code too.
525 **SCHOENING:** Also, that code, Naomi, addresses I think what you're talking
526 about. The exemption - or basically, it just says if it's entirely on
527 residential property, it's fine, but it can't use any hookups from that
528 residential property which was a little bit of where I was going with the
529 commercial parking lot. If they are fully self-contained vehicle, that's one
530 thing. You know, Grandma's parked her RV in front of your house for 72 hours
531 while she's visiting, not a big deal. But hooked up and plugged into the
532 house and renting and living in may be a different issue. I wonder if
533 possibly what we could do is make the list of what we feel like absolutely
534 should not happen and find out if we have any of those things already in our
535 code and then maybe once we find out what's already there, figure out what
536 the exemptions might be. And possibly, when we send the ordinance to the
537 Council, suggest that maybe they consider making it citywide. Does that sound
538 like a decent protocol?
539 **O'KEEFE:** That sounds great.
540 **SCOTT:** I just wanted to follow up with a quick question. You had brought up
541 the Texas ordinance, and I think their definition is great, but I'm a little
542 concerned about the four hours because the definition doesn't apply under
543 four hours. So someone could pull into a parking lot and stay for 3 hours and
544 45 minutes in the middle of the night sleeping, and they would technically be
545 not in violation of code, and is that what - are we okay with that?
546 **SCHOENING:** I'm okay with that. I think there are long-haul truckers. I think
547 there are people who work very late shifts. I think - I'm okay with that.
548 **O'KEEFE:** I'd be okay with that during business hours, but if the business is
549 closed then there shouldn't be any reason for people to be occupying that
550 parking lot. That's my take on it. Because there's a rest area right up the
551 freeway.
552 **MEYER:** Is there?
553 **O'KEEFE:** The Baldock rest area on I-5, south of Wilsonville.
554 **MEYER:** And I would tend to agree with you. I think that - I understand your
555 concern of those resting and taking pit stops and that sort of thing, but as
556 we're considering applying this to commercial districts, it would be really
557 difficult to, in my opinion, provide allowances without applying it to the
558 entire district.
559 **SCHOENING:** Okay.
560 **BELOV:** And part of that is our town is so small. Right? There's only so much
561 space to fit all the various uses. Right? Like the town I moved from is 60
562 square miles...
563 **SCHOENING:** I'm sorry, but I'm struggling with allowing the opportunity to
564 where a Sherwood police officer is feeling like he is needing to bother a man
565 or a woman sleeping in their car for an hour in the Walgreens parking lot. I
566 mean, I just feel like...

567 **O'KEEFE:** Or cooking lunch while somebody is in there shopping.
568 **SCHOENING:** I guess I feel like that's not a public nuisance or a problem.
569 And I feel like that might not be the best use of time and resources. I guess
570 that's where I'm coming from with it. I get what you're saying, but I also
571 think that while we are a small town, we do - we have places that - Shari's
572 is open 24 hours. I can imagine a worker there working a double shift, and
573 I'm certainly don't want them roused out of their car and told they can't -
574 you know? I guess I'm not really willing to open that door, but I can
575 definitely be overruled.
576 **SCOTT:** I think Larry brings up a decent idea of having it apply to the hours
577 of operation. Obviously, in a commercial zone, you have - like a Shari's
578 even, there's a lot of different businesses in there, and they're open 24 and
579 most of the other places aren't. So what part - would it apply to none of the
580 parking lot, a section of the parking lot? Even then, I think your example is
581 great, but what is a 30-foot RV pulls into the parking lot and sets up camp.
582 Are we comfortable with that if they sleep there for four hours or whatever?
583 And I'm not saying I'm not, I'm just curious what the rest of you all think
584 about that. It sounds like you are okay with that.
585 **SCHOENING:** I think that's not the intent of what we're talking about. I
586 think the person who pulls in in their RV and sleeps for four hours is not
587 the person that is causing the problem.
588 **SCOTT:** I thought that was the intent of what we were talking about because
589 Wal-Mart specifically allows that in a lot of their locations by manager
590 approval. And so I think that's what people don't like.
591 **BELOV:** And people plan their trips to the Wal-Mart. They'll go from one Wal-
592 Mart to the next as they go down the coast.
593 **SCHOENING:** I guess for me, I feel like we're now targeting a specific
594 business.
595 **BELOV:** I'm not intending to do that.
596 **SCOTT:** I'm not either, and I was only bringing it up as an example, but I
597 think that is one of the reasons why it's on the list of things to talk about
598 and important to people because I think that they don't want to see 30 RVs
599 sitting in any parking lot camping. I think that there's a lot of people who
600 feel about that...
601 **SCHOENING:** I guess I have a different definition of camping. I think camping
602 is 24 hours or overnight.
603 **BELOV:** Well, part of it...
604 **SCOTT:** Well, overnight - if there's a 4-hour limit, overnight could be 1:00-
605 5:00. And that's really the time when I think most people don't want to see
606 people camping.
607 **BELOV:** With only two officers on duty at night, for example, that's asking
608 them a lot, I think, to go and monitor - if there's not an ordinance in
609 place.
610 **MEYER:** Well, I mean, I think that's a little bit different because I don't
611 think that we're suggesting that our police force is out monitoring parking
612 lots. However, I think that enacting this kind of ordinance does provide the
613 police an opportunity and the ability to approach folks that shouldn't be in
614 areas that the City of Sherwood is - potentially going-to-vote-on areas that
615 they don't want folks parking and sleeping and cooking and those sorts of
616 things.
617 **SCOTT:** And that could be for their safety as well. I mean, if you have a
618 camper parked out in a big old parking lot where no one is at, they could be
619 at risk from some ill doer. Also, I don't think anyone - I don't want to
620 speak for you. I don't believe that people are intending for the police to
621 patrol and proactively address these issues. I think if someone notices a
622 problem and calls then having an ability to take action is good, but I don't
623 want the police out patrolling and looking for these problems on their own.

624 **SCHOENING:** And I'm not suggesting they will be. What I'm suggesting is that
625 there will be people calling and saying, "This RV has been parked in this
626 parking lot for 2 hours," or "This RV has been parked in this parking lot for
627 4 hours."
628 **O'KEEFE:** I would agree with that.
629 **SCHOENING:** I'm concerned about that.
630 **O'KEEFE:** I would also like just throw this out there that we probably should
631 have some sort of exemption in there for emergencies. Because I think that
632 it's important for us as a city to not necessarily provide a place for people
633 to camp, but if they're driving through our town in the middle of the night,
634 and their RV breaks down, they should be able to pull somewhere for a couple
635 hours and feel that it's safe until Les Schwab or whoever opens up in the
636 morning.
637 **SCHOENING:** So it sounds like we have some sort of an idea of what the
638 exemptions are, and we have some sort of idea of we don't want to allow.
639 Right? So can we at list start with the list making to see what we've got in
640 our existing code? Does that make sense?
641 **MEYER:** Mmhm. I think so.
642 **SCHOENING:** So it sounds like no time limit. No time. We don't want to
643 discuss time. So it's not acceptable for any amount of time. is that how we
644 feel?
645 **SCOTT:** I said that originally, but now that I've heard the rest of the
646 discussion, I'm not sure that I agree with myself anymore, and that's good. I
647 mean, that's why we're here, right? I think 4 hours is too long. I think 30
648 minutes is too short if it's the type we're talking about before. So I think
649 it's partly about what the definition is, right? Are you there to shop or are
650 you there to reside in your camper for whatever (indecipherable).
651 **SCHOENING:** See, and I think that's exactly the key. Maybe I've been on too
652 many road trip in RVs with four kids, but I can foresee times when you might
653 need to stop for a certain amount of time. And I get that probably someone is
654 not - I'm not going to be outside barbequing, and we're not going to sleep
655 there, and for the most part, the general population is not going to do those
656 things. So I guess that's my point is I would like to err on the side of that
657 people are going to, for the most part, be trying to do the right thing. And
658 when they're not trying to do the right thing, those are the people that
659 we're trying to sort of keep out of these parking lots. So we don't want to
660 open up Sherwood to be a home for people who don't have a home anywhere else,
661 in the parking lot.
662 **O'KEEFE:** What do you guys think about 2 hours. Is that - I was kind of
663 thinking 4 hours is a little long, but I think 2 hours kind of allows for
664 emergencies and for like a safe rest but not enough to get comfortable for 72
665 hours.
666 **MEYER:** Yeah. I mean I think I would entertain that as an option. I think - I
667 mean, you brought a good point: Barbequing, outdoor cooking, making cause
668 for food preparations, those sort of things. I mean, making any kind of a
669 fire within the commercial district I think is just a bad choice.
670 **SCOTT:** Putting out your awning. I mean, anything that is other than parking
671 would equate to me should clearly be covered.
672 **PESSEMIER:** So it sounds to me like you guys are really coalescing around the
673 Van Horn, Texas definitions being the terms of camp. I'll just read the
674 terms. It can't mean to "use a public area for living accommodations.
675 Purposes for a period of time in excess of four" - it sounds like you might
676 want to change that to two or something else - "consecutive hours for
677 activities such as, but limited to, the following: Sleeping or making
678 preparations to sleep including laying down a bedding for the purpose of
679 sleeping; parking of a motor vehicle, motor home, or trailer for the apparent
680 purpose of overnight occupancy; storing personal belongings; making any fire;

681 carrying out cooking activities; or doing any digging or earth breaking." I'm
682 not sure what that means, but is that kind of the direction that you guys are
683 headed? At least for a definition of camping and what you're trying to get at
684 in particular.

685 **MEYER:** I think that portion of the definition - it sounds like we're in
686 agreement. I would not necessarily go on to say - on the second page, it does
687 talk about "Except in designated areas where the owner or agent in charge of
688 the property gives the approval."

689 **PESSEMIER:** Yeah. No, I was only getting to the definition section. I think
690 the other portions you guys have (indecipherable).

691 **O'KEEFE:** The only thing that I crossed out on there was the 4 hours and made
692 it 2 hours, and everything else looks like we could cut and paste that.

693 **SCOTT:** I agree that that's I think a good definition, and we can come up
694 with the right time. I'm good with 2 hours as well.

695 **BELOV:** Because there must an RV campground around here, right? I don't have
696 an RV, so I don't - I'm not familiar with the area enough to know.

697 **O'KEEFE:** I am fairly familiar with the area, and again, I don't speak for
698 the fire department, but I have a very good knowledge of our (indecipherable)
699 area and of the fire district, and there is an RV park on Elligsen Road just
700 east. There's the Elks that - I don't think it's defined as a camping park
701 per se, but you have to be a member to store your thing, and I actually think
702 they do have a limit on how long you can be there.

703 **SCHOENING:** There's one on 99W, too, by the river. The one that floods every
704 other year or so.

705 **O'KEEFE:** One on 99W by the Tualatin River.

706 **SCOTT:** Is that just up North a mile or two? Is that the one you're talking
707 about? So we shouldn't be presenting a pressing need in the community if
708 there's already neighboring ways to fill that need, right?

709 **O'KEEFE:** I think the Elks would be the only RV overnight place in our city.

710 **MEYER:** Well, I think we need to be careful because at some point the Elks
711 could vacate or move, and I would hate to provide that exemption in the form
712 of an ordinance where another very different kind of user could come into or
713 onto that property.

714 **SCHOENING:** Well, I mean, but if we specifically say, "The Elks."

715 **MEYER:** Can we?

716 **SCHOENING:** Can we do that?

717 **PESSEMIER:** I think you can get there without specifically labeling the name
718 of a place. So if you want to cut out an exemption for that, we'll find a way
719 to do that.

720 **SCHOENING:** Because there are churches that also offer an RV space. I believe
721 we have some in town. I don't want to - I believe we do have some in town
722 that allow people to park RVs in church parking lots.

723 **SCOTT:** And to me, I think that comes back to who we're trying to cover by
724 this, and I think that - to me, it's commercial. And I don't think churches
725 are commercial, but maybe they are. Or maybe we go more specific, and we say,
726 "retail." And I guess I'd be looking for an attorney to give us some
727 different options maybe when they come back on how we can define this to
728 cover the areas I think we all want to cover without overstepping and hurting
729 on some of these other areas.

730 **SCHOENING:** I like the signage idea. I don't think we should let go of that.
731 I think putting some onus on property owners to provide signage that says
732 these things and maybe even going a step further and - I'm wondering if
733 possibly Nancy at the Chamber might have information about where people can
734 park RVs or where they can stay or if we could possibly direct them to where
735 they could be or possibly these larger retailers could have something at the
736 entrance or their information or customer service.

737 **SCOTT:** Those are great ideas.

738 **SCHOENING:** Where people might be able to go and say, "Hey, where can I park
739 my RV because it says I can't in your parking lot." I'm a firm believer of
740 giving people the tools to do the right thing while at the same time telling
741 them what they can't do.

742 **MEYER:** I would have to say in terms of signage that I feel like we need to
743 be careful with sign requirements because I think oftentimes signs become
744 often and much, and they can really make a community not look very good. But
745 I think that if there is a requirement, for example, for a business to post
746 one sign near its entrance or within its entrance so customers have the
747 ability to see what is allowed/not allowed on that property, that would seem
748 reasonable to me. But signing a large area or requiring buildings to put
749 signs all over them or within parking lots, I would not think that that is a
750 good idea.

751 **SCHOENING:** I only bring it up because we just discussed a retailer that
752 people know and understand they can park their RVs in.

753 **SCOTT:** How would they know they can't if there's no sign.

754 **SCHOENING:** So how would they know they can't? But I agree with you. It makes
755 total sense to me.

756 **SCOTT:** Yeah, it's got to be unintrusive.

757 **SCHOENING:** It must be one sign posted..

758 **SCOTT:** At the entrance.

759 **SCHOENING:** At the entrance or in easily accessible or readable or...

760 **BELOV:** How about on their website:

761 **SCHOENING:** Well, not everybody has web access.

762 **BELOV:** That's true.

763 **SCHOENING:** Primarily if they're living in an RV.

764 **PESSEMIER:** So one suggestion would be maybe one sign at every entrance to a
765 public right away or something like that so that - because people can come in
766 different entrances, and that way at least there would be coverage. So we
767 could come up with something like that. That's makes sense.

768 **MEYER:** Well, the other option with that is the State of Oregon already has
769 regulations pertaining to towing vehicles. So if one of the options of
770 addressing RV parking or storage or motor homes or cooking, all these things,
771 is addressed, perhaps we could - as the properties, any of the properties are
772 signed, they could follow the towing sign requirements. So I think it's
773 within 10 feet of an entrance to a property, that sort of thing. I mean, does
774 that seem reasonable? And that way we could make maybe a two in one sign
775 within the City of Sherwood?

776 **PESSEMIER:** Or leave it up to them to decide how they wanted to manage that.
777 But I see where you're going with that. There probably is some language out
778 there that kind of addresses that so that we don't end up creating something
779 else where people are, "Well, it was behind this tree. I couldn't see it."

780 **SCOTT:** And I think, on the signage, I think it's very important to have
781 that be only applicable to parking lots or retail developments of a certain
782 size. I mean, I don't think it's reasonable for the some of the Old Town
783 businesses that may be have three parking spots or something to be required
784 to - I mean, it's not going to be an issue there anyway. I don't know what
785 that right definition is, like a parking lot square footage or...

786 **MEYER:** Well, and I'm not sure that we would necessarily, and I'm just
787 throwing this out there, but I'm not sure that identifying even retail use is
788 necessary because I think that with plans for development in the future of
789 Sherwood, we're looking at potential industrial sites and office buildings
790 and all kinds of other buildings.

791 **O'KEEFE:** Yeah, any public parking area.

792 **MEYER:** Yeah, or private parking area.

793 **SCOTT:** In one of these, I saw a definition, because I didn't like the public
794 area because it doesn't cover private, and private may be too broad, but in

795 one here, I think I saw something like private parking accessible to the
796 public or something along those lines. And so maybe there is some way to
797 split that hair a little bit. And I think you're right, covering industrial
798 as well as commercial and retail I think is important. But I do think that
799 the signage requirements, specifically, and any other compliance requirements
800 need to have a reasonable, low-end limit so we're not overburdening small
801 companies and developments in town. Like to me, obviously the new development
802 should be required - the Target development, the Safeway, the Albertson's,
803 the Safari Sam's - all of those are, to me, big enough that they should be
804 required to have this sign postage. Anything smaller than that..

805 **SCHOENING:** But not all of those businesses are big.

806 **SCOTT:** But there's a property management owner over each of those, right? I
807 mean that control the whole property, so the burden would be on them to post
808 the signs.

809 **SCHOENING:** Yes, but for example..

810 **O'KEEFE:** I think Albertsons and Safeway may already have signage as far as
811 no for-sale parking. I think I've seen that out in the front of Albertsons so
812 that may already be in..

813 **SCHOENING:** I think limiting it to size, this one instance I feel like should
814 apply to all business sizes. For instance, we're Old Town, those are all
815 private owner buildings. My building is owned by someone, the Rainbow
816 Market's building is owned by someone, and there is space behind my building
817 where somebody could park and RV for a very long time on the ally.

818 **BELOV:** Would you want that?

819 **SCHOENING:** Nope.

820 **SCOTT:** Okay. I was trying to (indecipherable).

821 **SCHOENING:** I mean usually I would tend to agree with that, but there is the
822 opportunity for any small business to be able to do that, and we have many
823 small businesses around town with parking areas that belong to them that
824 could have an RV.

825 **O'KEEFE:** So as the tenent of - let's use that for an example, couldn't you
826 just call the police and say there's an abandoned vehicle or something
827 (indecipherable).

828 **SCHOENING:** What if it's me?

829 **O'KEEFE:** Oh, yeah. Okay.

830 **SCHOENING:** What if it's the business owner? And the man who leases Rainbow
831 Market parks his RV behind Rainbow Market. You know, US Bank parking lot.

832 **BELOV:** I think our - doesn't our current ordinance already cover that?

833 **SCHOENING:** That's a private area. So I would - isn't it the same as having
834 it in a residence? I guess that's something you'd have to look at to see
835 whether we already cover it.

836 **MARTIN:** Yeah, I'd have to do some research.

837 **SCHOENING:** Again, we sleep there overnight before Cruise In.

838 **SCOTT:** Well, I think that falls in the exemptions or the temporary
839 (indecipherable).

840 **SCHOENING:** I mean, but we do it.

841 **SCOTT:** True.

842 **MEYER:** And I think that in addition to the things that we're talking about,
843 I think that clearly we need to leave property owners with the ability to
844 also create additional restrictions on their own property if they so choose.
845 So while they may not be free to open up their parking lots for overnight
846 parking and all of the things that we've discussed, I think that we should
847 also provide them the opportunity to say, "Actually, no, this is our parking
848 lot, and no, we will not allow any overnight parking."

849 **O'KEEFE:** That's a good point. I think..

850 **MEYER:** Which I think is already..

851 **SCOTT:** I mean, by doing nothing, that's essentially the case, right?

852 **MEYER:** Well, I think private owners have the ability to restrict...
853 **O'KEEFE:** This would be minimum qualification (indecipherable).
854 **MEYER:** Yeah. This would be a minimum requirement within incorporated
855 Sherwood is what I think we're talking about. And I just want to be sure...
856 **SCOTT:** And maybe that's where the size thing comes back into play is we can
857 say it's required for spaces over a certain size and it's optional for places
858 smaller. And if the owner of that particular Old Town development wants to
859 post a sign because they feel like overnight parking may be a nuisance there,
860 then they're allowed to, but we're not going to necessarily require them to
861 because maybe that is a burden we don't want to necessarily force on people.
862 **MEYER:** Is that even an issue we need to address?
863 **SCHOENING:** The size of the business that has to comply? Yeah, I would think.
864 **MARTIN:** You'd definitely want to determine ultimately who or where is going
865 to apply though definitely.
866 **SCOTT:** So, following up on that, have we given you a clear intent of who
867 we're trying to apply this to or do you need more (indecipherable).
868 **MARTIN:** I think so. You definitely - one question I did have was
869 (indecipherable) brought up, section 8.04 with a dilapidated vehicle part of
870 what you all were discussing because I'm definitely not clear on that and
871 whether you wanted - was that part of the camping overnight issue? They are a
872 totally separate problem.
873 **SCOTT:** I was thinking of it as a separate issues personally, but I won't
874 speak for the rest.
875 **MEYER:** Yeah. In my opinion, I would see that as nuisance rather - and
876 perhaps we can incorporate that into a nuisance kind of an ordinance as
877 opposed to in this oversized vehicle, RV, motor home, trailer kind of part of
878 the (indecipherable).
879 **SCOTT:** And I think the difference is in the camping situation. The person is
880 most likely going to be there with the vehicle. And a dilapidated vehicle,
881 we're talking about most likely an abandoned vehicle or a vehicle that's at
882 least been there a long time. I know that Oregon - the state statutes won't
883 allow towing less than 72 hours. So there's that. So I would presume most
884 likely that abandoned vehicle cases, they're not necessarily going to be
885 there, right? If somebody is broke down and pulls into the parking lot, and
886 they're there trying to get back up and running to get back on the road,
887 that's a whole different.
888 **MARTIN:** And you're concerned about that in private - in the parking lots?
889 **SCOTT:** People who break down?
890 **MARTIN:** No. Dilapidated vehicles.
891 **SCOTT:** Yeah. Long-term dilapidated, absolutely. Yeah, I think that's what...
892 **O'KEEFE:** 72 hours or more, I would think, right?
893 **BELOV:** I would think the retailer would also find that a concern, though,
894 and that they would just deal with it.
895 **SCOTT:** Yeah. We would hope it's not an issue that needs to be addressed.
896 **SCHOENING:** Is it already covered under the 72 hours though? I mean that's in
897 a parking lot, right?
898 **SCOTT:** Well, the state law allows towing with a 72-hour notice; it doesn't
899 require it.
900 **SCHOENING:** I see.
901 **SCOTT:** So if we want to require businesses over a certain size to take
902 action then I think we have to come up with some ordinance to do that.
903 **SCHOENING:** Heather, did you happen to look at what our code is that already
904 st - you mentioned that we have one that addresses dilapidated vehicles?
905 **MARTIN:** Not dilapidated vehicles, not that exact word. That's not used.
906 **SCHOENING:** Abandoned, broken, ugly?
907 **MARTIN:** I need to do more research in your nuisance section, but then you
908 also have that section 8.04 which discusses abandoned, and I believe that it

909 only applies to those that are on city streets or the public right of way
910 right now. So that's what you currently have.

911 **SCHOENING:** So could we add for-sale vehicles to that? Is that kind of, I
912 mean...

913 **MEYER:** That's actually, based on our code, the for-sale vehicles, the junked
914 vehicles, it would appear that that's listed under chapter 10 already.

915 **PESSEMIER:** Yeah. I believe most for-sale vehicles are already covered on our
916 code. I know we've had issues with that, and they aren't allowed to stick
917 around for very long.

918 **SCHOENING:** I never see any. That's awesome.

919 **PESSEMIER:** That's right. That's right.

920 **SCHOENING:** So I have to ask this question, which is - I don't know how ask
921 it in a nice way, but what does the big red truck by Symposium? What is that
922 considered?

923 **SCOTT:** I think it's nice.

924 **PESSEMIER:** Unfortunately, it falls under their - well, there's a difference
925 between the vehicle and the sign on the vehicle. It's really challenging, and
926 we've looked at this a number of ways, and Jim Clos mentioned it at the last
927 meeting is you have to be time, manner, content, and place neutral in regards
928 to signage, and they are working through a kind of a difficult area to write
929 code or to enforce because it's on a moving vehicle which does move from time
930 to time, and it's not unlike any other box delivery truck or anything else
931 that parks in different places and has all sorts of words and signage on it.
932 So we've looked at that, and that's part of the sign code, and it was
933 actually considered when they did the sign code updates last year, and there
934 just wasn't really an effective way to get to the sign. Certainly, the
935 vehicle might be different if you wanted to talk about parking something on
936 private property for a period of time, but then you're really - you're really
937 going to be challenged because that probably happens a lot. So, if you can
938 find a way to get there - yeah. But that's a tough one. We've talked about
939 that.

940 **SCHOENING:** Okay.

941 **SCOTT:** I think going back to the 8.04, Abandoned Vehicle code - I think the
942 definition to me looks like. I think if we just extended that to private
943 commercial zones in addition to the public. That may cover what we're trying
944 to get at. Basically, it says the vehicle either has expired plates or no
945 plates or it's inoperative or disabled, or it's wrecked, or it has not moved
946 in 72 hours and appears to have been stored. And I think that covers what
947 we're getting at, so I think all we need to do is expand it into the
948 commercial retail zones, probably under the same definition we were looking
949 at before, and that might get at the heart of what we're trying to
950 accomplish. The only thing that maybe we would want to add to that is
951 requiring certain businesses to take action because right now they are
952 allowed to take action, but they aren't required to. And I'm not saying that
953 I'm for that, but that may be something that the committee wants to discuss.

954 **SCHOENING:** And would we consider an exemption for a vehicle that belongs to
955 the business? For instance, if you have a business and you have a vehicle
956 that is part of that - delivery vehicle. You have a delivery van, and it's
957 broken, and it's in your parking lot. Does that apply to that or is that an
958 exemption.

959 **O'KEEFE:** I would think the company owns that van, so it would probably be
960 exempt because it's part of their company whether it runs or not. If you have
961 your writing on Joe Smith Furnishings, and it's parked out in front of Joe
962 Smith Furnishings in one of the parking spots, I would think that's part of
963 your...

964 **SCHOENING:** So it would be an exemption? In other words. Because what we're
965 talking about now is a vehicle that's abandoned, broken, not working.

966 **SCOTT:** Or appears to have been stored.
967 **MEYER:** And I'm not sure that I feel like we should list that as an
968 exemption. I feel like if it's a functioning vehicle, and it's in use, that's
969 reasonable.
970 **SCHOENING:** Sure.
971 **MEYER:** But, in my opinion, if any vehicle is dilapidated, it could
972 potentially provide hazard to the area.
973 **SCOTT:** Yeah, I agree. I think the property owner, even if they are the owner
974 of the business and the owner of the vehicle, I think they have a
975 responsibility to address the issue in some reasonable time frame. If they're
976 work vehicle has - their delivery van has broken down, and they just decide
977 to park it in front of their business for the next year, I don't really think
978 that's okay.
979 **MEYER:** I don't either.
980 **SCOTT:** But if you disagree, I really want to understand that point.
981 **SCHOENING:** It is currently 72 hours?
982 **MARTIN:** Has not been moved in 72 hours. Yeah.
983 **SCHOENING:** Yeah.
984 **O'KEEFE:** I would think that's adequate.
985 **MEYER:** I would agree.
986 **PESSEMIER:** Let me clarify. If the vehicle is not moved in 72 hours and
987 appears to have been stored.
988 **SCHOENING:** So what's "moved?" We're talking about a parking lot that's
989 thousands of square feet. Is it moved across the parking lot? Is it moved
990 four spaces? What's "moved?" Off the property?
991 **PESSEMIER:** I think any of those would qualify, but...
992 **SCOTT:** One space.
993 **SCHOENING:** Right. I'm just saying that it's happening.
994 **SCOTT:** I guess I don't know the example you're talking about, so maybe
995 that's what I...
996 **SCHOENING:** I mean, I guess it doesn't...
997 **SCOTT:** Only to be illustrated by what your concern is.
998 **SCHOENING:** So if I - again, if you have a large parking lot, and you have a
999 vehicle A and parked in slot 3, and it's been there for over 72 and nobody's
1000 - it looks like it's been stored. And then someone calls X, and they say,
1001 "You need to move it." What's moved? If you say, it can be moved, and they
1002 move it across the parking lot, and it's still in the parking lot, at what
1003 point - even if you have it towed across the parking lot, it's still been
1004 moved. Do we want it off the property?
1005 **O'KEEFE:** I would say, being a member of a neighborhood association with
1006 CCNRs, we go through this all the time. We have boats and RVs and trailers
1007 and we have a 72-hour parking limit for visitors, and people follow the
1008 letter of the law, and after the 72 hours, they'll drive around the block and
1009 then park 10 feet farther south, and they have adhered to the letter of the
1010 law.
1011 **MEYER:** Well, and as a property manager, I find that happening in my parking
1012 lots often and much. So even if a car's not functional, it can still be put
1013 in neutral and moved. So I think what we're getting at is that all vehicles
1014 would be moved out of parking lots or parking spaces within the City if
1015 they're not functional and being used for their intended purpose.
1016 **SCHOENING:** So off of the property is what we're asking them?
1017 **SCOTT:** Has to be removed from the property.
1018 **SCHOENING:** Removed from the property. For a period of how long?
1019 **MEYER:** Until it works.
1020 **O'KEEFE:** And just to add to that, we may not be able to cover every issue on
1021 these, so maybe it would be my suggestion to cover what we can for the most
1022 amount of instances and people for these businesses and then...

1023 **SCOTT:** And there's always going to be a way for people to skirt the law if
1024 they try hard enough.

1025 **SCHOENING:** Absolutely. I guess I'm just trying to figure out what we're
1026 trying to avoid. If what we're trying to avoid is a broken vehicle being in a
1027 parking lot for a year...

1028 **SCOTT:** Yeah.

1029 **SCHOENING:** If that's what we're trying to avoid or if we're trying to avoid
1030 something not being in a parking lot for a week, I feel like those are
1031 different issues. But it makes sense. I don't want to spend all day splitting
1032 hairs about what moving a vehicle is, but if you have someone who owns a
1033 small business in a development, and they have a broken car, and they move it
1034 every 72 hours, we've accomplished almost nothing.

1035 **SCOTT:** In that particular case, I think what people may be concerned about
1036 is not the small business case where's someone's going to exploit the letter
1037 of the law, I think what maybe the bigger concern is a larger development
1038 that starts accumulating abandoned vehicles, and the property owner decides -
1039 I think this is rather farfetched, but let's say the property owner decides
1040 that they don't care, they don't want to deal with it, right?

1041 **PESSEMIER:** So I have a question. Do you guys feel that there currently is a
1042 problem with this and/or do you feel that in the near future that there is
1043 going to be a problem with this because of something that's going on. That's
1044 a question we usually ask ourselves as we're trying to develop a code. Are we
1045 trying to solve a problem, or are we satisfied that currently what's in place
1046 is actually kind of happening because people are kind of policing their own
1047 properties. So thought I'd just throw that out.

1048 **SCOTT:** I don't think this is a problem that currently exists in - I'm not
1049 going to speak to the residential zones because I think that's already
1050 covered in the code. I'm talking about the commercial and retail zone. And I
1051 don't believe that it's a problem that's going to exist in the near future
1052 either, but I think that there are people who are concerned about that. I
1053 think if we just took the code and expanded it to cover commercial retail
1054 then that gives the property owners something that they can use to enforce,
1055 right? If it's not covered in there, it's harder for them to actually go out
1056 and do something about an abandoned vehicle. If we actually say, you know...

1057 **MEYER:** I think that that's - I think what Tom is saying is private property is
1058 still, nevertheless, private property, and if a property owner identifies
1059 that a vehicle has been parked, stolen, left in their parking lot, they have
1060 the ability to tow already. So I think that we don't - I'm not sure that
1061 that's an issue that we need to tackle.

1062 **PESSEMIER:** But one issue that you did bring up was cars that were leaking
1063 oil. I think that's where this kind of started from in the conversation the
1064 other day. So you guys haven't talked about that. Is that something you're
1065 still concerned about and something you want to get at, and is that a
1066 dilapidated vehicle or is that some section of our environmental code which
1067 we don't have much of?

1068 **SCHOENING:** I feel like that - sorry. I feel like that's environmental code.
1069 Because I tend to agree. I don't think any business is going to be willing to
1070 give up a very valuable parking space for someone's broken vehicle. It's just
1071 not happening. I get that people have expressed it, but I think I would
1072 prefer for someone to say, "This is actually happening here, and we know that
1073 it's going to happen in the future, and we're concerned about it." I feel
1074 like it something that can be addressed. But in the environmental issues I
1075 think are another way to address what could be a possible concern.

1076 **BELOV:** And I think the purpose of this committee is to address the concerns
1077 that people had written on their letters to the City. So I don't know if you
1078 all have had a chance to read them.

1079 **SCOTT:** Yeah. I actually went into City Hall on Thursday and read through
1080 them all and actually took some tallies of the categories of things that
1081 people were concerned about.
1082 **BELOV:** Oh, great. Maybe we can talk about that in a little bit, too. Because
1083 I think that's what we need to focus on. I haven't heard that complaint.
1084 **SCHOENING:** So how - so after looking at that, Doug, how does that apply to
1085 the dilapidated vehicle?
1086 **SCOTT:** That complaint was relatively nonexistent in the ones that I looked
1087 through.
1088 **SCHOENING:** I thought the same thing.
1089 **MEYER:** Okay. Well, for the purpose of our meeting tonight and to stick to
1090 the agenda, I think - I'm hoping that we've given you enough to work off of
1091 for RV parking and storage. We didn't include a discussion of boats. But I
1092 think oversized vehicles - do you need us to define what those are or do you
1093 feel like, based on some of the examples that you've given us - Heather, you
1094 let us know if you need for us to be more specific.
1095 **MARTIN:** No, I think that's fine. I'm just making sure that..
1096 **MEYER:** So the motor homes, the trailers, the RVs, that sort of thing.
1097 **MARTIN:** Is the RV restriction also applied to boat parking or..
1098 **SCOTT:** Well, I think if you go back to the Texas code, it doesn't even talk
1099 about RVs - it could be a car. It's more about what you're doing, right?
1100 You're camping, you're storing personal belongings, you're making a fire,
1101 you're cooking, you're taking earth - and so whether you have a boat or not
1102 is not the relevant part, it's what you're doing with the boat or the RV or
1103 the car or the truck or the van or whatever.
1104 **MEYER:** Okay.
1105 **MARTIN:** So do you also want to avoid somebody unhitching and leaving it or..
1106 **SCHOENING:** Thank you for reminding me. I was going to say, can we
1107 specifically say, "You may not unhitch your pulled vehicle." Are we able to
1108 say that?
1109 **SCOTT:** Is that a problem? Back to Tom's point.
1110 **MARTIN:** No. I think the better thing would just be to regulate if there is -
1111 if you have the boat there which hopefully I hope that hasn't been a huge
1112 problem.
1113 **O'KEEFE:** If you say, "recreational vehicle," won't that apply to whether
1114 it's hitched or not? It's a recreational vehicle or a car or a vehicle or
1115 anything.
1116 **SCHOENING:** Or you could just say, "Vehicle."
1117 **O'KEEFE:** Yes. I think we're back to splitting hairs there.
1118 **SCHOENING:** Yeah. I would agree.
1119 **MEYER:** Do you feel like we're at a point that we can close the discussion on
1120 RVs? Yes?
1121 **SCHOENING:** Yes, Maam.
1122 **O'KEEFE:** Do we need a motion?
1123 **MEYER:** I don't think we do at this - we're not voting on anything tonight.
1124 **O'KEEFE:** Okay.
1125 **MEYER:** So it sounds like Heather will come back to us with maybe some
1126 proposed language, and at the time that she does, we can decide if we'd like
1127 to have further discussion or vote. Let's take a five minute break.
1128 **BREAK**
1129 **MEYER:** All right. Let's reconvene and move on to item number eight which
1130 pertains to some sample ordinances related to the use and storage of
1131 pesticides and other chemicals. Heather, can you talk a little bit about what
1132 you found and get us started?
1133 **MARTIN:** Well, my main question here tonight for you all is what exactly -
1134 again, which chemicals and pesticides or hazardous materials are you looking
1135 to regulate? That's my main overarching concern. So what we did is - I'm not

1136 entirely sure what exactly you wanted to regulate, so I gave you a panoply of
1137 different kinds of ordinances to look at.

1138 **MEYER:** I think what came up at our meeting on Wednesday was the example of
1139 the bees, the bee issue in Wilsonville, and so I think that as that issue was
1140 raised we started thinking a little bit about what can we do within our city
1141 that is perhaps more appropriate for our goals in terms of landscape and just
1142 general city safety. I happened upon a policy adapted by the City of Ashland
1143 that I've read over briefly, and I really like the policy - and I'll just
1144 read a little bit of it, but it was designed to reduce the risk of illness or
1145 injury resulting from city employee and citizen exposure to pesticides used
1146 in the course of performing operations and also from the accidental exposure
1147 of employees and other persons to pesticides. And then it goes on to talk
1148 about different kinds of pesticides and how, when practical, those are used
1149 and in what instances they may be used. And I think, and I'm only trying to
1150 paraphrase what I heard at our last meeting, but that was the concern is
1151 safety and general exposure.

1152 **MARTIN:** So really limiting yourself to pesticides and maybe harmful chemicals
1153 but not going whole hog and looking at the hazardous materials as it's
1154 defined under state law? So a very sort of narrow...?

1155 **BELOV:** Well, it is in close proximity to the Tualatin National Wildlife
1156 Refuge, and it's in the watershed. So something to consider would be
1157 (indecipherable).

1158 **SCHOENING:** And I noticed that you provided - did you provide us with
1159 Eugene's?

1160 **BELOV:** Mmhm.

1161 **SCHOENING:** It was the same one that I found, and they literally talk about
1162 any hazardous waste. They are super, super broad.

1163 **MARTIN:** And their ordinance is more aimed at - it's more of like they want
1164 to be able to take immediate action when something happens because the
1165 Department of Environmental Quality process can be a little bit longer. It's
1166 a bureaucracy. And I think they wanted to create a system where they could go
1167 in and take immediate action which - I didn't look at Sherwood's code in
1168 depth, but there's probably some general language that would possibly give
1169 the City the authority to use that in these hazardous waste situations. But
1170 that's a lot of what was behind the Eugene ordinance.

1171 **SCHOENING:** Right. And I felt like - where I was coming from when I brought
1172 it up was more along the lines of the Eugene ordinance and being able to
1173 react quickly, the City itself. Using the bee incident, afterwards I had a
1174 friend who said, "He Rachel, do you know why the trees are wrapped at the
1175 Sherwood Target?" I said, "I know exactly why the trees are wrapped at the
1176 Sherwood Target." And when that sort of thing happens what - there were no
1177 signs. If you went in the Target and asked the employees why they were
1178 wrapped, they didn't have to tell you, and I felt like they're - like you
1179 said. If the answer is go talk to the DEQ or - there were State ways to go
1180 about it, but there were nothing within the City that said, "Hey, we need
1181 some signage. We need someone to address this. We need to understand that
1182 something unsafe has been used." And so that's where I was going with it was
1183 that somebody be able to take action - somebody, meaning the City, be able to
1184 take action quickly. I'm not so clear about how to handle prevention,
1185 frankly. I'm not clear at all about landscaping uses and how we manage - I
1186 know we have lots of landscaping companies. I know some of the pesticides -
1187 I'm sorry, some larger restaurants use companies that don't use green, safe
1188 pest control. I know we do, but - so I just am not clear about how to
1189 prevent, but I am very - I feel very strongly that we need to have something
1190 that addresses, if exposure does happen, how and who is notified and what is
1191 done to take care of it.

1192 **MEYER:** Tom, can you maybe talk a little bit about whether or not the City of
1193 Sherwood currently has any kind of a maintenance specification in place for
1194 our commercial districts in terms of parking lot cleaning and exterior
1195 maintenance as is pertains to the use of chemicals and that sort of thing.
1196 **PESSEMIER:** No.
1197 **MEYER:** Okay. So I think that's where we're going as well is perhaps adopting
1198 a policy or a way of improving the standards that we have within the city for
1199 maintaining properties that the public has access to.
1200 **MARTIN:** And one thing I'll say, and it's just the same line - the same type
1201 of process that we used with the parking procedure. But it will be a matter
1202 of coming up with some of these ideas and then making sure that they're not
1203 preempted by state or - we also have federal law in this area.
1204 **O'KEEFE:** You also have fire code.
1205 **MARTIN:** Just coming up with what exactly you want to regulate and then your
1206 goal and then we'll come back and basically say, "Well, these substances -
1207 these regulations are going to apply." And Eugene did a good job of
1208 incorporating state and federal law, so it would be a good model if you
1209 wanted to look at that, but just - it's sort of...
1210 **SCOTT:** Yeah. I was going to ask you specifically if you'd looked at any
1211 preemption issues already in state law. It doesn't sound like maybe you had.
1212 I think that this is an area we have to be concerned about not trying to take
1213 on too big of a task. I mean there is a lot of federal law involved. There is
1214 a lot of state law involved. I think that Eugene is a great model. It's
1215 really talking about response to incidents so they can come in, they can take
1216 immediate action, and they can bill the offending party. And I think that is
1217 a good scope. Do we want to expand that to try to get involved in regulating
1218 what's allowed, what's not allowed, how things are supposed to be stored? I
1219 mean, I'm concerned about trying to take on maybe way too big of a task
1220 that's maybe and probably at least covered to some extent by existing state
1221 and federal regulation.
1222 **O'KEEFE:** I would agree. I know the fire code provides for storage of
1223 indoor/outdoor hazardous materials, and it's broken down to how hazardous
1224 they are. And it may be under the realm of DEQ, and I don't necessarily think
1225 that we need an ordinance to - I can't think of any other instance in the
1226 near past or present that has happened besides this bee thing that would
1227 warrant us to make a city ordinance for it. I can't think of any other
1228 issues, and I'm maybe looking for help here if you guys have heard of
1229 anything other than this Target issue in this past.
1230 **BELOV:** I don't know. I've never seen so - I mean, I've lived in a lot of
1231 places, I've never seen so much pesticide application as here which I'm
1232 really surprised about because part of Oregon is being really environmentally
1233 friendly. And so - You see it - every time I'm driving, I see someone with a
1234 bottle out there squirting herbicide and pesticide. So I think it's pretty
1235 common.
1236 **SCOTT:** Are you talking private property owners or business?
1237 **BELOV:** Maintenance, lawn crews, private property owners. It's just really
1238 pervasive here.
1239 **SCOTT:** So what do you propose that we should do about it?
1240 **BELOV:** Something like this, like the Eugene code where you - at least you're
1241 notified if there is application. I remember when I lived in Brookline, MA,
1242 there was always a sign, a little flag that people had to post on their
1243 private property if they had applied pesticides so if children or dogs or
1244 people go on the property...
1245 **SCOTT:** So if someone is in their yard, and they have a weed, and they go
1246 spray Roundup on it, they have to put a flag up?
1247 **BELOV:** I think - I don't know. That's what we could discuss. If it's a big
1248 retailer, they've just done a mass spraying, we should know about it.

1249 **SCOTT:** And I think that - those are two very different things to me.
1250 **BELOV:** Yeah.
1251 **SCOTT:** And I think this Boulder, Colorado one talks a lot about, and I've
1252 only skimmed it while we were sitting her talking, but it seems to discuss
1253 notification of use ahead of time. And I think in a commercial setting, that
1254 makes sense to me. I can see going there. Requiring private property owners
1255 to do that on their house, I think, is going too far. And I think the Eugene
1256 code is great on a clean-up side.
1257 **MEYER:** So just to make sure that we're focused on how this is affecting
1258 business, I think that that's a very valid point.
1259 **SCHOENING:** The Eugene code does say, "Hazardous Substance, Duty to Report,"
1260 which was sort of along the lines where I was going with it was. If you are
1261 going to spray powder, whatever, that you have a duty to report that that's
1262 happening. And it's pretty common actually for cities and counties, primarily
1263 in places where there are lots of - I will admit, and lots of places where
1264 there are organic labeling but also, in dense populations and populations
1265 that are putting in new developments where there are large amounts of housing
1266 developments. I found quite a few, some in the Arizona area. Regardless, the
1267 Eugene code is really big, and it is talking a lot about homes. So I do feel
1268 like we'd have to address commercial property. But where I was looking to
1269 what Heather was talking about was that we have something in place that
1270 allows the city to allow more quickly than DEQ and where a city can say,
1271 "You're absolutely doing business in an unsafe manner in the city, and we
1272 will not allow it, and we have an ordinance that says we don't have to." And
1273 there isn't anything in place that I could find that says that. So for me,
1274 the only way I know how to apply it is, for myself, in that we have weeds
1275 that grow in the back of our building, and we have a neighbor who hates it,
1276 and it is along the alley, but because we are food service and because I try
1277 to maintain a safe and green environment, we don't allow our landscaper to
1278 spray Roundup or other type chemicals. So we try to - and there are other
1279 things you can do. I mean, we cut them down, all those things. But that's my
1280 point is that what if I did? I mean there are lots of things you can do. I
1281 mean, and there are lots of - like I said, we have a pesticide company. He
1282 comes and sprays stuff out of a bottle, but it's perfectly safe. So that
1283 being said, I don't want to have assumptions being made, and I don't think
1284 that he should put up a big sign that says, "I'm spraying something safe,"
1285 but I do think that businesses should have an obligation to report something
1286 that is unsafe and considered a hazardous material under Oregon law. And so
1287 we're not trying to recreate a wheel; we're not trying to make things be an
1288 unsafe substance that aren't already recognized by the State, they already
1289 have a great list. Oregon does a fantastic job of saying what those things
1290 are, and Eugene literally does that. They just say, "Things defined under the
1291 Oregon State law." So I feel like there just needs to be a safety net,
1292 especially if we're looking at adding more large retailers. And while I get
1293 that you said that there's nothing besides the Target bee thing, but had a
1294 bunch of bees not dropped dead in another city, would we have had any idea?
1295 You know it's one of those things that I feel like if it can be prevented or
1296 we can be - if signs could have been put up that said, "Hey, you've been
1297 exposed to X."
1298 **O'KEEFE:** Well, let me ask you this: Could this ordinance be as simple as
1299 allowing the city to step in immediately if some sort of spill should occur?
1300 Bam! Done.
1301 **SCHOENING:** Yeah. And Eugene has - Eugene always says it's the City Manager
1302 by the way, Tom, so I expect you to show up at all these places.
1303 **PESSEMIER:** The City Manager is defined in other parts of the code as City
1304 Manager or his designee, so that's what usually happens.

1305 **SCHOENING:** Anyway, it literally is. I mean, I feel like if we wanted to
1306 literally copy and paste the lovely Eugene code, possibly, we should just
1307 look at doing that.
1308 **MEYER:** Shall we go through it?
1309 **SCHOENING:** It's really long.
1310 **MEYER:** Well, I mean - yeah. So I think - starting on the first page, under
1311 Release, I think this is sensible, "Spilling, leaking, pumping, pouring,
1312 emitting, emptying, discharging." And I think so long as this is, and it is,
1313 crafted in such a way to protect the public's health, I think that this is
1314 very sensible for the City of Sherwood.
1315 **SCHOENING:** It's also really old. Do you see the date on it?
1316 **MEYER:** Well, I do see that.
1317 **SCHOENING:** My point is - I mean, people have been doing - it's a long time
1318 coming I think for a city of this size.
1319 **BELOV:** I have a quick question. There was a superfund site on Murdock,
1320 correct? Do you know about that? The tannery?
1321 **MEYER:** Oh, yeah.
1322 **BELOV:** So and also where they're developing a SW Oregon Street right now?
1323 That's also part of the tannery. So they're already - and I think maybe it's
1324 a brownfield now. I don't know if it's been entirely cleaned up. Do you know?
1325 **PESSEMIER:** It's not a superfund site. They looked at trying to get superfund
1326 designation for that, but it is a brownfield. There is still portions that
1327 have been cleaned up at least to the point where they've got a "No Further
1328 Action" where the building was and are in private hands. And they have a "No
1329 Further Action," but if they do certain things, there will be additional
1330 clean-up measures that they have to do if they get below the area that they
1331 cleaned up because they only cleaned up a cap area. The remainder of the site
1332 was basically orphaned, and it just has been slowly transferring into the
1333 hands of Washington County, and it still requires cleanup. There hasn't been
1334 any cleanup done on it. It's nothing that's too worrisome at this point just
1335 because it's not traveling anywhere, and its onsite, but it is something that
1336 has to be dealt with.
1337 **BELOV:** I guess my question was was there a code or something set in place
1338 after having that huge problem that we can rely on and use in what we're
1339 trying to discuss here as far as spillage or...?
1340 **PESSEMIER:** Well, certainly DEQ is heavily involved in the cleanup efforts,
1341 but as far as is there any codes that are in place that prevent that type of
1342 activity occurring again and causing spills on the site, certainly, the
1343 federal laws are much more strict. The city laws that we have in regards to
1344 that are very specific and probably were written such that a tannery, if it
1345 wanted to come back in, could probably do that. So I don't know that we
1346 really a good city code in regards to that, but I will say that the federal
1347 regulations have certainly improved radically since the tannery was here and
1348 in business.
1349 **BELOV:** Okay.
1350 **MEYER:** So what I hear us saying is that we would like to work on a local
1351 ordinance that would work toward providing city staff to react to spills and
1352 those kinds of things. It sounds like the Eugene code is something that we
1353 are leaning toward mimicking. Am I hearing that correctly? Everyone? Yeah?
1354 **O'KEEFE:** Agreed.
1355 **MEYER:** Okay.
1356 **SCOTT:** Yes.
1357 **MEYER:** Great. So, Heather, are there specific areas that you need for us to
1358 discuss so that you can move forward with drafting some language for our
1359 review?
1360 **MARTIN:** I guess if in looking through it, if there are areas that you don't
1361 feel you want to regulate or you don't want to include in it, but if it's

1362 what you're looking for, we can leave it substantially the same and just go
1363 back and - I'll just need to check federal and state law just to make sure it
1364 still comports with that and then update all of the - make sure that the
1365 references are right. But it might be a matter of when it comes back before
1366 you, you've had a chance to really look at it in more detail because you just
1367 got it today.

1368 **MEYER:** Yeah.

1369 **MARTIN:** That you might - you can still strike provisions at that point if
1370 there's things that don't make sense.

1371 **MEYER:** Yeah. I think that because we did just receive it tonight, it almost
1372 feels like we should take some time to study a little bit as you are drafting
1373 some language that would be more specific to Sherwood. I would like to make
1374 sure that within the language that something along the lines of some kind of
1375 language that would lend itself to when practical, using the safest, lowest
1376 toxicity levels of chemicals that are used. Something along those lines I
1377 think would be really helpful.

1378 **SCHOENING:** I was going to say it doesn't - it's reactive, the Eugene code. I
1379 feel like the Eugene code, that's where I was getting at - I don't know what
1380 we do for prevention. And I'm not sure that we can necessarily regulate those
1381 things because then we're talking about regulating people's professions which
1382 is not something we can necessarily do.

1383 **SCOTT:** And my concern with what you just suggested, Meerta, about the lowest
1384 possible impact, and I think that's an ideal goal, and I think we should all
1385 individually strive for that. My concern there would be if you put that in
1386 code then how does reporting and enforcement going to look like for the City,
1387 right? That could be a potential cost factor long term.

1388 **O'KEEFE:** Very big cost.

1389 **SCOTT:** As well as a burden on employers, right? I got to come into Sherwood,
1390 and now I have all this extra record keeping and reporting requirements that
1391 I don't have in Tigard or Tualatin or Wilsonville, and that's a concern for
1392 me.

1393 **BELOV:** It could have - on the other hand, it could also have a positive
1394 effect because if there are carcinogens or things like that that are going
1395 into our environment, and we don't have any record of it, we're not being
1396 notified, and we're having health effects because of those, we're paying for
1397 it, but we're not aware of it. So I don't know - I don't see anything in here
1398 about notification.

1399 **SCHOENING:** It basically puts the onus on the person who is using them to
1400 report.

1401 **BELOV:** Like we had in Boston, I just remember these little flags, like it's
1402 just been like oh, okay (indecipherable).

1403 **SCHOENING:** And in the Boulder, Colorado code, it does have the signs.

1404 **BELOV:** Yeah, those. I haven't seen those here.

1405 **SCHOENING:** Yeah. I haven't either. So we could possibly look at something
1406 like that: Pesticides have been applied here. And then you're talking about
1407 a large retailer...

1408 **MEYER:** Or others.

1409 **SCHOENING:** ...I feel at that point. Or a large amount of spraying.

1410 **PESSEMIER:** Yeah, there are some limitations on that. Individual spraying of
1411 weeds if the spraying distance is less than 3 feet. I'm not sure what that
1412 means, but that might be...

1413 **SCOTT:** In a handheld sprayer.

1414 **PESSEMIER:** Yeah. (indecipherable).

1415 **SCHOENING:** I'm assuming that...yeah.

1416 **SCOTT:** Spot spraying.

1417 **PESSEMIER:** If you keep it close, that might not be much of an exemption. And
1418 spot treatment of areas are less than a total area of 100 square feet in a

1419 lot. That's a pretty good exemption there. But certainly though, I think this
1420 Boulder, Colorado one applies citywide. I don't think it's - I think it even
1421 applies to private property.

1422 **SCHOENING:** Yeah. I think Eugene does also, and that's not our intention. Am
1423 I correct?

1424 **SCOTT:** Well, it think that with the exemptions you talked about then I don't
1425 necessarily see - if there's a 100 square foot total area exemption, is that
1426 100 square foot of spraying or 100 square foot area when you spray 10 square
1427 feet of material.

1428 **PESSEMIER:** It says on a lot, so yeah.

1429 **SCHOENING:** It says, "Spot treatment of areas that are less than a total area
1430 of 100 square feet on a lot." So at that point, I feel like...

1431 **SCOTT:** Unless you're killing your entire lawn, I mean, you're not going to
1432 hit that threshold. And if you're killing your entire lawn, maybe you should
1433 post a sign.

1434 **BELOV:** I think (indecipherable) for pets or children or people who might
1435 want to sit on grass or those types of areas or if it's going into the
1436 Tualatin River.

1437 **SCOTT:** Well, I have a lot of pets who sit on my lawn, but I don't feel like
1438 I'm responsible for them or should be if they're sitting on my private
1439 property.

1440 **BELOV:** It's still all our Earth. We all want to take care of it the best for
1441 everybody here.

1442 **SCOTT:** Absolutely.

1443 **MEYER:** I think in the spirit of moving forward with drafting language, I
1444 think the goal here is to enhance safety and public health and encourage
1445 those things within the city. Is that fair? And so to that end, being
1446 proactive and creating some parameters for usage and creating some parameters
1447 for reacting to situations is where I would like to see the language go.

1448 **SCHOENING:** I think it's also important to include language that I saw in the
1449 Eugene code I thought but didn't seen in the Boulder which is employee
1450 safety. Which I know - the MSDS sheets, even I have to keep those. As small
1451 as I am, I have to have those. I think you mentioned that before, Meerta, the
1452 MSDS sheets. We all have to have those - "We all," meaning businesses. But I
1453 do feel like when discussing the living wage issues in some of these, that
1454 might be something that we could address in a different area, meaning this
1455 one, the pesticides area in that we are also looking out for the safety of
1456 their employees who are probably exposed to it way more than anybody who's
1457 visiting just the parking lot.

1458 **SCOTT:** Is there something we need to do above and beyond what's already
1459 required by either federal or state statute in that area, you believe?

1460 **SCHOENING:** Absolutely. I mean, yes.

1461 **SCOTT:** Okay.

1462 **SCHOENING:** I mean, I have the chemicals - I'm a tiny little restaurant, and
1463 I have caustic - when the guys come and clean the hood every six months.

1464 **SCOTT:** But you talk specifically about employee safety.

1465 **SCHOENING:** Right. I don't have to tell my employees that that's been done.

1466 **SCOTT:** You don't have to tell your employees?

1467 **SCHOENING:** I don't have to keep them out of the space.

1468 **SCOTT:** But you do anyway because you're a responsible business owner.

1469 **SCOTT:** Of course I do, but my point is - let me just put it this way, Doug.
1470 Maybe I do, but I don't know that, and no one's ever told me they did, and
1471 when they come in to do the work, they don't tell me that I need to tell my
1472 employees. Does that make sense? So I don't have a way of informing - it's
1473 not sort of built into the logistics of doing business within the city. So if
1474 it were built into the logistics of doing business within the city when they
1475 say, "Hey, there's a hazardous -." I mean, those men come in in Hazmat suits,

1476 you know? But I don't have to tell anybody. So possibly if something said,
1477 "Hey, Rachel, if someone comes in and uses hazardous materials, you must
1478 inform your employees." Then my employees have some repercussions if they get
1479 sick, other than calling DEQ or OSHA.

1480 **SCOTT:** Yeah. And I guess my only concern though would be going back to what
1481 is the reporting and enforcement burden on the city - reporting burden on
1482 employers and enforcement on the city.

1483 **SCHOENING:** I guess I feel like risk is worth the reward in that case.

1484 **SCOTT:** Yeah. I just think it something we need to consider. I'm not saying
1485 that's a reason not to do it, it's just it's a point of discussion.

1486 **SCHOENING:** I also think there's not a ton of businesses within the city
1487 limits that - unless we let a tannery back in. You know what I'm saying? I
1488 mean, I guess I feel like the city in and of itself is not going to be - we
1489 have a lot of restaurants.

1490 **SCOTT:** Well, we have that industrial area coming in. So that could be
1491 something down the road.

1492 **SCHOENING:** I would be more - I mean, I inform the city when our grease traps
1493 are cleaned or the company that does them does. So even if we said if that's
1494 being done, just let them know it's happening. Just let the city know. That
1495 could be as simple as shooting and email to someone at the city that says,
1496 "Hey, this is happening at my business."

1497 **MARTIN:** So am I hearing that you all would like something like the Boulder,
1498 like a separate ordinance, like the Boulder ordinance to basically just
1499 regulate pesticides and then hazardous substance or do you want them to both
1500 be combined together somehow?

1501 **SCOTT:** What I feel - I think there's strong agreement on across the
1502 committee is reactionary measures, right? We have a mechanism to react to
1503 incidents that occur. And I think we all agree on some level of notification
1504 requirements prior to use, and I think the scale is in debate, but something.
1505 What I think people want more information on, and I think there's not
1506 necessarily an agreement on yet, but more information about would be some of
1507 these extra reporting and record keeping requirements about hazardous
1508 materials. Is that - am I capturing the sense of what we're all talking
1509 about?

1510 **MEYER:** I think so. I think partially - Additionally, I think we're talking
1511 about imposing some guidelines on users of hazardous materials as more of a
1512 blanket philosophy for addressing different kinds of issues within the city,
1513 whether that be cleaning parking lots, whether that be spraying trees,
1514 whether that be actively leaking liquids out of buildings or what have you. I
1515 feel like what we're talking about is creating parameters that will encourage
1516 safety.

1517 **SCOTT:** Are you talking about recommendations or requirements?

1518 **MEYER:** I would say that I would like to see our city have some requirements
1519 in place for folks that are using potentially hazardous materials.

1520 **PESSEMIER:** In public areas?

1521 **MEYER:** In public areas.

1522 **BELOV:** In public areas. And that would apply to the city, too. As well as
1523 (indecipherable) parks.

1524 **SCHOENING:** That's fantastic.

1525 **MEYER:** I mean I feel like there are already regulations in place per the
1526 State of Oregon.

1527 **PESSEMIER:** There are, and we (indecipherable) to look into that
1528 (indecipherable), and I know Mike Leichner is over there biting his tongue
1529 because he knows exactly what the requirements are for sweeping parking lots,
1530 and I know there are some out there. I just don't know what they are, so
1531 that's why I said no earlier. So I think, and Heather, you know this better
1532 than I do, but I think that we're really talking about two different subjects

1533 here. Hazardous materials have a certain definition which is quite different
1534 than pesticides. And I think from kind of hearing the conversation that
1535 you're talking about hazardous materials and wanting a good code related to
1536 that, but that could be nuclear material. That could be all sorts of stuff
1537 that has a legal definition that's probably not defined by the city, it's
1538 defined by state law. Where pesticide use is probably something more specific
1539 to something that could be done for Sherwood and doesn't have overlapping
1540 things going on that would probably - you're talking about noticing
1541 requirements potentially and some other things. So I don't know that there's
1542 a way to tie these two together is kind of what I'm saying. They're probably
1543 two separate subjects. I think I got the hazardous material part. Do you
1544 understand the pesticide?

1545 **MARTIN:** Well, that's kind of what I'm getting at is your wanted the same
1546 types of things. You want to regulate the pesticide use, but then you also
1547 wanted to have this more public safety, hazardous substances, being able to
1548 react quicker. So it would be - I would envision it as two - they could
1549 potentially be combine to be one area in the code, but the pesticides would
1550 be called out...

1551 **MEYER:** It's own issue.

1552 **MARTIN:** ...as its own separate regulations and requirements. That would be how
1553 I would envision it, but I want to know if that's how you all are
1554 envisioning it, too.

1555 **O'KEEFE:** Where do we see needs to be regulated. Just in business retail
1556 areas or within the city limits?

1557 **MEYER:** Within the city limits.

1558 **O'KEEFE:** All buildings within the city limits?

1559 **MEYER:** All areas maybe open to the public.

1560 **BELOV:** When you think of herbicides are as important as pesticides because a
1561 lot of times it's the herbicides that are being applied to get rid of the
1562 weeds around the mulched areas, and that's a big problem.

1563 **MEYER:** So to answer your question, Tom, I think what we're saying is yes.
1564 Perhaps we would like to look at two separate...

1565 **MARTIN:** One thing I will so is I'm going to talk to Eugene, and I just want
1566 to find out how the enforcement of that has gone, how this - It's been in
1567 place for a little while, just to see if they've had some problems with it or
1568 if there are certain sections that look good on paper but in reality aren't
1569 really working that well. I will definitely do that when I come back to you
1570 so there might be certain parts of it that I'll put a caution flag on.

1571 **PESSEMIER:** Could you find out who enforces that and what the cost is to the
1572 City?

1573 **MARTIN:** Yes, that's my goal. Was it a significant cost to them when they
1574 first instituted it or were they still primarily just relying on the state
1575 government? Maybe it was more of the city trying to get something to move
1576 quicker. I just want to find out, in reality how does this work in Eugene. So
1577 I will try to incorporate some of that into whatever the first draft looks
1578 like.

1579 **PESSEMIER:** And sometimes we'll find when we do legislation is rather than
1580 drafting something that has penalties and all these provisions from day one,
1581 it's kind of a progressive thing. So if you're doing, for example, for
1582 pesticides and herbicides or whatever you decide, you're having this noticing
1583 requirement, and so now all of a sudden people are starting to notice, and
1584 people are starting to notice the notices. And then it becomes, well is there
1585 an issue here or not that we need to deal with further. And so you can always
1586 amend the code, and if it becomes and issue, people will come back and say,
1587 "Hey, you know what? We've noticed that people aren't abiding by this," or
1588 "They're playing games with this," or "We need to do something else." So some
1589 of these things can be progressive, too. So maybe this step is to do

1590 notification rather than have specific penalties and everything else and the
1591 city spending a bunch of time regulating it and setting things, or maybe you
1592 want to go there to begin with. I don't know. I'm just throwing that out as a
1593 thought.

1594 **MEYER:** I would suspect, based on the conversation that we've had, that our
1595 intention would be to assure that the onus of responsibility would be placed
1596 back on the property owner and not on the City of Sherwood. While there might
1597 be an immediate financial impact on the city in terms of response and
1598 mitigation efforts, it would seem to me that I don't hear that there's any
1599 question amongst the committee that the ultimate onus of responsibility would
1600 fall back on the person who acted in a way that resulted in a release of a
1601 substance.

1602 **SCHOENING:** Yeah, I guess my idea with it was not so much in let's find
1603 people. But I agree with what Tom is saying that even from if you think about
1604 a simple business marketing standpoint, do you really want to, every time you
1605 show up at a place of business have to put up signs that say you're doing
1606 something dangerous to the environment? Sooner or later, people are going to
1607 start to say, "Every time this woman or man shows up, they put these signs up
1608 that have women and children in danger." I do think that there comes a point
1609 where a certain amount of personal responsibility and civic responsibility
1610 might actually come into play before we have to start throwing down fines and
1611 showing up with tickets.

1612 **MEYER:** And I think that's a great point, and I think that's what we're
1613 getting at with implementing these kinds of ordinances is so that the
1614 business can maintain their good names and that the public will want to come
1615 into our city and will want to patronize existing businesses and new
1616 businesses. I think it's important that that's the goal.

1617 **SCHOENING:** And I think it's important that - I do believe that it's
1618 important that Sherwood not be seen as a town where it's difficult to do
1619 business but in a town where it's easy to do good business. I think that's
1620 what we're trying to accomplish here, and I think this can go really wrong
1621 quickly if we start throwing down fines and people getting in trouble.

1622 **SCOTT:** Something just occurred to me that's rather funny. If we require
1623 notification signs as you discussed, and people around town start seeing
1624 these signs go up all the time because of various things, we could be doing
1625 the exact same thing the next town over is doing, and they don't have any
1626 notification requirements, it gives the public perception that "Oh my gosh!
1627 What are they doing there in Sherwood? There's all kinds of chemical use all
1628 the time. I want to stay away from there." It could have the actual opposite
1629 effect in the public because the public doesn't...

1630 **BELOV:** It could, but it could also - it could be a great relief to pet
1631 owners or to anything.

1632 **SCOTT:** Yeah. It could go both ways.

1633 **SCHOENING:** I think done appropriately, what we're talking about - we're not
1634 saying that when you walk into this space, you've been exposed to X. What
1635 we're saying is "This business uses..." That's where I'm going with it was this
1636 business has applied x. And I think it's very important that the person who
1637 has applied it be identified, the person, the company, the corporation, the
1638 entity be identified as the person who has applied the chemical. That's where
1639 I'm going with that because that then is where - if you have that company in
1640 Beaverton, then you can do the connection yourself. And I think consumers are
1641 fairly smart people.

1642 **BELOV:** Also, if there is mass pesticide, herbicide, or insecticide
1643 application - we lived in areas where there were really bad mosquito
1644 problems, so they would go with a helicopter and they would spray over ponds,
1645 and it was really upsetting to a lot of people. But the city website would
1646 say what was happening. So I don't know if we could really - I mean, this

1647 would be like probably more in the future, but if you could have businesses
1648 report to the city, like a quick email, and that pops up on the city's
1649 website that day saying, "Well, today this is going to be happening, so
1650 people that have asthma or breathing problems or who don't want to be exposed
1651 could not go to those areas," too.

1652 **PESSEMIER:** You know what I kind of combined a couple of Rachel's ideas
1653 because this has been very successful in other code areas where we've done
1654 things, and that is incentivizing things. You talked about well maybe there's
1655 a certain threshold for a type of chemicals to try to encourage people to use
1656 less toxic or whatever type of things. And I have no idea if there's a way to
1657 do that. But for example, drugs have different classifications, and I know
1658 that a type of pesticide has a half life or something. If there would be a
1659 way that you could maybe tie an exception to something related to that so
1660 that basically saying, "You don't need a notice if you use a chemical that
1661 doesn't do x or y or whatever." I don't know if there's a way to get there,
1662 but then you could - that would incentivize people to say, "I don't really
1663 want to put these signs up. Maybe I should consider changing the way that I
1664 actually do things."

1665 **SCHOENING:** That's perfect.

1666 **SCOTT:** And preferably if there was some reference list so instead of having
1667 to update the code with all...

1668 **PESSEMIER:** Something like that's on the MSDS list or something like that.

1669 **O'KEEFE:** I would think there would be a list of green pesticides/herbicides
1670 that are approved by...

1671 **BELOV:** There is.

1672 **PESSEMIER:** Yeah, there are a lot of sustainability websites out there and
1673 things you might be able to find.

1674 **SCHOENING:** I think that - even so much as - it's interesting because we've
1675 discussed it at our restaurant and with other business owners, we compost.
1676 Just even having a sign on our door that says, "Hey, we compost." It's along
1677 the same lines.

1678 **MEYER:** Well, and that's other thing that I was going to suggest is that a
1679 lot of municipalities and a lot of other cities within Oregon do exactly what
1680 Tom has just discussed, and that is, and as silly as it may sound, but maybe
1681 the sign for the symbols for Sherwood businesses that are using these kinds
1682 of products or implementing these kinds of cleaning measures, they get a
1683 green star on their window, and our residents and guests can identify very
1684 quickly that, "Oh, this is a business that does x, y, z." And I'm being a
1685 little bit facetious with a green star but something that's very quickly
1686 identifiable that really encourages good business practices.

1687 **SCOTT:** And I'm a lot more comfortable with that incentivized-type approach
1688 or recognition-type approach than I am with draconian, hard and fast
1689 requirements. Now you're convincing me with this new approach.

1690 **O'KEEFE:** Yeah, I was kind of on the other side of the fence there thinking
1691 that we're trying to put too much of our power into one place, but I would
1692 certainly agree - encouragement.

1693 **BELOV:** Could that encouraged at the city level? Do you foresee?

1694 **PESSEMIER:** Yeah. Clearly, I would hazard to say that we use as much or more
1695 pesticides than anybody as a user just because we have so much right of way
1696 to maintain and so much landscaping in parks and everything that we have be -
1697 I don't know what our practices are, although I know that they definitely try
1698 to do that. But it wouldn't be a bad thing for the city to look at its
1699 policies and stuff too as we do things.

1700 **SCHOENING:** I still don't think that we should - for the incentive program,
1701 right.

1702 **BELOV:** Maybe the City could initiate that or do you think it would be more
1703 of a private...

1704 **PESSEMIER:** Well, I think they can find a way to do it on the private side.
1705 Let's try that first. Maybe have a green, yellow, and a red signs, depending
1706 on what you can find. I don't know.
1707 **BELOV:** The school that - my kids homeschool, so I'm not sure which - the
1708 school was the number one lead certified building in the country, right? So
1709 if that were on the city website, people would - and people might not want
1710 this, but people would move here just because it's perceived to be a green
1711 city, and that's really amazing.
1712 **PESSEMIER:** Yeah, and sustainability is important. It's something Sherwood
1713 hasn't embraced as much as other cities have, but I know it's something we
1714 need to be focusing on and making sure that we're (indecipherable).
1715 **BELOV:** That's a great cash resource. It's a great revenue resource, being
1716 green, right? In this area especially.
1717 **SCHOENING:** I still don't want to give up on the fact that I think people
1718 should let people know when they're using a hazardous substance in public
1719 areas.
1720 **SCOTT:** Yeah, I think we've all agreed on something (indecipherable).
1721 **SCHOENING:** Okay. I just want to make sure we're not throwing away one for
1722 the other.
1723 **BELOV:** Yeah. No.
1724 **SCHOENING:** Because business owners could say, "I'm just not participating in
1725 that," and then do whatever they want.
1726 **PESSEMIER:** Yeah, we're trying to combine both.
1727 **SCHOENING:** Got it.
1728 **MEYER:** Yeah, for sure. And in addition to be clear, when there is a
1729 hazardous release or spill, I think that there should be some kind of notice
1730 of that as well, I mean once it's been clearly identified. And I know with
1731 the bee situation at Target, I think based on what I read of the DEQ, they
1732 needed to do some testing to understand what the problem was before they
1733 could identify that to the public very clearly. And so I think that that's
1734 reasonable. I think that we do need to allow appropriate parties to clearly
1735 identify materials used because as you mentioned, just because someone's got
1736 a bucketful of something, you're not quite sure what's in there. So I think
1737 we need to be very careful to give folks an opportunity to identify what
1738 they've used and what they have not used.
1739 **PESSEMIER:** And that's a good point because something wrong happened there.
1740 Typically, people get things that are concentrated, and I don't know if
1741 somebody mixed it wrong or whatever, but that wasn't a normal situation.
1742 **SCOTT:** It wasn't intentional.
1743 **PESSEMIER:** No, not intentional, but somebody did something unusual.
1744 **SCHOENING:** And in that instance, I was more the point of yes, DEQ did need
1745 to find out what it was, but Target had already reacted here in Sherwood and
1746 did not have to tell anyone what they were possibly reacting to. That was my
1747 concern, you know, that when you were wrapping trees because you think there
1748 may have been. And I get that we don't want to be, "Hey, I may have done
1749 something," and everyone gets scared. At the same time, if a large
1750 corporation is spending money to react to something, I think they need to
1751 tell us what they're reacting to.
1752 **MEYER:** I see what you're saying.
1753 **SCOTT:** Yeah, the release or potential release has occurred.
1754 **SCHOENING:** Yes.
1755 **MEYER:** Okay. Heather, do you feel like you have enough direction or...
1756 **MARTIN:** I do. My one question would be - so I know that you all, you like
1757 some of provisions in the pesticide ordinance but maybe not so much the
1758 notice signage requirements.

1759 **SCHOENING:** Maybe we should look at the classifications for the notice. Does
1760 that sound like a good compromise? Like they have to put a notice if they're
1761 using a certain classification?
1762 **MEYER:** Perhaps a point of compromise, if we can have a compromise, perhaps
1763 once we can identify what a commercial property is within the City of
1764 Sherwood, we can hone in on what kind of a notice that commercial property
1765 will be required to provide. Typically, there's schedules; there's a
1766 quarterly or a monthly maintenance-type schedule that takes place on any
1767 property and so I feel like if we can - if, again, we can provide clear,
1768 reasonable parameters, I think that that might be a fair way of approaching
1769 this.
1770 **SCOTT:** Yeah, I would agree with that. I think maybe there's going to be one
1771 list of things that requires notification and another list of things that
1772 doesn't. And I'm not sure that everything we're trying to cover in both the
1773 pesticide/herbicide and the hazardous materials waste should necessarily
1774 require notification. I'm not sure what that differentiator looks like yet,
1775 but I'm thinking maybe there is one when we get further down the path.
1776 **SCHOENING:** Sure.
1777 **O'KEEFE:** I would agree, and there's probably different levels of hazardous
1778 materials that are a little bigger. We need to notify people.
1779 **PESSEMIER:** Well, there are a lot of resources out there. I know Beaverton
1780 has a whole sustainability department. The state has some people that have
1781 looked into this stuff. And so rather than Heather doing that, I think city
1782 staff might take that on because I think we have some better resources to
1783 maybe take a look at how could you classify things so when we bring that
1784 back, we can give you some potential options to think about how you might
1785 want to address those and if there is a way to get at it in the first place.
1786 But there are a lot of people that really know this stuff well, and I know
1787 some contacts that I can get in touch with. They can probably advise us on
1788 how we might be able to get to that point.
1789 **MEYER:** And perhaps another way of looking at this is as opposed to the city
1790 or others getting notices at various times of the month or various times of
1791 the year, I mean, perhaps an option, and I'm just throwing this out there,
1792 is that we could include a schedule that permits this kind of application for
1793 a variety of different things. And I think that many landscape companies
1794 follow schedules on when it's best to prune their trees. Perhaps the City of
1795 Sherwood can identify with other professionals when it might be best to apply
1796 these kinds of substances. And I don't know. I'm hoping that maybe you can
1797 find out.
1798 **SCOTT:** I was thinking we were talking more on the lines of a physical notice
1799 on site either prior, during, or after, or all three of a chemical use, a
1800 spray, and not some sort of reporting through the city and having the city
1801 disseminate the information.
1802 **MEYER:** Well, and I guess my reason for my comment was if the city has - if
1803 we have within our ordinance, let's just say for example: During the month
1804 of October, businesses within the City of Sherwood may be using this or
1805 during these first two weeks of the month - what have you. Again, I'm not
1806 trying to create parameters - if there's something's in the Gazette, for
1807 example.
1808 **SCOTT:** That just seems...
1809 **PESSEMIER:** Yeah, I think what you're trying to get at is best practices.
1810 **MEYER:** It's just best practices, yes.
1811 **PESSEMIER:** Yeah, what are the best practices in regards to doing this?
1812 That's hard to regulate in an ordinance, but it's something that can be done
1813 a lot of time through policy. So let's kind of see how this rolls out and
1814 figures because the problem is if you put it in an ordinance is that
1815 ordinance is there - it will be there 90 years from now maybe - maybe not

1816 that long, but 4 years from, and those best practices get out of date really
1817 fast. So we'll have to think about that.

1818 **SCHOENING:** I feel like we've beaten this to death a little bit, but I'm
1819 having an issue I think with - well, we've split the hairs so much that I'm
1820 confused about them. What are we trying to regulate exactly? The person who
1821 is applying it or the company that it's being applied at? For instance - do
1822 you get what I'm trying to say? So if a City of Sherwood landscaper sprays on
1823 a City of Sherwood commercial building, something, who's responsibility is
1824 that? And if a company from Hillsboro - who is responsible?

1825 **SCOTT:** The property owner.

1826 **MEYER:** Yeah, I think that the onus is on the property owner.

1827 **SCHOENING:** But as a property owner, how can I be liable for business
1828 practices of a contractor I've hired. This is the question I'm asking because
1829 that's a valid question.

1830 **BELOV:** You're a consumer.

1831 **MEYER:** And I think a quick response is so long as you know what the
1832 ordinance is and so long as you, in good faith, have provided your selected
1833 contractor's information, at that point, I would -

1834 **SCOTT:** You're operating in good faith.

1835 **MEYER:** Exactly.

1836 **BELOV:** And as the consumer, we shop around. We know if you're going to hire
1837 True Green or...

1838 **SCHOENING:** I hear what you're saying, but I don't know.

1839 **PESSEMIER:** The property owner is going to probably write up another contract
1840 with whoever is applying it, and they'll have to make sure; otherwise,
1841 they're going to be the one who suffers the consequences. So it would be
1842 incumbent on them, and they will, to make sure when they sign a contract that
1843 they have provisions in there that basically say, "You need to do x, y, z,
1844 and q so I don't get fined."

1845 **SCHOENING:** So property owner, not business owner, property owner. Because
1846 that's two - that's my point is that's two different things. I don't own my
1847 property, but I own my business, and I have a landscaper who is licensed in
1848 the City of Sherwood. So does he follow the rule? Do I follow the rule? Or
1849 does my landlord follow the rule?

1850 **MARTIN:** Well, typically what would happen is - so you're renting the
1851 property, and typically your commercial lease would cover that. And often
1852 times what you'll do in a commercial lease is you'll make your tenant
1853 responsible for anything they did that was in violation of state, federal, or
1854 local law. So if you do have something like that in your rental agreement,
1855 then presumably, the owner of the property would be responsible for that.

1856 **SCHOENING:** So it does it say that in the ordinance or does the ordinance say
1857 - Do you see what I'm trying to get at. I just am unclear about who is
1858 following this rule. Who are we targeting at this point?

1859 **PESSEMIER:** Who is responsible, and I guess (indecipherable). It would
1860 ultimately be the property owner

1861 **MARTIN:** It would be the owner because that's the easiest way to handle it.
1862 The owner by contract in their lease has a way to put that responsibility on
1863 another party. But ultimately - it's like the same thing - sort of the same
1864 problem you have like with utilities. You know, you have a tenant, they move
1865 in - it's what your code says about who is ultimately responsible, and if you
1866 have a provision that said that the owner, and the owner didn't put something
1867 in their lease that said, "You are responsible for -." It's the easiest way
1868 to do it in the code is to make the owner of the property responsible and
1869 then they can contractually obligate other people.

1870 **SCHOENING:** So the person who is applying the offensive chemical is never
1871 held responsible unless they're the owner?

1872 **SCOTT:** The contract with that company would need to specify that. So the
1873 owner of the property, in the case example, has an agreement with a tenent,
1874 and then the tenent, let's say, goes out and makes a contract with a chemical
1875 spray company. Ultimately, they're in that contract. They need to specify,
1876 "You're responsible for upholding all federal, state, and local (Sherwood)
1877 ordinances.
1878 **SCHOENING:** So at that point, if I have not posted my signs, and somebody
1879 says, "Rachel, you did not post your signs," and I say, "I shouldn't have to
1880 post signs. This contract says they will use only green materials." It's off
1881 of me and on them?
1882 **MEYER:** Yeah.
1883 **SCHOENING:** Okay.
1884 **SCOTT:** You operated in good faith, they agreed to do it, and if they're
1885 proven not to do it, then it's probably a legal court matter at that point,
1886 right?
1887 **SCHOENING:** Right. So who's responsibility is it to clean it up and react to
1888 it?
1889 **PESSEMIER:** The owners.
1890 **SCHOENING:** Okay. I'm sorry, but how do we get it cleaned up? I mean, we're
1891 figuring out who's personally responsible, and we're figuring out who's
1892 legally responsible, but who cleans it up?
1893 **MEYER:** Do you want to take this?
1894 **MARTIN:** In terms of that next step, it would be -the owner is still
1895 ultimately going to be responsible for -
1896 **SCHOENING:** So when we write the ordinance, the term will be property owner,
1897 not business owner.
1898 **MARTIN:** I mean, I think the easiest way to handle it would be the property
1899 owner.
1900 **SCHOENING:** Okay.
1901 **MARTIN:** Because otherwise, I just think it's too cumbersome try to carve out
1902 -
1903 **SCOTT:** So the City of Sherwood would enforce any violation on the property
1904 owner and the property owner can take action against either the either the
1905 tenet or the subcontractor if allowed by their contract.
1906 **MEYER:** If there was a violation. And that would be based on a contractual
1907 violation.
1908 **SCHOENING:** I totally get that part. I totally get that if I bought something
1909 in good faith or contracted in good faith, but that doesn't help me clean -
1910 that doesn't, as a citizen of Sherwood, help me get it cleaned up. So that's
1911 where I'm going with it.
1912 **PESSEMIER:** Well, if it go to that point then it would probably all under the
1913 Hazardous Materials issue, and that's when DEQ would step in just like they
1914 did at Target in Wilsonville and everything else because now, all of a
1915 sudden, you have a public health issue and everything else. My guess is in
1916 that type of situation, it's got a half life, and they're just going to wait
1917 until it goes away because, otherwise, you're going to have to cut all the
1918 trees down or whatever, and that's not practical.
1919 **SCHOENING:** Right. Put bags over them, right.
1920 **PESSEMIER:** So yeah, that would probably be handled under a different code
1921 section. The one thing that we might want to consider, too, is depending on
1922 how we put this together with penalties and stuff, especially if we do put it
1923 on the owner, having some sort of period of time to bring this in because
1924 people aren't going to go redo their contracts overnight with their landscape
1925 services. Those are probably one or two-year contracts. And so we'll have to
1926 make sure that...
1927 **O'KEEFE:** Like new contracts are better phased in over a period of time.

1928 **SCHOENING:** Yeah, I mean we contract with a few, not a ton, and we're tiny.
1929 So if we're doing it - yeah. Although we already do it green.
1930 **O'KEEFE:** Well, I think maybe we've given you guys enough to work on and then
1931 maybe report back to us next meeting.
1932 **SCHOENING:** Maybe we've given too much to work on.
1933 **MEYER:** Do you feel confident just with...
1934 **SCHOENING:** Mmhm.
1935 **MEYER:** Yeah? Okay. So the next item on the agenda is a general discussion
1936 for the committee on waste removal for businesses within Sherwood, and our
1937 intention of placing this on the agenda is multifaceted. And as I was doing
1938 some reading and reviewing of other towns within Oregon, it seems to me that
1939 a lot of the discussion of waste removal can oftentimes fall under nuisances,
1940 and because commercial property owners certainly do have, based on how their
1941 buildings are tenanted, a lot of waste, a lot of different kinds of waste - I
1942 feel like we have an opportunity, again, to encourage a best practice within
1943 the city. And some of the things that I've written, I've just jotted down,
1944 are things like styrofoam packing materials, bubble wrap, plastic bags,
1945 glass. In particular, recycling of light bulbs, those kind of things. And
1946 then, of course, the chemicals, but we've discussed that; medical waste, and
1947 there's already regulations about that, but Tom, can you talk a little bit
1948 about whether or not we do have anything currently that addresses this for
1949 commercial property owners.
1950 **PESSEMIER:** Well, we do have some things. It's up to the committee, but you
1951 actually have an expert here, Mike Leichner, who owns Pride Disposal. So if
1952 you really want good, intelligent information on this, you could always
1953 invite Mike up and ask him to address some of these issues.
1954 **MEYER:** We cordially invite you, Mike.
1955 **LEICHNER:** I'm open to any questions you may have.
1956 **BELOV:** I do have a question. I've heard that a lot of the modern day
1957 requirements...
1958 **SCOTT:** Do we need, for the record, to get him at the table with a mike?
1959 **MEYER:** Yeah. Thank you, Mike.
1960 **BELOV:** So my question is, a lot of the modern day products that we consume
1961 have a very short life, maybe six months in general. They're just cheaply
1962 made, and so they end up in the landfill much more quickly than they did like
1963 40 years ago when things were made with better materials and that sort of
1964 thing. So where does all of the - where does waste go to? Which landfill.
1965 **LEICHNER:** The solid waste from Sherwood goes to Riverbend Landfill,
1966 McMinnville.
1967 **BELOV:** Okay.
1968 **MEYER:** So based on some of the things that I brought up, Mike, can you talk
1969 a little bit about what options are available currently for commercial
1970 property owners and what you're witnessing?
1971 **LEICHNER:** Currently, styrofoam block, we are taking that at our depot for
1972 recycling. We're not taking the crumbled pieces or the small pieces just
1973 because of the handling issues of that.
1974 **SCHOENING:** So can we do a back and forth.
1975 **LEICHNER:** Sure.
1976 **SCHOENING:** So with I know a lot of commercial properties, there is
1977 containers that haulers will allow for comingling of waste. Is the styrofoam
1978 and the bubble wrap and those kinds of things - does City of Sherwood allow
1979 comingling of those kinds of products?
1980 **LEICHNER:** Those items are not currently collected in the comingling mainly
1981 because of the separation process. It would make it real difficult, and
1982 there's not much market for some of that material.
1983 **MEYER:** So how are those items stored for your pick up?
1984 **LEICHNER:** Which items?

1985 **SCOTT:** Styrofoam and bubble wrap.

1986 **LEICHNER:** We don't currently collect those. We could. There's be a fee for

1987 them, a special fee to send a special truck out, but most people come in to

1988 our depot on a regular basis with the styrofoam, film plastic. However, the

1989 film plastic and a lot of the plastics, because of the green fence, if you've

1990 done any reading on that, they really curtailed the recycling markets for the

1991 plastics at this point.

1992 **SCOTT:** So do they end up in landfills?

1993 **LEICHNER:** Well, currently, all of the material that's been collected that

1994 they can't move to China, you might see five or six types of recycled plastic

1995 in one bail that they would accept over there. They are not accepting it

1996 unless it's clean and separated by each individual so some of the processors

1997 that have got a large inventory of this are breaking those bails apart and

1998 trying to separate them back out to individual plastics, so they're doing the

1999 cost. And a big fear is you load up a container ship full of this material

2000 and send it halfway across the ocean, China says, "We don't want it," and

2001 they'll send it back.

2002 **BELOV:** So when did Pride stop accepting hard plastic?

2003 **LEICHNER:** Because of the green fence, there was just not a market for that.

2004 We're still working with a couple different processors to see if we can find

2005 a market that will take those, and if we can then we'll start collecting them

2006 again.

2007 **BELOV:** Okay. So was it China that is no longer accepting...

2008 **LEICHNER:** That is the main issue on the West Coast where most of the market

2009 for the plastics is.

2010 **SCOTT:** So since you don't have pick up currently for some of these

2011 materials, do you find that properties just put it in with the regular

2012 garbage?

2013 **LEICHNER:** There is some of that thrown away and then we'll separate it and

2014 bring it into the depot of the items we're taking. But when there's no market

2015 for it, the landfill is the final market.

2016 **SCHOENING:** When you say there's no market, you mean after you get it?

2017 **LEICHNER:** Correct. I mean, we're not a market. We're just a hands-on

2018 shipper.

2019 **SCHOENING:** I think we're more trying to address how the commercial companies

2020 get it to Pride, right? And what they get to Pride. I'm assuming that you

2021 will do the garbage service at this development?

2022 **LEICHNER:** Which - you mean the one that's...

2023 **SCHOENING:** Any new developments at this point that are...

2024 **LEICHNER:** Yes. Within the City of Sherwood, yes.

2025 **SCHOENING:** Yes. Okay. Sorry, I just wanted to make...

2026 **PESSEMIER:** So I guess what Mike - Let me see if I - I'm not sure I

2027 understand this, so let me ask a question: So is what you're saying is even

2028 if they were to separate the materials and you were to take it, eventually

2029 somewhere along the process change, it would get moved back into the solid

2030 waste disposal anyway.

2031 **LEICHNER:** Well, we wouldn't accept if there isn't a market for it. That's

2032 part of the reason why we quick taking some the plastics because there is no

2033 place to unload our trucks. We'll recycle anything we can, but when the

2034 truck's full, we have to be able to unload it for the next days, and that's

2035 the issue is there's not a place taking it at this time.

2036 **PESSEMIER:** So if someone was to separate it out - Styrofoam, let's say, and

2037 there was no market for it and you took it, then you would basically just put

2038 it in the landfill anyway?

2039 **LEICHNER:** That would be ultimately what we would have to do short of buying

2040 every warehouse space in the county and trying to fill it and hope it becomes

2041 available later on.

2042 **O'KEEFE:** Mike, can I ask you a question? What recommendations would you have
2043 for businesses if we were going to write ordinances on waste disposal and
2044 recycling, is there something specific that you would have in mind that you
2045 would like to see all Sherwood businesses recycle like mandatory recycling of
2046 batteries or light bulbs or...

2047 **LEICHNER:** Well, currently, light bulbs, we take those at our depot for
2048 recycling. Batteries - we're taking batteries at our depot for recycling.
2049 Some jurisdictions offer extra items like batteries at the curb side, but
2050 there's a cost to that, so I think there's a balance between what citizens
2051 are willing to pay versus what they want to recover, and that's more of a
2052 decision that Council would make based on what the citizens of this community
2053 would like.

2054 **PESSEMIER:** Yeah, I think they're specifically talking about commercial
2055 properties at this point.

2056 **LEICHNER:** Commercial businesses?

2057 **MEYER:** Yeah, commercial property.

2058 **LEICHNER:** It just depends on the what the business wants to do. If they want
2059 to set it aside and say, "I want a program," and we have enough program, we
2060 can establish a collection program for that. It would just be a matter of
2061 sitting down and seeing what the cost would be, have the city approve a rate
2062 schedule and/or rebate if it's got a value because all of the recycling
2063 revenue that we collect from sale of materials is part of the revenue that we
2064 use to offset some of the garbage costs. So you'll have garbage costs and
2065 revenue, and then they find a balance and - so as the material goes up in
2066 value or more volume, your rates show less of an impact of increases.

2067 **SCHOENING:** So the more we recycle, the less the garbage pick up costs?

2068 **LEICHNER:** Well, when you finally move - where you see a savings is maybe you
2069 have a 2-yard dumpster, and then you recycle enough you go to a 1-yard
2070 dumpster, so you see that reduction. However, since there's duplication of
2071 cost, you're never going to get to that free service because the material
2072 will never be worth that to cover the cost. Ultimately, if you can downsize
2073 or eliminate your garbage between what you purchase and how you purchase, and
2074 what you recover, that's where you see your savings.

2075 **BELOV:** I have a question: Would you offer an incentive or discount to a
2076 large retailer because of the volume of trash they'll be producing?

2077 **LEICHNER:** No, all the rates are set up in the jurisdiction, and most
2078 jurisdictions in the state say that if you have 2-yards of garbage, and your
2079 neighbor does, you pay the same rate. That's the - but commercial businesses
2080 also, if there is dry waste, which is mostly retail, not your grocery stores,
2081 those loads come into our facility, and we dump them, and we run them over a
2082 sort line, and we do pull out as much as we can based on the markets. Because
2083 obviously everything we pull out, we don't pay a dump fee for, so that's our
2084 incentive to pull it out.

2085 **SCOTT:** So, do you have any way, and I'm thinking - if we wanted to go
2086 somewhere like we talked about on the last topic of incentivizing business as
2087 the city or certifications of green practices, do you currently have a way to
2088 measure which businesses, or any location I supposed, but we're talking about
2089 businesses, you know, what their percentage of solid waste versus recycle is?
2090 Or would that be a burden that you guys don't currently undertake?

2091 **LEICHNER:** The best we could probably do is show the total tonnage that we
2092 pick up in the City of Sherwood for commercial businesses, and then show the
2093 commercial recycling tonnage, and that would give you a percentage by weight.

2094 **SCOTT:** But that's as a whole? Not individually?

2095 **LEICHNER:** Correct because there's no onboard scales that are accurate enough
2096 that would meet that criteria that would not slow us down immensely.

2097 **SCHOENING:** Well, and as I understand it, correct me if I'm wrong, but we
2098 have a limit on size, too, for some of the containers. Like, for instance,

2099 now that we compost, we don't need as large of a trash can, but can't get a
2100 smaller one.

2101 **LEICHNER:** I'm not sure what size - but you actually can. The smallest
2102 garbage commercial container, which we would normally be called a 1-yard
2103 container, 1 cubic yard, which is about 6+ cans, if you have less than that
2104 on a weekly basis, you can go to a roll cart, and that would cut you down to,
2105 say a 90-gallon cart, which would be half of a 1 yard or a 60 or a 30 that
2106 you see at most homes.

2107 **SCHOENING:** So there is no minimum for our business?

2108 **LEICHNER:** No.

2109 **BELOV:** I have a question: When we toured your facility, we saw the conveyer
2110 belt going up, so the people are sorting the trash and what not...

2111 **LEICHNER:** Correct.

2112 **BELOV:** There's a lot of cardboard, a lot of - and they were saying that most
2113 of that trash coming in was from retailers and commercial districts.

2114 **LEICHNER:** Yeah, we're allowed to sort our dry waste, which we call "dry" is
2115 basically has non-protrusible or no food waste in it or very little if any.

2116 **BELOV:** Right. So maybe if you have incentive like say for cardboard or a
2117 film plastic with businesses in town, that would relate to what you're
2118 talking about?

2119 **LEICHNER:** Well, we have - there's two ways to approach that. One of them
2120 that we use is if they have a lot of - if we have a customer that we know,
2121 the driver sees it in the container, or it's a large roll-off compactor and
2122 has a lot of recycle material in it, there's two ways we go back to the
2123 customer and say, "Because you have 50% recycling of that," we give them a
2124 reduced tipping fee because obviously there's less cost for us out our back
2125 door. The other incentive is we tell them, "If you put that in your comingle
2126 container, you won't pay for that volume in that container, and you would be
2127 able to reduce your garbage fee.

2128 **MEYER:** And on the flip side, if recycling is contaminated then there is an
2129 additional fee that would be imposed potentially to whomever is...

2130 **LEICHNER:** Correct. If they put it out for recycling, and the driver gets
2131 there and sees it's contaminated, we give them an option: Clean it up, and
2132 we'll come back. If they don't and it dumps in and it requires our driver to
2133 come in and dump the load, and we have to pick through it and separate it,
2134 there could be a charge for that time and materials, and that can get, as
2135 driver and truck hours, that's pretty expensive.

2136 **SCHOENING:** I mean when I was talking about waste, which is something that I
2137 hear people say a lot when we talk about these large developments, I guess I
2138 personally was not assuming that the company in charge of picking up that
2139 waste would be the one to incentivize.

2140 **BELOV:** They could though.

2141 **SCHOENING:** But why should it cost his company money for their company to do
2142 the right thing?

2143 **BELOV:** Right.

2144 **SCOTT:** Well, and I guess...

2145 **SCHOENING:** I don't understand why Pride should incentivize.

2146 **LEICHNER:** Well, those companies that have a lot of recycle material, they
2147 look at the bottom line and say, "Gee, if I pull it out and don't pay the
2148 garbage man, I'm saving that much money," and some do have internal bailers
2149 for cardboard or sheet and film and stuff, and they send it off themselves.

2150 **SCHOENING:** Right. What I'm trying to say is if we do a better job sorting
2151 our food waste and blah, blah, blah at Fat Milo's, it ends up costing me less
2152 money. So if I'm watching my bottom line, I should be doing that anyway, but
2153 if my bottom line is so huge that I don't need that extra \$65 a month, I'm
2154 not going to pay attention to it, and I don't feel like Pride should have to
2155 carry the expense or incentivize.

2156 **LEICHNER:** Well, in your case, if you pulled all the food waste out of your
2157 container, whatever is left over is dry waste, which might just be packaging
2158 or whatever that is not recyclable. The other option the city put in place
2159 last year was that container, you could double the size and go every other
2160 week which is the same, and that's another 6-8% reduction there. So we offer
2161 that because at that point, there's nothing to give off an odor or vector
2162 issue because there's no food waste in it.

2163 **PESSEMIER:** So, Mike, do you require or do you encourage businesses to have
2164 comingled and separate - how does that -

2165 **LEICHNER:** Yes. Between the news letter that we send out every month or
2166 every other month, and we also do a lot of promotions on that. At the Robin
2167 Hood Festival, we have a booth promoting our recycling program. We also have
2168 - the County does a lot of outreach with grants from Metro, and we've had a
2169 person in the field to try to touch base with the businesses at least twice a
2170 year. Unfortunately, she had a family issue, so she had to leave, and so
2171 we're still looking at replacing that person.

2172 **SCHOENING:** Yeah, I was going say - when I called, she came out.

2173 **LEICHNER:** That would have been Nancy.

2174 **SCHOENING:** It was Nancy, and she came out and explained to me exactly what
2175 my options were, how much they would be, how I could save money, go the two-
2176 week route, all of those things. I mean, so I felt as though Pride was doing
2177 everything...

2178 **LEICHNER:** I really hated to see her leave, but she...

2179 **SCHOENING:** I know. She was fantastic.

2180 **LEICHNER:** We're going to replace her at some point.

2181 **SCHOENING:** So I felt like Pride was doing everything they could to give me
2182 the information that I needed to do what was responsible, but it was still on
2183 me to do the responsible practice. So I guess where I feel like - I don't
2184 know what kind of an ordinance we could have but possibly related to the size
2185 of container and size of building.

2186 **MEYER:** Well, and I - I mean - I'm sorry. Go ahead.

2187 **SCOTT:** That's okay. You were going to talk to that point.

2188 **MEYER:** Yeah, I am. I think the intention is for the city of Sherwood to
2189 establish a coordinated program to responsibly encourage commercial property
2190 owners to dispose of materials in a...

2191 **O'KEEFE:** Green fashion.

2192 **MEYER:** In a responsible - you know, using the word, "green" can just be so
2193 challenging, but in as a responsible manner as folks are able. And I don't
2194 even want to say practical because it's not practical for a lot of folks.
2195 People don't consider recycling easy at times. People don't consider
2196 disposing of things as a fun - it's not fun. So it's difficult to do that.
2197 And as I think about my tenants and I think about the owners that are my
2198 clients, it's difficult for folks like Mike and the disposal companies, like
2199 you said, to incentivize these issues. But I think that this is another
2200 opportunity that the City of Sherwood can establish some coordinated programs
2201 on collection and accumulation of these products and perhaps streamline the
2202 kinds of things that large commercial businesses are bringing into our city.
2203 So perhaps there is an opportunity to limit the use of the bubble wrap or the
2204 limit the kinds of packing materials that are used as inventory as being
2205 brought into our city. Now I don't know if that is the case or not, but it
2206 could perhaps be something that - I'm hoping that's something that we could
2207 look at.

2208 **SCOTT:** I mean, that seems...

2209 **BELOV:** Some towns have done that where they ban plastic bags so then you
2210 don't have all the film plastic to deal with, and it doesn't get intermixed
2211 with the other garbage. It's kind of hard to pull out, I think. It tends to
2212 be soiled and...

2213 **SCOTT:** So I wanted to thank you for coming, and I wish I would have known.
2214 We maybe could have moved you to the front of the agenda instead of the end
2215 and had you speak earlier.

2216 **PESSEMIER:** He was here because he wanted to be here, and he just happened to
2217 at the right place at the right time.

2218 **SCOTT:** So the one question I'm curious about is - and this kind of goes back
2219 to something Tom mentioned earlier which I continue to think about now on
2220 every topic, is is there a problem or a potential problem that we're trying
2221 to solve or are we just doing things because we think maybe they're good
2222 things to do, and that isn't necessarily a bad thing. So I'm curious, Target
2223 specifically comes to mind. What's your experience with their garbage and
2224 waste handling and their practices? Is there a huge opportunity for them to
2225 do a better job? Are they doing a pretty good job?

2226 **MEYER:** Before you answer that, as opposed to maybe singling out Target,
2227 perhaps you can speak more to the collection of larger commercial users
2228 within the city without identifying those users.

2229 **LEICHNER:** Like I said earlier, we're in the interim of bringing somebody
2230 back on board to go back out and talk to businesses about recycling programs
2231 and efficient garbage collection. The retail businesses and almost all the
2232 commercial have some kind of comingle containers, so they are recycling. Some
2233 do a really good job and put everything that fits in there that they can put
2234 in there that's appropriate. Some do a decent job and say, "Well, I'm too
2235 busy to take that last box of cardboard out, and I'll just toss it in the
2236 closest container." Of those, when it goes in the garbage, when we run our
2237 commercial routes, we run two different routes, if you want to call it a dry
2238 and wet. Restaurants - not the ones that are separating food waste, that's a
2239 third truck that goes out. So you can see the layers of complexity, and that
2240 is four commercial. Then you have four different trucks in residential. But
2241 on the commercial side, we run - most of it is done at night because we're a
2242 24/7 business. That's part of the reason why I've been listening to some of
2243 this because of those issues. The night route picks up a lot of the
2244 industrial parks and office buildings that have little if no food, maybe a
2245 couple lunch sacks, but basically, it's office paper. We get a lot of that on
2246 our recycling program, but there's still some that goes in there. It's
2247 amazing. Those loads do go over our sort line. We run a commercial route
2248 besides our drop box trucks, and we run them over, and we pull out a lot of
2249 paper, cardboard, and we have requirements by Metro of how much we have to
2250 pull out. There is a percentage that we have to pull out, but the main thing
2251 is they come out and do sampling every so often, random sampling, of our
2252 loads coming off the end of the belt and make sure that the amount of wood,
2253 cardboard, and metal is of a size that's so small a person feels they can't
2254 pull it out. And they've got a little square box that they put it in there,
2255 and then they weigh it to see what our percentage that missed, and we're
2256 usually anywhere from 0-2% of mixed items going by of those items. We get 98%
2257 of the wood and metal and cardboard as well as glass. We do pull out glass
2258 and some plastics. What else are we pulling out? Motors, electric motors,
2259 aluminum, and it's all done by hand. So the crew does a really good job out
2260 there on that, and it can be a pretty tough job in the middle of December or
2261 in the middle of August.

2262 **PESSEMIER:** So, Mike, is it fair to say that they would pay less if they did
2263 it themselves? So essentially what some people are choosing to do is
2264 basically choosing to pay you to do it?

2265 **LEICHNER:** That's correct. If they choose to save the money and they separate
2266 it out, the system handles it. If they choose not to, then they pay the
2267 regular rate that somebody who is throwing sheer garbage away, and then we
2268 try to pull it out in order to save our disposal fee out the back.

2269 **SCHOENING:** At the same time, doesn't it cost me more money to compost? Don't
2270 I pay a little bit more now that I compost?
2271 **LEICHNER:** The way the rates were set up...
2272 **SCHOENING:** And that's not a blaming thing. I'm just saying I think I have to
2273 pay a little more for compost.
2274 **LEICHNER:** No. It is, for example, if you had a 3-yard container which is
2275 food and regular trash out of your back door, and you decided, "I can
2276 compost," and you take 1-yard of food waste and then 2-yards of dry, so you
2277 have two containers, that total monthly bill is just a little bit less than
2278 what your original bill was because Sherwood has a unique system they've had
2279 for years of a heavy rate and a light rate. The heavy rate being food waste
2280 generators that would have other stuff. And so they can go to light rate on
2281 both containers, and that's the process plus another 6% on the dry container
2282 if you just go every other week on it.
2283 **SCHOENING:** Right, and the overhead cost to a company to do...
2284 **LEICHNER:** Your internal cost is...
2285 **SCHOENING:** Is higher.
2286 **LEICHNER:** Yes, it is.
2287 **SCHOENING:** Because the compostable bags - it's higher.
2288 **LEICHNER:** And you have more labor because you have to have training and
2289 somebody watching.
2290 **SCHOENING:** Yes. We have more bins, and we frankly don't do a great job of
2291 it, and we're very small - we have one garbage can that collects food. So my
2292 point being, there's not necessarily - I feel like, an economic incentive for
2293 a company to do this.
2294 **LEICHNER:** It's what we call a low-hanging fruit that those are doing it
2295 because they want to do it, and it's the right thing. The next level, which
2296 is going to be the bulk of it, is going to take - it's going to cost as much
2297 - industry thinks that the next level of food waste recycling, commercial,
2298 is probably going cost the industry as much as the first 50% of recycling
2299 we've gotten out of the system now. Because in just the sheer cost and all
2300 the weights right there.
2301 **BELOV:** And you don't have much cardboard, so...
2302 **SCHOENING:** Oh, I have a lot of cardboard.
2303 **BELOV:** Oh, do you?
2304 **SCHOENING:** My recycling bin in the biggest bin we have. I mean, everything
2305 we comes in a cardboard box because it's recyclable. It's the greenest way.
2306 My point is I feel like a company is not going to do it on their own because
2307 they're going to save money.
2308 **MEYER:** And so that's where I'd like to maybe circle back to ask Tom and
2309 Heather to maybe explore opportunities that we might have to, and I'm looking
2310 and referring to Jackson County has a sanitation code that's got some great
2311 information in terms of collection and disposal and those kinds things. And
2312 I'm wondering what we can do that would require commercial property owners to
2313 follow or implement a more sustainable practice of disposal because that's
2314 what we want for the city.
2315 **PESSEMIER:** Well, I'd like to get feedback from the rest. I guess I have a
2316 couple of - one thing that I'd like to add to the conversation and that is a
2317 lot of this isn't under an ordinance because we only have one provider
2318 whereas a county might have multiple providers and reasons to do sanitation
2319 code. So we manage this under a franchise agreement with Pride which
2320 currently is under review. I believe we hired someone to come in for the
2321 first time in a long time to actually look through rates and practices and
2322 advise the city on things that we can change. So one option would be for us
2323 to take a look at some of the things that we've talked about here to do that
2324 because from what I heard, I'm not really sure that there's a major problem
2325 here that we can solve that isn't being solved in one way or another. Maybe

2326 it's not the most - maybe it's our commercial and other users aren't being as
2327 socially responsible as we would like them to be, but it's still getting
2328 handled and they're just choosing to pay for it in a different way. But
2329 that's kind of up for you guys to decide. I'm just kind of saying what I
2330 heard.

2331 **SCOTT:** Yeah. I'm actually - my question to the rest of the committee is what
2332 specifically do we feel like we're trying to accomplish here? Having heard
2333 this testimony and what's happening either by commercial users or at the
2334 facility afterwards and what the limitations are as far as measuring specific
2335 companies, I'm not really clear on what it is we're trying to or how we're
2336 trying to proceed on this specific topic.

2337 **BELOV:** I think what - I'm sorry. Do you want to go?

2338 **O'KEEFE:** All I would say is that while I agree with encouraging recycling
2339 and good practices, I don't feel that it is necessary to put in an ordinance
2340 to require it from people. I think any retailer coming in is - they have to
2341 recycle or they have to pay to get that stuff out. To have them throw away
2342 the amount of cardboard that a large retailer would be coming in or the
2343 amount of recyclable materials, that would cost them a lot, and I think
2344 bottom line, I would hope, it's just my opinion that yes, people are going to
2345 recycle to some extent. It's all our personal choice of how much and whether
2346 we want to compost everything and get by with a little, tiny garbage can or
2347 are we going to do this and get by with a little bit bigger garbage can. So I
2348 don't necessarily see, especially after talking to Mike here - he's been so
2349 gracious. Thank you very much - that there's a big problem that needs our
2350 committee to solve.

2351 **BELOV:** I think the problem that people are talking about in the petitions is
2352 that it's the product and that that will end up in the landfill, but I don't
2353 know how we could regulate that with an ordinance.

2354 **O'KEEFE:** The product? Being made-in-China products?

2355 **BELOV:** Yes. The cheaply made junk that ends up in the landfill.

2356 **O'KEEFE:** So you come up with an ordinance that all retailers have to sell
2357 stuff made in America?

2358 **BELOV:** Strong, good quality, made in Oregon.

2359 **O'KEEFE:** I think you'd have a difficult time.

2360 **SCOTT:** Yeah.

2361 **BELOV:** But maybe we can tie this into the green label. If a retailer is
2362 really great about sorting their waste, maybe they can get a green star.

2363 **SCOTT:** Well, that's what I was trying to get at about the measurement, and
2364 it doesn't sound like they have that. Unless went only by the size of the -
2365 they have this size of a cart for recycling and this size for garbage, and
2366 that meets our threshold for the green label. That might be the most
2367 practical way if we wanted to go that route.

2368 **BELOV:** And to promote it by saying, "You'll save money."

2369 **PESSEMIER:** Right. And we've done that on other residential - we have an
2370 incentive program, I believe, that's still in place. Is that gone now? We
2371 used to.

2372 **LEICHNER:** Yeah. Initially, what 15-20 years, I think, that the Council was
2373 unhappy with the participation at the residential level of recycling, so they
2374 said, "Okay, we're going to add \$1.00 to the bill, and they can get it back
2375 as a credit if they recycle." And it was pretty successful getting the
2376 percentage of participation up, so then they said, "Let's go to \$2.00," and
2377 then they went to \$4.00. And now it's a point where we - because the billing
2378 system, it really created issues for us, and we asked - and besides, now the
2379 peer pressure is so much that if they're not recycling, the neighbor's going
2380 to say, "Where's your recycling." So the incentive is already there. It
2381 doesn't need to be financial. And for the customers that have a lot of
2382 cardboard, several stores and chains will have their own bailer, and they'll

2383 ship it back in their own internal rigs back to the distribution point, and
2384 then they sell it from there. And there's several of the large stores that
2385 may be coming in or may not be coming in or whatever - I will have to say
2386 that they are one of the most aggressive food waste recyclers in the country.
2387 In the State of Oregon, every store is pretty much doing some kind of food
2388 composting, and they're pushing it really hard. And they said it may cost us
2389 more, but they're dedicated to that. It's just changing the culture one by
2390 one is what it takes.

2391 **BELOV:** I have a question about the life of the McMinnville landfill. Do you
2392 know how long - how many more years they have there and..

2393 **LEICHNER:** They're in the process of expanding that landfill and current site
2394 footprint. And I think they just received or are in the process of receiving
2395 a two-year extension while they go through this planning and application
2396 process. But as far as long-term, I don't have that..

2397 **BELOV:** Because I don't think landfills are getting filled everywhere, so I'm
2398 wondering if there's a site closer to Sherwood that you're considering using
2399 or are you going to burn it at a waste management facility?

2400 **LEICHNER:** The issue with the solid waste in the Metro area is until the end
2401 of 2019, they're obligated to send 90% of the general purpose landfill, which
2402 is protrusible waste, has to go to a waste management landfill. So they're
2403 either up in Arlington or McMinnville within the State of Oregon, basically.
2404 After that contract, who knows what Metro is going to do. There are two or
2405 three other landfills twice as far away as McMinnville. You've got Corvallis,
2406 the Dalles, but you have three regional landfills up in the Gorge within 50
2407 miles of each other, Arlington, Roosevelt, and Coffin Butte which are up at
2408 the Gorge.

2409 **BELOV:** And they burn? They create energy?

2410 **LEICHNER:** Each landfill is dealing with generating energy or collecting
2411 methane and putting it back in the grid. They're all experimenting with that.
2412 But those three landfills, between the three of them and the options of land
2413 of there because there's no rainfall, it really reduces any issues with the
2414 pollutants that go through that, have the potential to take all of the
2415 garbage in the Northwest for the next 200-300 years. So there's plenty of
2416 landfill capacity in the Northwest.

2417 **MEYER:** Quick question on a little bit of a different topic, still dealing
2418 with waste, do we have fencing-type requirements or enclosure-type
2419 requirements within the city in terms of maintaining beautifications
2420 standards and that sort of thing?

2421 **PESSEMIER:** We do. It depends on certainly new developments. We definitely
2422 have standards. I wouldn't say that they're all beautiful, but they certainly
2423 do screen the containers from sites, so that's definitely part of the code,
2424 and that's definitely been required as a part of developments that have come
2425 in recently or may come in in the near future.

2426 **SCOTT:** In the interest of time, I'd like - and I don't feel like there's a
2427 lot of consensus around proceeding in any particular direction. So I'd like
2428 to suggest that we not proceed at this time on any ordinance in this realm
2429 but reserve the right to approach it in a future meeting if we decide we want
2430 to.

2431 **O'KEEFE:** I would agree with that.

2432 **BELOV:** And I wanted to add one thing to the agenda in the future, just to
2433 propose that, and that is to talk about having standards for green or lead
2434 certified buildings on retail spaces over 65,000 square feet because I know
2435 there are some - like for the new proposed development that have been
2436 discussed and that they could readily be applied. It's just a matter the city
2437 saying, "This is what we want."

2438 **MEYER:** Okay. On that note, maybe we should talk a little bit about our
2439 agenda for Monday. On Wednesday when Chad was with us, we discussed talking

2440 about - Thank you, Michael - Mike? Michael. Okay. Thank you very much for
2441 your time. So we talked a little bit with Chad on Wednesday about, very
2442 specifically, the ordinances that were proposed at recent council meetings,
2443 and Doug, you mentioned that you went through those topics. Could you give a
2444 brief synopsis of what you remember in terms of the wage issue?
2445 **SCOTT:** Well, we talked about discussing that at Monday's meeting, and Beth
2446 specifically wanted to pursue looking at the Large Retailer Accountability
2447 Act in Washington, D.C. I also know that Santa Fe, New Mexico passed a wage
2448 ordinance several years ago that is in effect, and San Francisco, California
2449 has a higher minimum wage across the board, no exceptions. Those are the only
2450 three municipalities that I've been able to find that have any living wage or
2451 minimum wage law that applies to private employers. The other 120-150 all
2452 apply to either government employers, companies that contract directly with
2453 the local government, or companies that receive direct tax incentives from
2454 the local government. In my research, I came across Oregon Revised Statute
2455 653.017 which would seem to clearly preclude us from pursuing any wage
2456 standards outside of those three exceptions I just listed, and we asked Chad
2457 to follow up on that particularly.
2458 **MARTIN:** Yes, and you're basically preempted by state law from enacting a
2459 higher minimum wage than what's been set by the state. So in just doing some
2460 very preliminary research that - especially like if you had it worded the way
2461 the Washington, D.C. language is worded. It's basically - it's raising the
2462 minimum wage in D.C., too. It didn't really have any other provisions. They
2463 called it the Large Retailer Accountability Act, but..
2464 **SCOTT:** That was the only issue involved in it.
2465 **MARTIN:** ...which led you to believe that there might be more, you know,
2466 different other types of provisions that they were enacting to make them more
2467 responsible, but really the main thrust of it was a living wage, like a
2468 higher wage rate, and it was specifically targeted at Wal-Mart because
2469 there's a number of Wal-Marts that are set to open in D.C.
2470 **O'KEEFE:** So we would not be able to do anything like that?
2471 **MARTIN:** Not in Oregon. All of the local governments are precluded from doing
2472 that. It was enacted in early - I think it was 2002 was when it went
2473 into effect. But it was - a lot of the big retailers were behind the state
2474 law.
2475 **SCOTT:** So the only area around the wage, a minimum wage floor, that we could
2476 target would be companies that do direct business with the city?
2477 **MARTIN:** Yes. You could look at - there are exclusions to that in terms of it
2478 applying to large retailers. You wouldn't be able to do that. You can set it
2479 for public contracts and..
2480 **SCOTT:** And there's a lot of cities in Oregon that have done that, or not a
2481 lot, but there is a handful of cities that have done that but it would have -
2482 just off the top of your head, Tom, who would something like that apply to
2483 potentially? Obviously capital contractors or capital improvement contractors
2484 would be. Other than that, potentially what it town would something like that
2485 apply to?
2486 **PESSEMIER:** Well, the typical type of contracts we have, and I'm not sure I'm
2487 answering your question, I told you my ability to respond goes down after
2488 9:30, but typical type of contracts are certainly contracts, public
2489 contracts, for construction-type projects. We also have personal services
2490 contracts with all sorts of different vendors for janitorial services, which
2491 we actually have to use the State's list in order to enter into those
2492 contracts. That's another thing that the State required local jurisdictions
2493 to pick off their list, so we can't just hire anybody. But we hire attorneys;
2494 we hire all sorts of different things. I don't think we'd hire a large, big
2495 box retailer, but I know our Public Works - they got to Home Depot fairly
2496 often because they need parts to fix and maintain and do things.

2497 **SCOTT:** But that's probably not in a direct contract. It's probably in a buy
2498 and reimburse kind of scenario?
2499 **PESSEMIER:** I think the only - I don't even think we have a contract with
2500 landscapers, yeah.
2501 **SCOTT:** Sure.
2502 **PESSEMIER:** I think we do a lot of work with Staples, but I don't think we
2503 have a contract with them. I think we still just...
2504 **MEYER:** Just an account.
2505 **PESSEMIER:** An account. Yeah.
2506 **SCOTT:** So given those limitations, is the living wage ordinance something
2507 that the committee still feels like we should pursue knowing that it could
2508 only apply to very limited government contract situations, or does that
2509 interest now no longer exist?
2510 **O'KEEFE:** I think my interest has waned, and it doesn't seem like something
2511 that we could put into effect.
2512 **SCOTT:** I mean, it's not going to affect Wal-Mart is it? The bottom line - I
2513 think...
2514 **O'KEEFE:** No. Or any retailer. And that was my big thing coming into this
2515 committee is that this is a little bit bigger than Wal-Mart and affects all
2516 retailers present and the ones that may come into town. So if we can't do
2517 anything like that, I don't see why there's any need, in my opinion, to
2518 pursue something like that. You guys' thoughts?
2519 **MEYER:** Well, were there any exemptions that we would have the opportunity to
2520 pursue?
2521 **MARTIN:** If it's a public contract I believe for public employees. You know,
2522 you could do it for - the city would have to pay it, and I think there was a
2523 third one, and I can't remember it off the top of my head, but...
2524 **SCOTT:** The third one was if there was a direct tax incentive or abatement,
2525 you could put that in the contract. The tax incentive or abatement would
2526 require a higher wage.
2527 **MEYER:** A tax incentive or abatement by...?
2528 **SCHOENING:** The city.
2529 **SCOTT:** By the city, and it has to be a direct - the word, "direct" was in
2530 there.
2531 **SCHOENING:** And I'm assuming we don't have any tax abatement going on in the
2532 situation.
2533 **PESSEMIER:** We do not.
2534 **SCHOENING:** Thank you.
2535 **BELOV:** The living wage is not just the salary or the dollar-per-hour amount,
2536 it's the hours, a dependable schedule so someone who is working part time can
2537 work another second job. So I think that we should still discuss to see if
2538 there's anything we can do.
2539 **SCOTT:** Right. I totally agree with that. That was the question I was asking
2540 the other night was is do you have a living wage, which is specifically about
2541 wage, but then you have this whole other package of, and to me those are
2542 separate things - together but separate, a whole other package of hours,
2543 worker's rights, all the things that we're talking about. And those are still
2544 on the table, and maybe that should be our agenda for Monday.
2545 **MEYER:** So if I might make a suggestion that we table this discussion, given
2546 the hour, and we, Rachel and I, can work to list this as broadly as we're
2547 able to for Monday's agenda. That way, when additional committee members are
2548 here, they have an opportunity to chime in on the discussion. Is everyone
2549 okay with tabling the discussion until next week?
2550 **O'KEEFE:** Absolutely. Monday.
2551 **SCHOENING:** I just want to be clear. Are we not dealing with trying to raise
2552 the minimum wage?
2553 **BELOV:** Well, Beth Cooke isn't here, and she really wanted to be in.

2554 **SCHOENING:** But five of us are here. I guess I feel like I need to understand
2555 if we're letting that go because it's been made clear by the attorney that
2556 we...

2557 **O'KEEFE:** I don't think we can (indecipherable).

2558 **SCOTT:** It's not going to affect retailers in town, so do we want to pursue
2559 affecting public contracts or do we consider that to be an issue we don't
2560 particularly want to address at this time?

2561 **MEYER:** Well, again, I feel like we can table the discussion of the
2562 parameters upon which we want to look at until Monday if that's okay with
2563 everyone? And that way we can...

2564 **O'KEEFE:** Reserve the right to bring that back in if we (indecipherable).

2565 **MEYER:** If in between now and Monday, the City Attorney's office has found
2566 some kind of an option or opportunity, fantastic. And if it becomes an issue
2567 that we're unable to explore, well that will be then clear.

2568 **SCOTT:** So I'd like to ask that for the Monday agenda, and I think we've
2569 agreed we're going to cover the other worker's rights issues, I hope that's
2570 what we're talking about, I'd like to ask that we try to break those up into
2571 separate topics as much as possible because all together, it becomes pretty
2572 large, and we end up doing a lot of bouncing around but never really
2573 progressing on any one item. So that would be my request is that we say,
2574 "Here's the five areas of worker's rights that we're concerned about that we
2575 want to write a specific piece of legislation about, and then let's talk
2576 through them one by one instead of lumping them all together where it becomes
2577 harder to really make progress.

2578 **O'KEEFE:** I would agree. And I think kind of in our minds, we each know what
2579 those four or five issues are, and just we'll come in and start on Monday,
2580 and we'll be able to concentrate on this all together.

2581 **SCHOENING:** I just also ask that we not only come up with an idea of that,
2582 but we need to have a threshold to which these - what businesses these are
2583 going to apply for, and we need to have that sooner rather than later.

2584 **SCOTT:** Well, I think there's two ways to approach that. We either discuss -
2585 and to me, the threshold should be the same for all five of them or however
2586 many there are. So I think we either establish a threshold up front and then
2587 start talking specifics or we talk specifics up front and then figure out
2588 what the threshold is. And I'm open to either one, but I think that...

2589 **SCHOENING:** That's my point because it starts to affect different businesses
2590 in different ways in very minute detail, and I'm not interested in trying to
2591 explore...

2592 **MEYER:** Well, if I recall correctly, the letters that were signed were
2593 somewhere between 50-75,000 square feet of businesses. Is that correct?

2594 **SCOTT:** Well, I think there's a lot of ways we could go. I think rather than
2595 getting into specifics now, I think we should agree let's talk about what the
2596 threshold is first. Do we all want to do that first?

2597 **MEYER:** Yeah. I think that's reasonable.

2598 **SCOTT:** And then once we establish the thresholds.

2599 **SCHOENING:** And we need to make the decision about whether we're going to
2600 address living wage. I'm sorry. I know I keep bringing that up, but if it's
2601 off then it needs to be off and not keep coming up every meeting.

2602 **BELOV:** I don't want to discuss that yet. I don't want to decide tonight.

2603 **SCHOENING:** I'm not saying that. What I'm saying is we need to decide soon.

2604 **O'KEEFE:** On Monday.

2605 **SCHOENING:** Because it comes up at every meeting, and at every meeting we
2606 decide we can't do anything about it.

2607 **SCOTT:** Right. And nobody was here to hear the attorney - so I'd like to say
2608 unless there's new information that comes to light, that maybe we lead the
2609 meeting and say, "We've been told we can't produce a wage ordinance that's
2610 going to affect private employers. We're reserving the right to come back to

2611 that later, but that's not on our agenda tonight. We're going to talk about
2612 other worker's right such as these, and we're going to talk about
2613 thresholds."

2614 **BELOV:** And Heather, could you give us the specifics? Like what state law
2615 exactly is making it impossible, so we know because people will be asking.

2616 **SCOTT:** I've been posting it, and I read it verbatim the other night. I can
2617 give you a copy of it right here as well, and she can as well.

2618 **MEYER:** So for Monday's agenda, we're going to do, and I'll draft this up for
2619 you, Sylvia, but we'll do a review of some language that you're able to draft
2620 - well, actually, are you going to be able to do that for Monday? Yeah,
2621 probably not.
2622 So, okay...

2623 **PESSEMIER:** So, can I say something here because I think it might be
2624 beneficial for you guys to be thinking about as we move forward. I've kind of
2625 been looking at resources in general for this committee and the time frame
2626 that you have, and I was kind of waiting for tonight to see how tonight went
2627 to see how much you guys got through, and it went pretty much as I expected.
2628 I think at best you guys will be able to maybe produce five ordinances, but
2629 probably only four. Given the amount of time that it takes to prepare these
2630 things, to bring them back for you guys to review, and to talk about them, to
2631 take it back and review, there's kind of this natural process of how these
2632 things get put together, and we do this all the time with land use and
2633 everything. And really, the best you can do is have three touches on each
2634 thing. So you did two tonight. You covered two ordinances, but that's going
2635 to have to come back to you two more times before it's going to be acceptable
2636 to present to the Council on a recommendation, and you're going to have
2637 probably, not quite as much, but you'll still have a lot of conversation
2638 about the specifics as you start to see language and then polishing the
2639 languages and everything else. So you guys have done a good job by focusing
2640 your attention on certain things, but I want to continue to encourage you to
2641 do that because if you start to get more than five ordinances, my fear is
2642 that you will not be successful in being able to accomplish what you want to
2643 accomplish and that's to get the Council good recommendations on these
2644 things. So you might just want to keep that in mind as you move forward. I've
2645 been trying to kind of look at what resources you've said you want to do and
2646 kind of how long it takes to put these things together, and I think you
2647 should be targeting four, maybe five. And you already have two that you've
2648 gone over tonight. So you might want to think about how you're going to
2649 allocate your time and resources to make sure that you get that done.

2650 **MEYER:** Okay. I think that's a great recommendation, and thank you. So we
2651 will work on drafting a clear agenda for Monday as best we can, and I will
2652 get you the information by tomorrow. And we talked little bit on Wednesday
2653 about discussing 24-hour operations within the city of businesses, and I
2654 apologize. It's getting quite late. I think we talked a little bit about
2655 whether or not we want to see additional large retailers come into the city
2656 and what that threshold might look like. And so perhaps that's a conversation
2657 that we can push to later into next week.

2658 **SCOTT:** Isn't that the purview of the Planning Commission and the zoning code
2659 establishing limits on large retailer size. Is that even something we can
2660 cover?

2661 **PESSEMIER:** Well, if you were going to - and I'm still thinking about Naomi's
2662 lead thing, whether that falls under chapter 16 or not, I'm not sure. But
2663 certainly, yeah, if you were going to say we want to limit business sizes to
2664 X number of square feet, that would fall under chapter 16 of the planning
2665 code. And it certainly wouldn't be inappropriate for you guys to think about
2666 that and have a conversation. It may not be something you guys can accomplish

2667 here, but if it's something that important to you, you can certainly say
2668 (indecipherable).
2669 **SCOTT:** Maybe we could draft something and forward it to the Council for
2670 consideration.
2671 **PESSEMIER:** Yeah. That's just kind of our thoughts on that. I forgot what I
2672 was going to say. I guess just my recollection was, at least what I had
2673 written down was we were going try to cover the living wage stuff on Monday
2674 and then on Thursday, we're going to take a look at the 24-hour stuff. Maybe
2675 on Thursday there would be time to do the threshold conversation as well
2676 since you're only tackling one thing on day. I guess I have a question for
2677 Heather. Heather, do you think you guys can have some language put together
2678 for the two ordinances that we talked about tonight for the following Monday,
2679 or is that too quick.
2680 **MARTIN:** We could try. I definitely think we could have at least one of them
2681 ready, and I say that in assuming nothing happens. Not too many emergencies.
2682 So that means I think definitely we can get one. If we stick with Eugene, it
2683 should be easy because it's pretty much will be wholesale to what Eugene has.
2684 It'll just be some changes. We can definitely get one; we'll aim for two.
2685 **PESSEMIER:** Okay. Well let's make sure we keep checking in with you guys as
2686 these meetings go along because it might get to a point where we just need to
2687 cancel a meeting because if you don't have text coming back to you to review,
2688 and we can only do a certain number of ordinances, then we'll have to look at
2689 workloads and resources, and we're really stretched here. I know Staff is
2690 really stretched because of all the other things we have going on, and I know
2691 that Beery, Elsner is really stretched, too, to try to meet this stuff. So
2692 let's keep an eye on that as we go forward if that's okay with you.
2693 **MEYER:** And so with that in mind, perhaps rescheduling of a meeting here or
2694 there might be necessary so that we can review these as they are produced,
2695 yes?
2696 **PESSEMIER:** Yes. And obviously, it would be nice to get them to you a day or
2697 two in advance, especially if you're talking about reviewing text. Probably
2698 at least two days in advance would be good.
2699 **MEYER:** That would be great.
2700 **PESSEMIER:** Because you guys want to come in prepared to talk about what you
2701 read, what your ideas are, what you think is good, what you think is bad, and
2702 you can't do that when you're just sitting in front of here. So we'll have to
2703 take a look at that as well and make sure - I'm coordinating with Beery,
2704 Elsner, so I'll try to make sure that I communicate that with you, and we can
2705 go from there.
2706 **MEYER:** Okay. Are there any closing comments?
2707 **SCOTT:** I never miss an opportunity to talk. Just briefly, I wanted to
2708 review my findings in looking through the petitions. And thank you for that
2709 recommendation by the way. It was valuable. I tallied them into it looks like
2710 about seven or eight different categories. By far and away, the number one
2711 category that people expressed concerns about was traffic. I'm not sure what
2712 we are going to be able to do, unfortunately, on this committee in relation
2713 to traffic, but I just want to point that out. The second and third items
2714 were about same. I classified one of them under General Community Values. It
2715 was generalized statements, and I think those are important things, but it
2716 was hard to figure out specifically what action they would want to take based
2717 on that. And the other one that was tied with that was just kind of general
2718 angst about Wal-Mart. So those were the second and third. The fourth and
2719 fifth items were also tied, and it was fair wages and employee rights. Kind
2720 of two separate but related things, and I think we're going to talk about
2721 that on Monday, so I think that good that we're covering items that people
2722 care about. Then the next one was crime. Then there was a couple about hours
2723 of operation and parking.

2724 MEYER: All right. Well, with all of that said, thank you everyone. Meeting
2725 adjourned (9:50pm)

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2738
2739 Meerta Meyer, Chair

2740 8-2-13
2741
2742 Date

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2744 Documents presented at the meeting:
2745 Exhibit A: DEQ Fact Sheet, Model Ordinance Protecting Groundwater Sources of Drinking Water
2746 Exhibit B: Boulder Colorado Code, Chapter 6-10, Pesticide Use
2747 Exhibit C: City of Eugene Code, Hazard Substance Discharge and Removal
2748 Exhibit D: City of Hillsboro Code, 6.12.040 Recreational Vehicles and Trailers
2749 Exhibit E: City of Van Horn Texas Code, Chapter 12.12 Overnight Parking and Camping Regulations
2750 Exhibit F: City of Gilroy California Code, 15.8 Human habitation of motor vehicles prohibited
2751 Exhibit G: City of Flag Staff Arizona Code Trailers, RV's and Boats

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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 DLCN 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 **LEICHTNER:** 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 transportation 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
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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

Public Testimony Received Via Email to Special Committee

From: Elizabeth Farnum [mailto:bbfarnum@mac.com]
Sent: Tuesday, July 30, 2013 4:46 PM
To: Sylvia Murphy
Subject: Large Retailer and Hours- Feedback

Good Afternoon,

I am writing to ask that you seriously consider the hours that large retailers are open in the city of Sherwood. As this is a family city and promoted that way, I do not believe that any large retailer needs to be open 24 hours. Nobody NEEDS those hours. If they do, there are plenty of other stores that are open 24 hours outside of family friendly Sherwood.

I think reasonable hours for employees and the area surrounding these large stores are as follows.

Monday 8:00 am – 10:00 pm
Tuesday 8:00 am – 10:00 pm
Wednesday 8:00 am – 10:00 pm
Thursday 8:00 am – 10:00 pm
Friday 8:00 am – 10:00 pm
Saturday 8:00 am – 10:00 pm
Sunday 8:00 am – 9:00 pm

Thank you for your time and attention to this matter which will affect our city for years to come.

Sincerely,
Elizabeth W. Farnum
16933 SW Cobblestone Dr.
Sherwood, OR 97140

From: Ty Merlock [mailto:Ty.Merlock@evrazna.com]
Sent: Monday, July 29, 2013 5:09 PM
To: Sylvia Murphy
Subject: 24 hours

I don't believe Sherwood needs 24 hour businesses. We have a 24 hour Walgreens in Tigard for prescription issues. In my opinion, that is the only need late at night for anybody. 2am is a good hour for businesses to close in Sherwood.

Ty Merlock
EVRAZ – HSS

From: Stephanie [mailto:ssass12106@gmail.com]
Sent: Monday, July 29, 2013 5:05 PM
To: Sylvia Murphy
Subject: Business Ordinances

I do not believe the city of Sherwood needs any businesses that are open 24 hours a day. I haven't seen a need or a want, for a business to operate 24 hours a day, here in Sherwood. If there was a need, it would have presented itself prior to the current situation.

If a business NEEDS extended hours, I believe they should be closed between midnight and 6:00am.

Thank you,
Stephanie Sass
97140

Sent from my iPhone

From: Jared Amato [mailto:jared.amato@gmail.com]
Sent: Monday, July 29, 2013 4:55 PM
To: Sylvia Murphy
Subject: City of Sherwood and large retailers

Good day,

I do not think the City of Sherwood needs to have large retailers open 24 hours. We currently have (3) large retailers (Albertsons, Safeway and Target) that do business in Sherwood and I have found for my needs that these are adequate in the terms of choice and hours of operations. I do not feel that adding a 4th option is going to improve my life or the livability in the city. I think hours of operations from 6 am to 1 am is reasonable.

Thank you fro letting me voice my opinion on this matter. I love living here and the great community we have. I have read so many negative charges against Walmart and the disapproval of so many communities across the nation that it scares me to think of what our wonderful town will be after the dust settles.

Respectfully,
Jared D. Amato

From: Steve Fisher [mailto:fishersdf@me.com]
Sent: Monday, July 29, 2013 4:33 PM
To: Sylvia Murphy
Subject: The Future of our city

I am writing to you today because I am concerned with the direction the city is headed in regards to large retail development.

I have been a Sherwood resident for 13 years so I am familiar with the politics that allowed developers to pass the laws needed for them to not disclose the tenants of proposed commercial properties. This political action was passed in order to allow property owners amnesty from the old laws. If there wasn't a charter change back in the day the citizens of Sherwood would have been informed and been able to have a voice on the decision to develop properties such as Langer Farms. Back when that law was passed they were telling us that a development similar to Bridgeport Village was on the slate. I don't think you would find the same resistance to such development if that was indeed the case.

Please bring to the table and allow for a public vote weather or not Sherwood should allow 24 hour stores, camping, stores who employ employees and do not provide health care. We voted for a mayor who wants transparency and we expect the same from the rest of the city administration.

Steve Fisher

Please excuse any spelling errors, This e-mail was composed on my iPhone

From: nxtaylo@aol.com [mailto:nxtaylo@aol.com]
Sent: Monday, July 29, 2013 4:22 PM
To: Sylvia Murphy
Subject: What I think the special committee should focus on for \$60,000 plus dollars.

Meerta Meyer
Chairperson Sherwood Special Committee

Please be sure the special committee knows my opinion.

I am one of the many who signed the Fair Wages Petition. I understand the committee has limited time.

1. Sherwood does not need travelers camping or parking 24 hours a day 7 days a week in any large retail or construction site within the city limits of Sherwood. Period.
2. Sherwood does need to address the hazardous waste issue to be sure our needs meet or exceed the current standards. Sherwood has tolerated dumping long enough. We have better law for dogs in the park leaving a mess! It should not be beyond this committee to use common sense and agree on something.
3. Limits on hours of operation. Special committee this is a No Brainer. Pick a two to four hour window and let the town rest. Even the bible address this! Major religions take a day off, the town will not fall apart with a two hour ban.

In closing, many eyes are on this special committee, please do something. In the many hours everyone of you has spent researching and listen to opinions it would be an out right shame to do nothing. Make your time count and make our voices heard. We are the voters, we are taxpayers, we shop and we want something for our money.

Nancy Taylor
Sherwood, OR
97140

From: Tina Silver [mailto:silvercam96@frontier.com]

Sent: Monday, July 29, 2013 4:15 PM

To: Sylvia Murphy

Subject: Opinions from SCAC

1. Do you think the City of Sherwood needs to have large retailers open 24 hours? (this would NOT include restaurants, pharmacies, medical providers, and gas stations) **No**
2. If you do not think we need 24 hour retailers open, what do you think are reasonable opening hours and closing hours? Do you think closing at 1am is reasonable? Do you think opening at 5am or 6am is reasonable? (which one?) If you have a different preference, please let them know. **Curfew hours would be a good start. Midnight to 6:00 AM closure. I have lived in Sherwood for 13 years, and never needed anything (retail or not) after midnight. If I needed a pharmacy, I would go to Tigard Walgreens. Yeah, it's a little drive, but not enough to make me want something to stay open in Sherwood.**

From: Michelle Thomas [mailto:mrsthomas67@yahoo.com]

Sent: Monday, July 29, 2013 4:11 PM

To: Sylvia Murphy

Cc: Michelle Thomas

Subject: 24 Hour Stores within Sherwood city limits

Hello,

1. **Do you think the City of Sherwood needs to have large retailers open 24 hours?** No
2. **If you do not think we need 24 hour retailers open, what do you think are reasonable opening hours and closing hours?** I think the following are more than reasonable opening and closing hours for a retailer:

Monday	8:00 am – 10:00 pm
Tuesday	8:00 am – 10:00 pm
Wednesday	8:00 am – 10:00 pm
Thursday	8:00 am – 10:00 pm
Friday	8:00 am – 10:00 pm
Saturday	8:00 am – 10:00 pm
Sunday	8:00 am – 9:00 pm

These are the operating hours for Target in Sherwood and seem to be more than reasonable.

Thank you and let me know if you have any questions.

Michelle Thomas
17795 SW Vandolah Ln
Sherwood, OR 97140
503.610.1615

From: Julie Fairman [mailto:julesverne2000@yahoo.com]
Sent: Monday, July 29, 2013 2:51 PM
To: Sylvia Murphy
Subject: 24 hour stores

Hi Sylvia,

Just wanted to weigh in on the topic of large 24 hour retailers.

No, I do not think Sherwood needs 24 hour retailers.

I think retailers closing by midnight and re-opening at 6AM seems perfectly appropriate.

Thanks for gathering opinions!

Julie Fairman
Sherwood Resident

From: Karin Calde [mailto:karin@calde.us]
Sent: Monday, July 29, 2013 2:50 PM
To: Sylvia Murphy
Subject: City ordinances

Regarding the city ordinances, Sherwood does not need to have retailers open 24 hours. It is more than reasonable to limit retailer store hours to 6am-11pm. This gives most people with alternative work schedules and late-night travelers access to the store, but limits traffic moving through Sherwood at night time.

I also think it is of paramount importance to enact laws that safeguard our environment, so hazardous waste disposal laws need to be put to voter approval.

Thank you,
Karin Calde

From: Skye Boughey [mailto:skyeboughey@gmail.com]
Sent: Monday, July 29, 2013 2:47 PM
To: Sylvia Murphy
Subject: Ordinance input for tonight's meeting

Hello Sylvia,

Please see my thoughts in blue on the below questions:

1. Do you think the City of Sherwood needs to have large retailers open 24 hours? (this would NOT include restaurants, pharmacies, medical providers, and gas stations)

In short, NO. As long as we have gas stations and medical treatment available, I don't believe there is a good reason to have large retailers open 24 hours. Sherwood does not need to be a hub of activity during the overnight hours. We do not want to become a town like Beaverton. (At least I don't.) I also don't believe our police and fire infrastructure is adequately funded or prepared to support this.

2. If you do not think we need 24 hour retailers open, what do you think are reasonable opening hours and closing hours? Do you think closing at 1am is reasonable? Do you think opening at 5am or 6am is reasonable? (which one?) If you have a different preference, please let them know.

My preference for hours of operation for any retailers (other than restaurants, gas stations, and medical) would be either 12pm - 5am, or 1am - 6am. I would also like to see a limited time frame on when large retailers can accept shipments (especially those near neighborhoods). I can't imagine what it's like to try and sleep with the noise of huge tractor trailers making deliveries at all hours of the night.

I am also in support of a ban on any type of overnight camping in business parking lots. Special permits could be issued for special events, i.e. Robin Hood Festival, Crusin Sherwood, etc., or even written into the ordinance. Overnight camping opens us up to the possibility for more trouble with crime and etc .

Thanks for receiving my input.

Best Regards,

Skye Boughey

From: Kelly Freuler [mailto:kellyfreuler@gmail.com]
Sent: Monday, July 29, 2013 2:33 PM
To: Sylvia Murphy
Subject: Committee questions

Hi,

1. Do you think the City of Sherwood needs to have large retailers open 24 hours? (this would NOT include restaurants, pharmacies, medical providers, and gas stations)
No.

2. If you do not think we need 24 hour retailers open, what do you think are reasonable opening hours and closing hours? Do you think closing at 1am is reasonable? Do you think opening at 5am or 6am is reasonable? (which one?) If you have a different preference, please let them know.

Depending on the noise level and the type of business, 6am should be reasonable for opening. Given the nature of our town there is no reason retail needs to stay open past 11 pm.

Thanks!

From: Pamela Gotham [mailto:gotham.pamela@gmail.com]
Sent: Monday, July 29, 2013 1:24 PM
To: Sylvia Murphy
Subject: Wal Mart

Dear Ms. Murphy,

Sherwood is a dynamic community with a wide variety of business. We have Target, Costco, Home Depot, Safeway, Fred Meyer and Albertsons close to us. There are 100's of small businesses that will gain more profit in or close to Sherwood if we have an opportunity to attract more potential buyers. I fail to see what the issue is with Wal Mart. It is a business, willing to pay taxes and employ people. Our economy is not strong. People need jobs. How can employment be a problem. McDonalds does not hire 40 hour a week staff and we are not upset about that. If we allow any of these ordinances to take affect Wal Mart will not be damaged. The damage will occur to our local companies like Shari's, Roses Deli, Copper Creek, Denv and Chevron. Some of the health care requirements mentioned are not legal as PACCA regulations over ride anything I have read here. I love Sherwood, but growth is going to occur. We should embrace it and support it. I moved here for a reason, and even if it was to enjoy a more relaxed atmosphere, I do not have a right to tell anyone else they can't move here because I am already here.

Pamela Gotham

From: Amy Miller Juve [mailto:juvea@ohsu.edu]
Sent: Monday, July 29, 2013 1:09 PM
To: Sylvia Murphy
Subject: request for special committee

Hi,
I am responding to the request posted on the Sherwood Community Action Page:

- 1) The city does not need large retailers open 24 hours a day
- 2) If the retailer is carrying groceries I think it is reasonable to have them open until midnight and open back up again at 5 am.

Thanks,
Amy

From: Dave Emmons [mailto:prodispatchservice@gmail.com]
Sent: Monday, July 29, 2013 12:53 PM
To: Sylvia Murphy
Subject: 24 hour

Hi Sylvia:

I am not opposed to a 24 hour business. Albertsons and Safeway both started out as 24 hour businesses. Walmart will start as a 24 hour business and see that it is not practical, and scale back their hours.

Thanks,

Dave

From: Karen Cherry [mailto:orblonde@msn.com]
Sent: Monday, July 29, 2013 12:24 PM
To: committee special
Cc: Sylvia Murphy
Subject: 24 hour retailers

I am e-mailing you today in response to the following Facebook post by the Sherwood Community Action Committee:

CALL TO ACTION!

Please email: murphys@sherwoodoregon.gov today (before 5pm) and let the special committee know how you feel about the following questions:

1. Do you think the City of Sherwood needs to have large retailers open 24 hours? (this would NOT include restaurants, pharmacies, medical providers, and gas stations)
2. If you do not think we need 24 hour retailers open, what do you think are reasonable opening hours and closing hours? Do you think closing at 1am is reasonable? Do you think opening at 5am or 6am is reasonable? (which one?) If you have a different preference, please let them know.

Please share this information with anyone you think might have an opinion.

Regarding #1: I do not feel that our community requires any retailers (large or small) to be open 24 hours. I can see an exception made for pharmacies, medical providers, and possibly gas stations. I suppose restaurants could fall in there as a general rule, however I don't really see a need for a 24 hour restaurant in Sherwood. But, that's my opinion, and I do not have an opposition to any of those categories being excluded from the 24-hour rule.

I definitely do not see a reason for retailers to be open 24 hours. There is nothing anyone needs in the wee hours of the morning that can't wait. Being open during those hours of the morning is just asking for trouble. We are hardly a city that doesn't sleep. Most of Oregon is in bed near the 2:00 hour as the liquor laws of our state require bars to close at that hour. With Sherwood being, largely, a "family town" most of its residents are asleep even earlier.

Regarding #2: By closing retail doors at 1:00 AM (at the latest), and opening at 6:00 AM, the vast majority of our community will not be inconvenienced, and this is perfectly reasonable. Additionally, the local people who work at those retailers will enjoy a better quality of life by being able to sleep during a "normal" sleeping time for this area. The opportunity for retail crime will be removed, which will reduce prices that typically go up when a store has "free" merchandise leaving its stores, and police can focus on actual crimes around the area instead of responding to petty theft in a retailer.

Additional thoughts: I would caution the Special Committee to allow for "special circumstances" to be made to this rule. Not a permanent rule or exemption for any retailer... but for special events. For example: Black Friday. Some retailers are open earlier and/or later than normal business hours for this date. I think certain dates should be able to be either noted in the rule and/or applied for as a single event exception by the retailer.

I would also be wary of leaving "loophole" verbiage in the rule. Could a retail establishment remain open 24 hours if there is a pharmacy inside? What if there's a restaurant inside? The verbiage needs to be clear enough to ensure that retailers cannot be open 24 hours, even if the categories contained within are allowed. I would hope that, because of their inclusion in the retailer, that they would be subject to the retailer rule.

Thank you for considering public opinion on this issue.

Karen Cherry
Sherwood Resident

From: Dawn Pastores [mailto:dawn@pastoresfamily.com]
Sent: Monday, July 29, 2013 12:08 PM
To: Sylvia Murphy
Subject: Hours of operation

Hello.

I do not believe Sherwood needs a 24 hour store. Reasonable operating hours to me is 7a-11pm. Second would be 6a-11pm.

Dawn Pastores
Sent from my iPhone

From: Sean Garland [mailto:seanrgarland@gmail.com]
Sent: Monday, July 29, 2013 12:04 PM
To: Sylvia Murphy
Subject: Special Committee questions

Hello Sylvia - In response to the request from the SCAC, I am providing my opinion on the following questions.

1. I do not believe that Sherwood needs, or would benefit from having 24-hour "big box" stores.
2. I believe that a 1am closing time is reasonable for retailers, and would be amenable to even looking at an 11pm closing time.

I do not see Sherwood as a "24 hour" town, and therefore do not see the need to have establishments open throughout the evening. Having Shari's, convenience stores and gas stations open make sense, but retail establishments do not need to be open during the night.

Thanks for your consideration.

Sean Garland
14711 SW Brooke Ct.
Sherwood OR 97140

From: Robert Lake [mailto:rrlake@comcast.net]
Sent: Monday, July 29, 2013 10:34 AM
To: Sylvia Murphy
Subject: City of Sherwood

Sylvia,

In regards to the 24 hr. issue that is currently being reviewed by the special commission I feel it is mandatory to have restricted hrs of operation for big box retailers (excluding restaurants, pharmacy's , gas stations and medical providers.)

In my opinion the hours of operation should be anytime after 5 or 6 am to no later than 10 pm .

Thanks
Bob Lake

Food Concept Consultants LLC
Sherwood, Oregon 97140

Robert Lake
President
rrlake@comcast.net

From: Debbie Price [mailto:pf6@comcast.net]
Sent: Sunday, July 28, 2013 4:35 PM
To: Sylvia Murphy
Subject: hours of store operations--Walmart

Hello, I am writing you to let you know I do not like the idea of ANY store being open 24 hours here in Sherwood. We have a few and I feel that is enough. Regarding Walmart coming in, I feel they should have the same hours of operation that Target, Safeway, Home Depot and Albertson's have. If they want to open a little earlier.. maybe on that end. Closing super late into the morning hours only allows kids to hang out and get in trouble... or troubled people to come and start something. I also detest the idea of motor homes being able to park over night in that lot. We are sickened about how this whole process was done, and I am glad to see that residents have joined forces to make sure Sherwood's future is protected and consistent.

I am also a huge fan of the fair wages ordinance that is on the table. We teach our children all men are created equal... well all business owners and employers should be equal in how their employees are treated...

Thank you for your time,

~Debbie Price

From: Tyson Thomas [mailto:tysonathomas@gmail.com]
Sent: Monday, July 29, 2013 3:53 PM
To: Sylvia Murphy
Subject: 24 Hour Stores within Sherwood city limits

Hello,

1. **Do you think the City of Sherwood needs to have large retailers open 24 hours?** No
2. **If you do not think we need 24 hour retailers open, what do you think are reasonable opening hours and closing hours?** I think the following are more than reasonable opening and closing hours for a retailer:

Monday	8:00 am – 10:00 pm
Tuesday	8:00 am – 10:00 pm
Wednesday	8:00 am – 10:00 pm
Thursday	8:00 am – 10:00 pm
Friday	8:00 am – 10:00 pm
Saturday	8:00 am – 10:00 pm
Sunday	8:00 am – 9:00 pm

These are the operating hours for Target in Sherwood and seem to be more than reasonable.

Thank you and let me know if you have any questions.

From: Mpex [mailto:bruce@GardinerLaw.com]
Sent: Thursday, August 01, 2013 4:24 PM
To: Tom Pessemier; Sylvia Murphy; Nancy Bruton
Subject: Sherwood Regulation of Business Hours

Would you please deliver the following letter to the Special Committee for their meeting this evening (8/1/2013). Would you also please deliver this letter to all of the City Council members and the Mayor.

Thank You.
D. Bruce Gardiner....

-- Executive Director

Motion Picture Exhibitors of
Washington, Alaska and Oregon
PO Box 3134
Kirkland, WA 98083
(425) 823-9456

Motion Picture Exhibitors of Washington, Alaska and Oregon

Special Committee
City of Sherwood
via Email
Dear Folks:

Yesterday, July 31, we first learned of the proposed ordinance regulating business hours (5.04.100). This ordinance includes "movie theaters" in its definition of personal services. On behalf of the motion picture exhibition industry in Oregon, we are writing to note our opposition to including movie theaters in the business hours regulations.

The Motion Picture Exhibitors of Washington, Alaska and Oregon include approximately 85% of the motion picture exhibitors in the state of Oregon. Although at this time only one theatre appears to be affected by this ordinance, it could impact any theatre that wishes to exhibit motion pictures in Sherwood, and therefore, we speak as a united voice against the ordinance.

Many theatres have their last showing of films at between 10:30 and 11:00 PM. Many films run longer than 2 hours, and would end after the 1:00 AM deadline in the ordinance. Would you be telling us that at 1:00AM we must shut down the theatre, telling the patrons that they can only see two-thirds of the film, and come back another day to see the remainder? Of course that is absurd and I don't think you intended that to be true. But since theatres try to present the major film twice in an evening, and the primary starting time for the first presentation is between 7 and 8 PM, it is not possible for that second show to begin before the 10:30 - 11:00 PM time frame. Some of the current movies that would exceed two hours include [The Lone Ranger](#) (2:29), [Pacific Rim](#) (2:11), [Fast and Furious 6](#) (2:10), [Star Trek Into](#)

Darkness (2:12), The Great Gatsby (2:22) and Iron Man 3 (2:20). In addition, occasionally there are special Midnight Openings for films of particular interest.

Including "movie theaters" in the definition of "Personal Services" is a misnomer. Movie theatres are more closely aligned with restaurants, bars and taverns, in that they provide entertainment to the public, not personal services such as provided by laundering, shoe repair, hair and body care, tailoring, travel agents, spas, tanning salons and nutrition/weight loss centers. Nor do movie theatres fit within the definition of "Retail Sales" where the only sale of merchandise to the general public occurs at the concession stands, which clearly would be "restaurant" sales.

We respectfully request that the Special Committee, as you draft the ordinance for referral on to the City Council, delete "movie theaters" from paragraph 5.04.100 B 2. and suggest that you include an exemption for movie theatres within your exemptions in subparagraph D as a new subparagraph "4. Theatres" (you may have a community theatre that would welcome the same exemption from having to close by 1:00 AM).

Sincerely yours,

D. Bruce Gardiner,

Executive Director

Motion Picture Exhibitors of

Washington, Alaska and Oregon

PO Box 3134

Kirkland, WA 98083

(425) 823-9456

Note: Two additional letters were received via email from: Arcadia Security and The Springs Living (see attached)

July 25, 2013

Meerta Meyer
Chairperson, Sherwood Special Committee
Sherwood City Hall
22560 SW Pine St
Sherwood, OR 97140



Re: Proposed Sherwood City Ordinances

Dear Chairperson Meyer:

Thank you for the opportunity to join the public Sherwood Special Committee meeting Wednesday, July 24, 2013. I was appreciative of the opportunity to provide a public statement regarding The Springs at Sherwood. In follow-up to my verbal statement on Wednesday evening, I would like to provide a short written statement for the record and for the Special Committee's consideration.

The Springs Living is a locally-owned and operated business, with a home office in McMinnville, Oregon. The Springs Living operates 10 retirement communities, with 8 falling within the greater-Portland/Salem/The Dalles area. One of these communities is The Springs at Sherwood, located off of Oregon Street, which has been serving the senior residents of Sherwood since 2002.

The Special Committee's consideration of employee benefits and sick time is a very important one, which has very real effects on Sherwood's businesses like The Springs. While The Springs at Sherwood is considered a small retirement community, our employees there are part of a larger management company, The Springs Living. Therefore, while we operate a small business within the City of Sherwood, legally, when considering all of our employees under one central management company, we become classified as a large corporation.

In our segment of the healthcare service industry, like many other industries, we have significant challenges placed upon us. As you may know, we are entrusted with the important work of supporting and caring for the needs of the senior segment of our community – this is an important undertaking and we take this stewardship very seriously. As the vast majority of our business expense comes in the form of employee-related expenses, we are very sensitive to any change to our labor-related expense – no matter how small. The impacts of such changes are magnified in our business and can have severe consequences in our ability to operate and provide the important services we do to our residents and their families, and to our direct-care staff. We are already significantly impacted by a) continual tightening of Medicaid and Medicare reimbursement rates, b) the significant cost burdens associated with the preparation and roll-out of the Affordable Care Act given the labor-intensive nature of our business, c) general operating cost increases (especially in the food and medical supply categories) and d) the second-highest minimum wage rate in the country.

Unlike retail "big box" stores, we do not have the ability to absorb additional labor-related costs easily without passing the expenses to our seniors. We do not have the convenient opportunity to raise our rents to compensate for any labor-related, local mandates. The State of Oregon or U.S. Federal reimbursements stay the same, regardless of the City of Sherwood's local wage and benefit mandates. We serve seniors that are on fixed budgets – these budgets and their resources are typically limited and tight, especially in light of the low investment returns the elderly have experienced throughout this most recent economic slowdown. Mandated, local jurisdiction, labor-related expense increases require us to go to the seniors that pay privately and increase their already tight rates, putting further stress on their fixed budgets.

As a company, we pride ourselves on offering competitive wages and benefits. Our company provides full-time (30 hours per week or more) hourly workers benefit options such as healthcare, dental care, vision, long-term

disability, life insurance, 401K, holiday pay, vacation pay, earned time off and a wellness program to support our employees' quality of life. Sick time is referred to as earned time off within our company. Hourly part-time (less than 30 hours a week) employees are eligible for earned time off, holiday pay, 401K and wellness program benefits.

We offer these employee benefits not because we are required to, but because it is the right thing to do to support them. We believe it is important to allow businesses to offer employee benefits as employee retention and happiness. I believe this is a decision for the business to make, based on their industry, their financial capability and their unique industry workforce characteristics. I am deeply concerned that the Special Committee would consider mandating broad employee wage and/or benefits to businesses operating in Sherwood, especially given the financial implications on businesses that the Special Committee may not understand or anticipate.

The Special Committee's consideration of these particular ordinances is further concerning because The Springs at Sherwood is eager to expand its services within the City of Sherwood. We are owners of adjacent vacant land acquired with the goal of developing within 12-18 months. What appears to be a "small" or "simple" change to employee wage or benefits, can have major implications on labor-intensive companies like ours, as identified above. Therefore, I am concerned that any employee benefit ordinance passed could have catastrophic implications on our intention to expand our services further in Sherwood.

In summary, I would respectfully encourage the Special Committee to deny or decline any ordinance regarding employee benefits or wage. At the very least, I would respectfully request the Special Committee to table this particular ordinance discussion for the foreseeable future due to the extreme complexity of the subject matter.

Thank you for your consideration of this statement. It is a pleasure to be a member of the City of Sherwood.

Sincerely,

A handwritten signature in black ink that reads "Jay R. Leo". The signature is written in a cursive, flowing style.

Jay R. Leo
Director of Operations
The Springs Living



ARCADIA SECURITY

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Military & Law Enforcement Professionals
Since 2002*

July 24, 2013 Special Committee
Date Gov. Body
Citizen Comments D
Agenda Item Exhibit #
Written comments submitted

July 24, 2013

Special Committee
c/o Sylvia Murphy & Meerta Meyer
22560 SW Pine Street
Sherwood, Oregon 97140

Dear Sylvia & Meerta,

It is my understanding that an effort is being made to help ensure that the City of Sherwood remains that of a quaint and peaceful community, desirable for families to live and raise children in without the worries and problems that many of the other nearby cities struggle with and that the two of you are heading a committee in the effort of creating new ordinances to help preserve what those who currently live in Sherwood love about their city.

I have been in the security industry for about 15 years and during this time my company has and does provide security services to a wide variety of businesses and industries, leaving me uniquely qualified to address some of your committee's concerns.

I know that one of your concerns is to address the operating hours of retail and service industries operating within the city and this is a concern that I would like to specifically address. Arcadia Security & Patrol services clients in almost every city in the Portland Metro Area and because of this we have a good deal of understanding when it comes to what kind of issues are to be expected when adding a new client property based off where this property is located, what kind of business it is and what other kinds of businesses are nearby.

When servicing a client property, even though our client may have designated business hours that calls for that business to close at (let's say) 7pm, should that client have a neighboring business that stays open (let's say) 24 hours we tend to find this will have an effect not only on our client property but those other businesses and properties also within the immediate area and beyond. The first problem we see with businesses that have long or continual operating hours is that of loitering. We find that homeless people, street kids and those just "looking for something to do" will congregate to these businesses. In addition to having continual vehicle and foot traffic coming and going from the business you will also see a rise in crime that is directly connected to the fact that the business is there and open.

Often times we find people camping and even "living" in the parking lots of businesses such as these. We do find some businesses will make an effort to try and drive the loiterers and campers off their property. However, this doesn't solve the problem... In fact doing this often only makes things worse for the community as the loiterers, campers and homeless don't leave the area or city. They just move throughout the city, loitering in new areas and finding new places to camp or set up backwoods homes. Knowing that there is a business with late or 24 hour activity will provide a constant source of panhandling, theft, dumpster diving and an assortment of other unwanted and illegal activity all because there is a constant source of commerce and opportunity. This is not a problem that the residents of Sherwood should have to deal with and limiting operating hours for businesses will help prevent or limit this kind of activity.

As a resident of Sherwood you would need to ask yourself, "do I want increased vehicle traffic driving through my community at all hours of the day and night...?" Business with extended or 24 hour service will inevitably drive up 3 very specific problems. One being the amount of traffic driving the streets at all hours of the day and night. Two being the amount of parking that will be required to handle the increased vehicle traffic

Arcadia Security & Patrol, Inc.

PO Box 2004 | Beaverton | Oregon | 97075 | United States of America
Phone: 1 (877) 778-3159 | Fax: (503) 579-1408 | Web: www.Arcadia-Security.com | E-mail: service@arcadia-security.com



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Military & Law Enforcement Professionals
Since 2002*

caused by the extended operating hours. And the third and what I feel is the most important, the increased amount of crime that police and security will be faced with due to the increased amount of business and other undesirable activity due to follow.

We find that communities that regulate operating hours to specific times and days of the week tend to have fewer problems and unwanted activity as those who would be involved in such things tend to move to other areas that allow for this activity. In an effort to help preserve Sherwood I would encourage an ordinance detailing hours of operation for businesses as well as a no camping, loitering or long term parking ordinance to help drive any potential problems away from the city and back in to the more urban areas of the metro area.

Should you have any additional questions or would like any follow up I may be reached at my office.

Thank You,

Don Clot
Managing Director
Badge # 13361
dclot@arcadia-security.com

Arcadia Security & Patrol, Inc.

PO Box 2004 | Beaverton | Oregon | 97075 | United States of America
Phone: 1 (877) 778-3159 | Fax: (503) 579-1408 | Web: www.Arcadia-Security.com | E-mail: service@arcadia-security.com



Downloaded from: https://www.oregon.gov/arc/arc.nsf/00000000000000000000000000000000

Follow Up Questions - Special Committee Meeting

7/31/2013

Meerta Meyer <meertameyer@gmail.com>

Wed, Jul 31, 2013 at 12:41 PM

To: GrothJ@sherwoodoregon.gov

Cc: Sylvia Murphy <murphys@sherwoodoregon.gov>, Tom Pessemier <pessemiert@sherwoodoregon.gov>

Chief Groth:

Thanks again for taking time to meet with us this week; we very much appreciate your time.

Before I complete my final report to City Council, I am hoping you can confirm a few things for me - I want to be very sure not to misquote you or misrepresent any of your comments.

Specifically regarding the Regulation of Business Hours:

- You indicated the regulation of business hours could be a preventative measure in limiting behavioral incidents
- You indicated as Sherwood is growing and with additional development you will need additional resources not available at this time - you said "police can't be everywhere and working in the dark is very different than working during the day".
- You indicated that "criminals like the dark" and community policing sets a tone. Could limiting business hours be an action of community policing and lend itself to setting a tone of community expectation? (at one point you said, "we don't have problems here and we don't want problems here").
- You indicated community policing/working with Sherwood businesses and residents builds a level of safety - can you please help me understand what you meant by this?

If you would be so kind to reply to this email (today or early tomorrow) I would really appreciate it.

Thank you in advance for your additional time on this,

Meerta Meyer

Meerta Meyer <meertameyer@gmail.com>

Wed, Jul 31, 2013 at 1:10 PM

To: GrothJ@sherwoodoregon.gov

Cc: Sylvia Murphy <murphys@sherwoodoregon.gov>, Tom Pessemier <pessemiert@sherwoodoregon.gov>

Chief, one last thing - in an effort to better describe community policing for the Council and community - I found the below information from the U.S Department of Justice as it relates to community policing - is this a philosophy you agree with?

<https://www.ncjrs.gov/pdffiles/commpp.pdf>

Community policing is, in essence, a collaboration between the police and the community that identifies and solves community problems. With the police no longer the sole guardians of law and order, all members of the community become active allies in the effort to enhance the safety and quality of neighborhoods. Community policing has far-reaching implications. The expanded outlook on crime control and prevention, the new emphasis on making community members active participants in the process of problem solving, and the patrol officers' pivotal role in community policing require profound changes within the police organization. The neighborhood patrol officer, backed by the police organization, helps community members mobilize support and resources to solve problems and enhance their quality of life. Community members voice their concerns, contribute advice, and take action to address these concerns. Creating a constructive partnership will require the energy, creativity, understanding, and patience of all involved.

Reinvigorating communities is essential if we are to deter crime and create more vital neighborhoods. In some communities, it will take time to break down barriers of apathy and mistrust so that meaningful partnerships can be forged. Trust is the value that underlies and links the components of community partnership and problem solving. A foundation of trust will allow police to form close relationships with the community that will produce solid achievements. Without trust between police and citizens, effective policing is impossible.

[Quoted text hidden]

Jeff Groth <GrothJ@sherwoodoregon.gov>

Wed, Jul 31, 2013 at 6:06 PM

To: Meerta Meyer <meertameyer@gmail.com>

Cc: Sylvia Murphy <MurphyS@sherwoodoregon.gov>, Tom Pessemier <PessemierT@sherwoodoregon.gov>, Joseph Gall <GallJ@sherwoodoregon.gov>, Angela Hass <HassA@sherwoodoregon.gov>

Meerta,

While that is the official definition, it is very academic and does not really explain what Community Policing looks like. I have no problem with you using that definition, but would ask that you add the following specific information as well:

For several decades in Sherwood, the Community has invested in the police department and the police department has focused on proactive policing, with a high level of self-initiated activity compared to public demand for service (calls). Self-initiated activity includes many things such as traffic stops, house checks, business checks, neighborhood patrols and citizen contacts, to name just a few of the more obvious ones. Another component of Community Policing is our ability to spend extra time on calls from the public, working with them in partnership to solve problems.

The result of this community policing is the low crime rate we all enjoy. To maintain this proactive approach, the investment from the community must continue so police resources keep pace with the growth of the community. Anytime the public demand for service equals and/or surpasses self-initiated activity, the crime rate will climb. So this is what Community Policing looks like in Sherwood. Your police department partners with the many components of the community to be successful in Community Policing.

Thx-JG

Jeff Groth

Chief of Police

City of Sherwood

(503) 625-5223

grothj@sherwoodoregon.gov<mailto:grothj@sherwoodoregon.gov>

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wrote:

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On Wed, Jul 31, 2013 at 12:41 PM, Meerta Meyer <meertameyer@gmail.com<mailto:meertameyer@gmail.com>> wrote:
Chief Groth:

Thanks again for taking time to meet with us this week; we very much appreciate your time.

Before I complete my final report to City Council, I am hoping you can confirm a few things for me - I want to be very sure not to misquote you or misrepresent any of your comments.

Specifically regarding the Regulation of Business Hours:

- * You indicated the regulation of business hours could be a preventative measure in limiting behavioral incidents
- * You indicated as Sherwood is growing and with additional development you will need additional resources not available at this time - you said "police can't be everywhere and working in the dark is very different than working during the day".
- * You indicated that "criminals like the dark" and community policing sets a tone. Could limiting business hours be an action of community policing and lend itself to setting a tone of community expectation? (at one point you said, "we don't have problems here and we don't want problems here").
- * You indicated community policing/working with Sherwood businesses and residents builds a level of safety -

can you please help me understand what you meant by this?

If you would be so kind to reply to this email (today or early tomorrow) I would really appreciate it.

Thank you in advance for your additional time on this,

Meerta Meyer

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Meerta Meyer <meertameyer@gmail.com>

Wed, Jul 31, 2013 at 6:25 PM

To: Jeff Groth <GrothJ@sherwoodoregon.gov>

Cc: Tom Pessemier <pessemierr@sherwoodoregon.gov>, Sylvia Murphy <murphys@sherwoodoregon.gov>

Thanks so much for your reply - did I capture your other comments correctly?

[Quoted text hidden]

Jeff Groth <GrothJ@sherwoodoregon.gov>

Wed, Jul 31, 2013 at 6:25 PM

To: Meerta Meyer <meertameyer@gmail.com>

Cc: Sylvia Murphy <MurphyS@sherwoodoregon.gov>, Tom Pessemier <PessemierT@sherwoodoregon.gov>, Joseph Gall <GallJ@sherwoodoregon.gov>

Meerta,

Please see below notes. Thank you for your time and service, and for checking in with me. I hope my notes help.

Thank you again for the opportunity to share with the group-JG

Jeff Groth

Chief of Police

City of Sherwood

(503) 625-5223

grothj@sherwoodoregon.gov<mailto:grothj@sherwoodoregon.gov>

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Thanks again for taking time to meet with us this week; we very much appreciate your time.

Before I complete my final report to City Council, I am hoping you can confirm a few things for me - I want to be very sure not to misquote you or misrepresent any of your comments.

Specifically regarding the Regulation of Business Hours:

- * You indicated the regulation of business hours could be a preventative measure in limiting behavioral incidents: -any business that is open all night has the potential to create calls for service and certain types of self-initiated activities. Just because a business is closed, however, does not eliminate the need for services, as it is still a location that needs protecting and will still have the potential to create certain self-initiated activities.
- * You indicated as Sherwood is growing and with additional development you will need additional resources not available at this time - you said "police can't be everywhere and working in the dark is very different than working during the day". : -yes, that is correct, as I mentioned in the previous email. The investment must be maintained and it is not about the name of the business, but about a growing community. The most mundane of activities, like checking a business, is very different at night than it is in full daylight with people around.
- * You indicated that "criminals like the dark" and community policing sets a tone. Could limiting business hours be an action of community policing and lend itself to setting a tone of community expectation? (at one point you said, "we don't have problems here and we don't want problems here"). : -yes, I would have to agree with that statement.
- * You indicated community policing/working with Sherwood businesses and residents builds a level of safety - can you please help me understand what you meant by this? : -the whole philosophy and practice of Community Policing has proven to be successful over the years and through much research. Community Policing, as delivered the last couple of decades (maybe more?) by the Sherwood Police department has driven down the crime rate and what we are doing now keeps it down. A low crime rate, and a high level of self-initiated activity by Sherwood Police, equals safety and people feel it.

If you would be so kind to reply to this email (today or early tomorrow) I would really appreciate it.

Thank you in advance for your additional time on this,

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Jeff Groth <GrothJ@sherwoodoregon.gov>
To: Meerta Meyer <meertameyer@gmail.com>

Wed, Jul 31, 2013 at 6:27 PM

You should be getting that email soon, if not already!

Jeff Groth
Chief of Police
City of Sherwood
(503) 625-5223
grothj@sherwoodoregon.gov<mailto:grothj@sherwoodoregon.gov>

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TO: Sherwood City Council

FROM: Meerta Meyer, Chairperson on behalf of the Special Committee
Through: Tom Pessemier, Assistant City Manager

SUBJECT: Proposed Ordinance: Regulation of Camping

Background: City Council heard comments from the community related to ordinances citizens proposed to establish new business regulations. City Council adopted Resolution 2013-034 on June 18, 2013 creating a special committee to advise City Council on possible referral to voters of ordinances establishing new business regulations. City Council appointed members to the committee on July 2, 2013 per Resolution 2013-035.

With the support of city staff and legal counsel, between July 10, 2013 and August 1, 2013, the special committee met eight (8) times to discuss ordinance language to be presented to City Council. Upon favorable review, the City Council may refer three (3) ordinances to the ballot for public vote in November, 2013. Public comment was accepted at each meeting. City staff and legal counsel provided valuable insight to ensure the committee worked within federal, state, and local laws and regulations.

Proposed Ordinance: The Special Committee respectfully submits to City Council, for favorable review, proposed language for a Regulation of Camping Ordinance.

Necessity: The regulation of camping will promote and protect the health, safety, and welfare of residents and properties within the City of Sherwood.

Considerations:

1. Regulations regarding camping in outdoor areas on private property are not clearly defined within the City of Sherwood municipal code.
2. Responsible and proactive decision making minimizes negative impacts to people and property.
3. Special events and emergencies; these items are both addressed within the proposed language providing city staff the opportunity to grant a variance.
4. The special committee reviewed ordinances from other municipalities including Hillsboro, Oregon, Gilroy, California, Flag Staff, Arizona, and Van Horn, Texas.

5. Public comment; we received testimony largely favoring the language within the proposed ordinance related to camping regulations within the city. Please refer to the special committee meeting minutes, video, and emails received from the public for more information.
6. Staff support; we received testimony from the Chief of Police who is supportive of the proposed ordinance within the city.

Financial Impact: The committee was unable to analyze financial impacts to the City of Sherwood; city staff indicates adoption of this ordinance is likely to have minimal impact on city resources.

Sherwood Special Committee – Regulation of Camping Ordinance

The City of Sherwood ordains as follows:

Section 1. Chapter 9.54 – Regulation of Camping – is hereby added to the Sherwood Municipal Code as follows:

9.54.010 - Purpose.

This chapter is enacted to promote and protect the health, safety and welfare of the City's residents as well as property within the City through the regulation of camping on or near areas open to the public as well as on or near vacant lots to address adverse impacts of such activities including littering; public urination; public defecation; public intoxication; theft of water and electricity; verbal and physical assaults; trespass onto adjacent public and private properties; vandalism; property damage; fire hazards; and harassment or intimidation of occupants, employees, and/or customers.

9.54.020 – Definitions

For the purposes of this chapter, the following definitions shall apply:

- A. "Area Open To The Public" means all outdoor areas on private property within the City to which the public has access and includes but is not limited to private streets, alleyways and pedestrian ways, vacant or unimproved lots or parcels and the common areas such as parking lots and picnic areas of schools, medical facilities, apartment houses, office and industrial buildings, service stations, churches and retail shopping centers.
- B. "Camp" or "Camping" means the use of an area open to the public as temporary quarters for the purposes of living, sleeping or residing. Such activities may include, but need not be limited to any of the following: (1) sleeping or making preparations to sleep, including the laying down of bedding for the purpose of sleeping; (2) the parking of any motor vehicle, including a motor home, recreational vehicle or trailer, for the apparent purpose of occupancy; (3) storing personal belongings; (4) making any fire; and (5) carrying on cooking activities.

9.54.030 – Regulation of Camping

Except as otherwise provided in this chapter, a person shall not camp in any area open to the public. Nothing in this chapter prohibits a person from camping in lawfully existing areas designated for camping including campgrounds or recreational vehicle parks.

9.54.040 - Enforcement Responsibility and Authority.

The Sherwood Police Department and the City Manager or the Manager's designee are jointly charged with the enforcement of this Chapter.

9.54.050 - Variances.

A. Any person may apply for:

1. A Class A variance to Camp in an area open to the public for up to fourteen (14) days in duration; or
2. A Class B variance to Camp in an area open to the public for fifteen (15) or more days in duration.

B. Any person, entity or organization may apply for a variance under subsection (A) on behalf of multiple individuals or person(s).

C. Notwithstanding any other provision of this chapter, the Chief of Police, the City Manager Manager's designee may permit a person to camp in areas open to the public provided: (1) situation exists necessitating the need to camp in the area open to the public; (2) the use of the area open to the public for camping purposes will not, on balance be unduly detrimental to the public health, safety or welfare; and (3) the owner or person or entity legally controlling occupancy of the area open to the public has consented to the camping.

9.54.060 - Variance Application.

A. An applicant for a variance shall submit the following information on a form approved by the City:

1. A reference to the provision in this chapter from which the variance is sought;
2. The reason(s) why the variance is necessary;
3. A general description of the physical characteristics of the area open to the public for which a variance is sought;
4. The variance's time period;
5. The signed consent from the owner or person or entity legally controlling occupancy of the area open to the public for which the variance is sought;
6. Any other supporting information the City Manager or City Council may reasonably require to allow consideration of the conditions set forth in Section 9.52.100.

B. The applicant for a Class A variance shall submit the application to the City Manager or the Manager's designee. The applicant for a Class B variance shall submit the application to the City Recorder, who shall place the matter on the agenda for a forthcoming City Council meeting.

9.54.070 - Public Notification for Class B Variance.

The applicant for a Class B variance shall post notice along the nearest public road at the boundaries of the property containing the area open to the public for which the variance is sought so that the notice is visible from the public road and publish notice thereof in a newspaper of general circulation in the city. Posted notice on the property shall be at least seven days prior to the public hearing with published notice completed at least four days prior to the hearing. Notice under this section shall state the date the council will consider the application, the nature and substance of the variance to be considered, and that written comments on the application may be filed with the City Recorder before the meeting at which the application is to be considered.

9.54.080 - Variance Review.

The City Manager or the Manager's designee or City Council may grant a variance, after considering the written application for variance and any written comments submitted when it appears the following conditions exist:

- A. There are unnecessary or unreasonable hardships or practical difficulties which can be most effectively relieved by granting the variance, and;
- B. The granting of the application will not be unduly detrimental to the public health or safety or welfare.

9.54.090 - Variance Decision.

- A. The City Manager or the Manager's designee shall grant or deny a Class A variance within three days of receipt of a complete variance application, excluding Saturdays, Sundays, and holidays.
- B. The City Council shall grant or deny a Class B variance within thirty (30) days of receipt of the application, and may, on its own motion, hold a public hearing on the application before deciding to grant or deny the variance.
- C. The City Manager or City Council may impose such limitations, conditions and safeguards as deemed appropriate, so that the spirit of the chapter will be observed, and the public safety, health and welfare are secured. A violation of any such condition or limitation shall constitute a violation of this chapter.
- D. A decision to grant or deny the variance shall be in writing and shall state the reasons for the decision. The City Council or City Manager shall notify the applicant of the decision and shall make it available to any person who has submitted written comments on the application.

9.54.100 - Review.

The decision of the City Manager or the City Council to grant or deny a variance is final. Such decisions may be reviewed pursuant to ORS 34.010 to 34.100 (writ of review).

9.54.110 – Civil Penalties.

A person who violates any provision of this Chapter is subject to a civil penalty of no more than one hundred dollars (\$100.00) for each day a violation occurs.

TO: Sherwood City Council

FROM: Meerta Meyer, Chairperson on behalf of the Special Committee
Through: Tom Pessemier, Assistant City Manager

SUBJECT: Proposed Ordinance: Regulation of Business Hours

Background: City Council heard comments from the community related to ordinances citizens proposed to establish new business regulations. City Council adopted Resolution 2013-034 on June 18, 2013 creating a special committee to advise City Council on possible referral to voters of ordinances establishing new business regulations. City Council appointed members to the committee on July 2, 2013 per Resolution 2013-035.

With the support of city staff and legal counsel, between July 10, 2013 and August 1, 2013, the special committee met eight (8) times to discuss ordinance language to be presented to City Council. Upon favorable review, the City Council may refer three (3) ordinances to the ballot for public vote in November, 2013. Public comment was accepted at each meeting. City staff and legal counsel provided valuable insight to ensure the committee worked within federal, state, and local laws and regulations.

Proposed Ordinance: The Special Committee respectfully submits to City Council, for favorable review, proposed language for a Regulation of Business Hours Ordinance.

Necessity: The regulation of business hours is designed to preserve the quality of life during late night and early morning hours, discourage activities compromising public safety during late night and early morning hours, and to provide for efficient, effective, and economical provision of government resources.

Considerations:

1. To preserve livability; business hours impact such things quiet enjoyment of neighboring residences.
2. Responsible and proactive decision making minimizes negative impacts to people and property.
3. Residential and business growth; as Sherwood grows its residential and business populace, preserving the health, safety, and welfare of employees and residents is instrumental in promoting a healthy community.

4. Public safety; minimizing the incidence of loitering, public drinking, disorderly conduct and other unlawful acts.
5. Special events; this is addressed within the proposed language providing city staff the opportunity to grant a temporary permit for extended late night business permits.
6. The special committee reviewed ordinances from other municipalities including Beaverton, Oregon.
7. Public comment; we received testimony largely favoring the language within the proposed ordinance related to the regulation of business hours within the city. Please refer to the special committee meeting minutes, video, and emails received from the public for more information.
8. Professional experience and guidance from Chief Groth, Chief of Police in the City of Sherwood. The Chief spent nearly 90 minutes with the special committee in a question/answer format and also took time, via email, to further clarify the position of the Sherwood Police Department specifically related to this proposed ordinance language. Please refer to the special committee meeting minutes, video, and email received from Chief Groth for more information.

Financial Impact: The committee was unable to analyze financial impacts to the City of Sherwood; city staff indicates adoption of this ordinance is likely to have minimal impact on city resources.

Sherwood Special Committee – Regulation of Business Hours

The City of Sherwood ordains as follows:

Chapter 5.04 of the Sherwood Municipal Code is hereby amended by adding section 5.04.100 to read as follows:

5.04.100 Retail Sales Business Hours

A. Purpose and Findings

1. This section regulating the business hours of retail sales ~~and service~~ businesses in the City of Sherwood is designed to:
 - a. Improve the quality of life for residents of the City particularly during the late night/early morning hours;
 - b. Decrease the incidence of arrests, criminal activity and/or nuisance complaints associated with retail sales businesses during the late night/early morning hours;
 - c. Discourage activities compromising the public safety of City residents during the late night/early morning hours; and
 - d. Provide for efficient, effective and economical provision of scarce government resources in addressing each of the aforementioned purposes.
2. From input provided by City residents and the Sherwood Police Department, the people of Sherwood find uniform closing times for retail sales businesses located within the City will:
 - a. Permit the City's police force on duty during the late night/early morning hours to focus its resources on providing protection to the City;
 - b. Protect the health, safety and welfare of employees of retail sales and personal services businesses during times in which there may be limited police resources available;
 - c. Reduce the incidence of loitering, public drinking, disorderly conduct and related criminal activities including littering, drug dealing, noise disturbances and other unlawful acts that may occur when retail sales and personal service businesses are permitted to remain open during the late night/early morning hours;
 - d. Discourage crowds from congregating not only on the main streets and thoroughfares but on adjoining residential streets, lots and parking areas which prevents neighborhood residents from sleeping, safely walking their streets, and enjoying the peace and quiet of their homes.

B. Definitions. For purposes of this section, the following definitions apply:

1. "Gasoline Filling Station" means establishments primarily engaged in the sale of gasoline, diesel fuel, propane gas or kerosene where the retail sale of other goods or merchandise comprises less than fifty percent (50%) of the establishment's overall annual

sales, provided that a gasoline filling station affiliated with a retail sales business may be deemed a separate entity for the purposes of this section.

2. “Personal Service Businesses ” means establishments primarily engaged in providing retail services involving the care of a person or his or her goods or apparel including but not limited to movie theaters, laundering, shoe repair, hair and body care, tailoring, travel agents, spas, tanning salons and nutrition/weight loss centers. Direct medical care from establishments such as hospitals, urgent care facilities, nursing homes and long-term care facilities is not a personal service.
3. “Restaurant” means an establishment where the primary activity is the preparation of food and beverages for sale and consumption on or off premises and at which customer tables or counters are typically available. Such an establishment may take phone orders for food and may deliver food to customers off-premises.
4. “Retail Sales Businesses” means establishments engaged in selling merchandise to the general public for personal or household use or consumption and rendering services incidental to the sale of such merchandise including but not limited to specialty shops and boutiques, but does not include the sale of merchandise by user-operated vending machines located on the exterior of a building.

C. All retail sales businesses located within the City may not be open to the public for business between 1:00 a.m. and 5:00 a.m. daily.

D. Notwithstanding any other provision of this section, the limitations in this section do not apply to the following:

1. Restaurants;
2. Gasoline Filling Stations;
3. Personal Service Businesses; or
4. The sale of prescription or non-prescription (over the counter) medications in drugstores and pharmacies, provided that the sale of other merchandise by a drugstore or pharmacy to the general public for personal or household use or consumption prohibited by subsection (C) is not permitted by this subsection.

E. Enforcement responsibility and authority. The Sherwood Police Department and the City Manager or designee shall jointly enforce this chapter.

F. Temporary Late Night Business Permits.

1. A retail sales business may receive a temporary permit to remain open to the public for business between 1:00 a.m. and 5:00 a.m. or any time period between those hours.
2. An applicant for a temporary permit authorized by subsection (F)(1) shall submit to the City Manager or the Manager’s designee in writing on a form provided by the City:
 - a. The name and location of the retail sales business;

- b. The dates and times for which the permit is sought, provided that the dates need not be consecutive dates;
 - c. The reason or reasons why the permit is necessary;
 - d. The name and contact information of the owner(s), manager(s) or other individual(s) who will be responsible for the business's operations during the time period in which the permit is sought;
 - e. Any other supporting information which the City Manager may reasonably require to allow consideration of the conditions set forth in subsection (F)(3) below.
3. The City Manager or the Manager's designee, after consideration of the written application, shall be responsible for granting or denying a request for temporary permit. The City Manager or the Manager's designee may grant a permit when it appears that the following conditions exist:
 - a. There is a temporary business need, such as extended holiday hour shopping events, black Friday sales or special product releases that necessitates the business remaining open to the public for business during the hours of 1:00 a.m. and 5:00 a.m.; and
 - b. The granting of the permit will not be unreasonably detrimental to the public health, safety or welfare.
 4. The City Manager or the Manager's designee shall grant or deny an application for a temporary late night permit within five days of receipt of a complete application, excluding Saturdays, Sundays and holidays.
 5. When granting a permit under this section, the City Manager or the Manager's designee may place conditions or limits on the permit that are necessary to protect employees, customers, and members of the public inside or outside the premises from disruptive conduct, criminal activity, or health, safety or fire hazards. Such conditions may include but need not be limited to the creation of a security plan and/or the hiring of private security guards. A violation of any such condition or limitation shall constitute a violation of this section
 6. A decision to grant or deny a permit application shall be in writing and shall state the reasons for such decision. The decision of the City Manager or the Manager's designee is final and may be reviewed only pursuant to a writ filed under ORS Chapter 34.

G. Penalties.

1. Civil Penalties.
 - a. Unless specifically limited elsewhere in the Sherwood Municipal Code, the city manager is authorized to seek civil penalties for a violation of this section in amount(s) of up to one thousand dollars (\$1,000.00) for each day a violation of this section occurs in either the municipal court or another court of competent jurisdiction. In the event the City Manager seeks enforcement in a court other than the municipal court, the manager may seek recovery of the City's reasonable attorneys' fees.

- b. If the enforcement action is brought in the municipal court, the determination of the municipal court is final and reviewable only as provided by the terms of ORS Chapter 34.010 to 34.100 (writ of review).
 - c. When determining the amount of any civil penalty the municipal court or any other court of competent jurisdiction shall consider, at a minimum, the following factors and set out in its determination those believed to apply:
 - i. Prior violations and whether those violations were remedied in a timely manner;
 - ii. The magnitude of the violation;
 - iii. Whether the violation was repeated or continuous; and
 - iv. Whether the violation was intentional.
2. Injunctive Relief. The City may seek equitable relief against retail sales or personal services businesses that have failed to comply with this section or violated any provision thereof.
3. Remedies Not Exclusive. The remedies provided by this subsection are cumulative and not exclusive and are in addition to other rights, remedies, and penalties available to the City under other provisions of law.

TO: Sherwood City Council

FROM: Meerta Meyer, Chairperson on behalf of the Special Committee
Through: Tom Pessemier, Assistant City Manager

SUBJECT: Proposed Ordinance: Hazardous Substance Regulations

Background: City Council heard comments from the community related to ordinances citizens proposed to establish new business regulations. City Council adopted Resolution 2013-034 on June 18, 2013 creating a special committee to advise City Council on possible referral to voters of ordinances establishing new business regulations. City Council appointed members to the committee on July 2, 2013 per Resolution 2013-035.

With the support of city staff and legal counsel, between July 10, 2013 and August 1, 2013, the special committee met eight (8) times to discuss ordinance language to be presented to City Council. Upon favorable review, the City Council may refer three (3) ordinances to the ballot for public vote in November, 2013. Public comment was accepted at each meeting. City staff and legal counsel provided valuable insight to ensure the committee worked within federal, state, and local laws and regulations.

Proposed Ordinance: The Special Committee respectfully submits to City Council, for favorable review, proposed language for a city wide Hazardous Substance Regulations ordinance.

Necessity: The release of hazardous substances into the environment may present imminent and substantial threats to public health, safety, and welfare.

Considerations:

1. State and federal agencies do not always have the ability to respond immediately to the release of hazardous substances that threaten public health, safety, and welfare.
2. The City of Sherwood does not currently have language within its municipal code to quickly respond to or take action related to the release of hazardous substances.
3. Sustainability is important in preserving economy, society, and environment.
4. The special committee reviewed ordinances from other municipalities including Eugene, Oregon and Boulder, Colorado.
5. Public comment; we received testimony from Sherwood residents in favor of adopting policy to better safeguard the environment.

Financial Impact: In the event the City of Sherwood undertakes any action(s) to respond to a hazardous release and/or engages in the removal of such a release, the City will incur an immediate expense. As provided in the proposed ordinance language, the responsible party is jointly, severally, and strictly liable for removal actions incurred by the city.

Sherwood Special Committee – Hazardous Substances Regulations – First Draft

The City of Sherwood ordains as follows:

Section 1. Title 8 of the Sherwood Municipal Code is amended by adding section 8.16.210 as follows:

8.16.210 – Hazardous Substance Discharge and Removal

- A. Definitions. For purposes of this section and notwithstanding any contrary definitions contained in the Sherwood Municipal Code, the following definitions apply:
1. “City manager” means the city manager or designee.
 2. “Environment” means waters in the city, including drinking water and its supply, land surface, subsurface strata and ambient air.
 3. “Facility” means any site or area where a hazardous substance has been deposited, stored, disposed of, placed, or otherwise come to be located and where a release has occurred or where there is a threat of a release, but does not include any consumer product in consumer use or any vessel.
 4. “Hazardous substance” means:
 - a. any hazardous waste as defined in ORS 466.005;
 - b. any substance defined as a hazardous substance pursuant to Section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 – 9675 (P.L. 96-510, as amended, and P.L. 99-499); and
 - c. oil, including gasoline, crude oil, fuel oil, diesel oil, lubricating oil, oil sludge or refuse of any other petroleum-related product or waste or fraction thereof that is liquid at a temperature of 60 degrees Fahrenheit and pressure of 14.7 pounds per square inch absolute.
 5. “Owner or operator” means any person who owns or owned, leases or leased, operates or operated, controls or exercises or controlled or exercised significant control over the operation of a facility. “Owner or operator” does not include a person, who, without participating in the management of a facility, holds indicia of ownership primarily to protect a security interest in the facility.
 6. “Release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment including the abandonment or discarding of barrels, containers, underground storage tanks and other closed receptacles containing any hazardous substance, or threat thereof, but excludes:
 - a. Any release that results in exposure to a person solely within a work place, with respect to a claim that the person may assert against the person's employer under ORS chapter 656;
 - b. Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel or pipeline pumping station engine;
 - c. Any release of source, by-product or special nuclear material from a nuclear incident as these terms are defined in the Atomic Energy Act of 1954, as amended, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of the Atomic Energy Act of 1954, as amended, or, for the purposes of any removal or remedial action, any release of source by-product or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill

Tailings Radiation Control Act of 1978;

- d. A discharge in accordance with federal, state or local governing regulations, with a National Pollutant Discharge Elimination System Permit, with waste discharge requirements established by the Oregon Department of Environmental Quality or with the sewer pretreatment requirements of the city's sewer system;
 - e. The routine application of fertilizer in accordance with a manufacturer's directions for its application and in accordance with applicable state and federal laws;
 - f. Application of pesticides as defined by ORS Chapter 634, when such application is made within the provision of applicable state and federal laws;
 - g. Application of agricultural lime, gypsum and other agricultural/horticultural soil amendments when applied for agricultural/horticultural purposes in accordance with a manufacturer's directions and in accordance with applicable state and federal laws; and
 - h. Any release from a residential heating oil tank serving an owner-occupied single-family dwelling.
7. "Removal" means the removal or cleanup of a hazardous substance released into the environment; actions as may be necessary in the event of the threat of release of a hazardous substance into the environment; actions as may be necessary to monitor, assess and evaluate the release or threat of release of a hazardous substance; the disposal of removed material or the taking of such other actions as may be necessary to prevent, minimize or mitigate damage to the public health, safety or welfare which may otherwise result from a release or threat of release. "Removal" also includes but is not limited to security fencing or other measures to limit access, provision of alternative drinking and household water supplies, temporary evacuation and housing of threatened individuals and action taken under ORS 465.260.
8. "Removal action costs" means reasonable costs attributable to or associated with a removal action at a facility, including but not limited to the costs of administration, investigation, legal or enforcement activities, contracts and health studies.
9. "Responsible party" means the current owner or operator; any owner or operator at or during the time of the acts or omissions that resulted in the release: any owner or operator who became the owner or operator after the time of the acts or omissions that resulted in the release, and who knew or reasonably should have known of the release when the person first became the owner or operator; any owner or operator who obtained actual knowledge of the release at the facility during the time the person was the owner or operator of the facility and then subsequently transferred ownership or operation of the facility to another person without disclosing such knowledge; any person who unlawfully hinders or delays entry to, investigation of or removal action at a facility; and any person who, by any acts or omissions, caused, contributed to, or exacerbated the release, unless the acts or omissions were in material compliance with applicable laws, standards, regulations, licenses or permits.
10. "Underground storage tank" means any one or more tanks and underground pipes connected to the tank, used to contain an accumulation of a regulated substance, and the volume of which, including the volume of the underground pipes connected to the tank, is ten percent or more beneath the surface of the ground.
11. "Waters" means all lakes, ponds, impounding reservoirs, springs, wells, rivers, streams; creeks; estuaries, canals; and all other bodies of surface or underground waters, natural or artificial, public or private, that are wholly or partially within the city or within its jurisdiction.

- B. Purpose. The release of hazardous substances into the environment may present imminent and substantial threats to the public health, safety and welfare. In many such instances, the United States Environmental Protection Agency (“EPA”) or the Oregon Department of Environmental Quality (“DEQ”) will act to ensure removal of contamination. It is not the intent of section 8.16.210 of this code for the city to act if EPA and/or DEQ will act. However, due to the limited resources of the EPA and DEQ, those agencies do not always have the ability to respond immediately to the release of hazardous substances that threaten the public health, safety and welfare. The purpose of section 8.16.210 is to minimize those threats by ensuring:
1. Prompt identification of discharges or threats of discharges into the environment of hazardous substances which present imminent risks to the public health, safety and welfare; and
 2. Implementation of removal actions.
 3. The authorizations contained in section 8.16.210 are in addition to any other authority the city manager or the city may have under other provisions of this code or applicable federal or state laws or regulations.
- C. City Manager Authority. After forming a reasonable belief that hazardous substances pose imminent threats to the public health, safety or welfare, the city manager may:
1. Undertake independently, in cooperation with others or by contract, investigations, studies, sampling, monitoring, assessments, surveying, testing, analyzing, planning, inspecting, training, engineering, design, construction, operation, maintenance and any other activity necessary to remove hazardous substances and to carry out the provisions of section 8.16.210;
 2. Undertake independently, in cooperation with others or by contract a removal of hazardous substances; and
 3. Recover the city’s removal action costs.
 4. Nothing in section 8.16.210 authorizes the city manager to order any action related to property that is subject to an EPA or DEQ order if the order requires investigation or remediation of suspected or known contamination.
- D. Joint and Several Liability. Each responsible party is jointly, severally and strictly liable for those removal action costs incurred by the city that are attributable to or associated with a facility.
- E. Release Prohibited. Unless authorized by state or federal law, no person may release, or cause to be released, any hazardous substance into the environment, or into waters upstream of the boundaries of the city when such release results in detectable levels of contamination in the waters that subsequently enter the city's jurisdiction.
- F. Duty to Report. Any person who releases or who causes or discovers a release of a hazardous substance into the environment must immediately report the release to the city if state or federal law imposes an obligation on such person to report the release to a state or federal agency.
- G. Assessment, Evaluation and Investigation.
1. The city manager, when he or she has reason to believe that hazardous substances pose imminent threats to the public health, safety or welfare may order a responsible party to conduct an assessment, evaluation or investigation that the city manager determines is

necessary to protect the public health, safety and welfare. An order of the city manager is appealable only as provided by subsection 8.16.210(G)(2).

2. Any person who receives and complies with the terms of an order issued pursuant to subsection 8.16.210(G)(1) may, within 60 days after completion of the required action, petition the city manager for reimbursement for the reasonable costs of such action. If the city manager denies reimbursement, the person may appeal the city manager's denial to the municipal court within 15 days of the city manager's written denial. To obtain reimbursement, the person must establish by a preponderance of the evidence that the person is not a responsible party and that the costs for which the person seeks reimbursement are reasonable in light of the action required by the relevant order.
3. If any responsible party fails to conduct an assessment, evaluation or investigation as required by an order of the city manager, and the responsible party does not have sufficient cause justifying the failure, the responsible party will be liable to the city for the city's removal action costs and for punitive damages not to exceed three times the amount of the city's removal action costs.

H. Removal Action.

1. The city manager, when he or she has reason to believe that hazardous substances pose imminent threats to the public health, safety or welfare may order a responsible party to conduct a removal action to protect the public health, safety and welfare. An order of the city manager is appealable only as provided by subsection 8.16.210(H)(2).
2. Any person who receives and complies with the terms of an order issued pursuant to subsection 8.16.210(H)(1) may, within 60 days after completion of the required action, petition the city manager for reimbursement for the reasonable costs of such action. If the city manager denies reimbursement, the person may appeal the city manager's denial to the municipal court within 15 days of the city manager's written denial. To obtain reimbursement, the person must establish by a preponderance of the evidence that the person is not a responsible party and that the costs for which the person seeks reimbursement are reasonable in light of the action required by the relevant order.
3. If any responsible party fails to remove hazardous substances as required by an order of the city manager, and the responsible party does not have sufficient cause justifying the failure, the responsible party will be liable to the city for the city's removal action costs and for punitive damages not to exceed three times the amount of the city's removal action costs.

I. Construction Limitations. If the city manager has reason to believe that a proposed building site is contaminated by a release of hazardous substances, and that such contamination poses an imminent threat to the public health, safety and welfare, the city manager may refuse to issue a building permit, or where a permit has been issued, stop work on the permit, until such time as a removal action is implemented. If the responsible party can demonstrate that construction and the removal action can occur simultaneously, and satisfies the city manager that the removal action will continue even if construction is allowed to proceed, the city manager may authorize construction to continue or may issue permits prior to completion of the removal action. In order to ensure completion of the removal action, the city manager may require a bond in an amount sufficient to cover the costs of the removal action.

J. Violations. In addition to any other penalties that the code establishes, a violation of section 8.16.210 is a Class A violation. If the violation continues, the city may deem each calendar day that passes to be a separate violation.

Sherwood Field House Monthly Report April 2013

<u>April-13</u>	<u>Apr-13</u>		<u>YTD</u>		<u>Apr-12</u>
Usage		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served*</u>
Leagues	3	294	26	4948	585
Rentals	51	1224	752	17206	1825
Other (Classes)					
[1] Day Use	8	21	79	449	110
Total Usage		1539		22603	2520
Income	<u>Apr-13</u>	<u>YTD</u>			
Rentals	\$3,215	\$45,612			
League fees (indoor)	\$7,665	\$59,243			
Card fees (indoor)	\$150	\$3,438			
Day Use	\$99	\$1,581			
Advertising					
Snacks	\$512	\$4,821			
Classes					
Total	\$11,641	\$114,695			
FY 11 12					
Income	<u>Apr-12</u>	<u>YTD</u>			
Rentals	\$4,145	\$41,378			
League fees (indoor)	\$5,275	\$72,529			
Card fees (indoor)	\$540	\$4,360			
Day Use	\$213	\$1,483			
Merchandise					
Snacks	\$604	\$4,828			
Classes		\$175			
Total	\$10,777	\$124,753			

*Estimated number of people served based on all rentals have a different # of people. Along with each team will carry a different # of people on their roster.

Sherwood Field House Monthly Report May 2013

<u>May-13</u>	<u>May-13</u>		<u>YTD</u>		<u>May-12</u>
Usage		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served*</u>
Leagues	4	312	27	5260	585
Rentals	79	1580	831	18786	2424
Other (Classes)					
[1] Day Use	7	53	86	502	68
Total Usage		1945		24548	3077
Income	<u>May-13</u>	<u>YTD</u>			
Rentals	\$4,970	\$50,582			
League fees (indoor)	\$2,085	\$61,328			
Card fees (indoor)	\$40	\$3,470			
Day Use	\$129	\$1,710			
Advertising					
Snacks	\$286	\$5,107			
Classes					
Total	\$7,510	\$122,197			
FY 11 12					
Income	<u>May-12</u>	<u>YTD</u>			
Rentals	\$4,649	\$46,027			
League fees (indoor)	\$9,555	\$82,084			
Card fees (indoor)	\$190	\$4,550			
Day Use	\$134	\$1,617			
Advertising	\$1,500	\$1,500			
Snacks	\$388	\$5,216			
Classes		\$175			
Total	\$16,416	\$141,169			

*Estimated number of people served based on all rentals have a different # of people. Along with each team will carry a different # of people on their roster.

Sherwood Field House Monthly Report June 2013

<u>June-13</u>	<u>Jun-13</u>		<u>YTD</u>		<u>Jun-12</u>
Usage		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served*</u>
Leagues	4	338	27	5598	351
Rentals	76	1064	907	19850	325
Other (Classes)					
[1] Day Use	2	5	88	507	32
Total Usage		1407		25955	708
Income	<u>Jun-13</u>	<u>YTD</u>			
Rentals	\$4,770	\$55,352			
League fees (indoor)	\$5,800	\$67,128			
Card fees (indoor)	\$150	\$3,620			
Day Use	\$25	\$1,735			
Advertising	\$1,500	\$1,500			
Snacks	\$179	\$5,286			
Classes					
Total	\$12,424	\$134,621			
FY 11 12					
Income	<u>Jun-12</u>	<u>YTD</u>			
Rentals	\$900	\$46,927			
League fees (indoor)	\$3,254	\$85,338			
Card fees (indoor)	\$120	\$4,670			
Day Use	\$64	\$1,681			
Advertising		\$1,500			
Snacks	\$258	\$5,474			
Classes		\$175			
Total	\$4,596	\$145,765			

*Estimated number of people served based on all rentals have a different # of people. Along with each team will carry a different # of people on their roster.

Note this ends the fiscal year 2012 2013



Things are starting to ramp up for the spring /summer.

Youth Baseball held approximately 20 games in the month of April most of those being practice games and just a few league games. Most league schedules will start in May.

The youth soccer club finished up their winter / spring season with three state cup games at Snyder Park.

The youth softball club played twenty six recreational games at the high school complex during the month.

Greater Portland Soccer District played nine games at Snyder Park on Sundays in April.

The youth Lacrosse club played forty games at Snyder Park and the High School during the month.

Sherwood youth track held their Ice Breaker Invite on April 20th with good weather on that day they had over six hundred kids show up at the High School for their track meet.

Respectfully Submitted

Lance Gilgan

May 1, 2013



May had a lot going on we had one softball tournament two baseball tournaments and youth Lacrosse held the Sherwood shoot out Lacrosse tournament.

The Lacrosse tournament brought 12 teams into town two as far away as Issaquah Washington.

Softball had 16 teams here from all around the Portland metro area and as far away as Redmond.

Youth baseball had 42 teams in town with teams as far away as The Dalles and Washougal Washington.

Youth softball also played 47 league games during the month.

Youth baseball played approximately 86 league games during the month.

Greater Portland Soccer District Played 3 adult games at Snyder Park during the month.

Youth Soccer held their Classic Tryouts at Snyder Park on May 8th and 9th.

Youth lacrosse had approximately 36 league games at different fields during the month.

Youth Track continues to practice at SMS but will moving to the high school now that graduation is over.

Respectfully Submitted

Lance Gilgan

June 10, 2013



June was a busy month.

Youth baseball played approximately 87 league games in Sherwood during the month. Youth baseball also held four tournaments in town bringing in over 80 teams from all over the Portland metro area.

Youth Softball held 11 league games in June and held 2 tournaments at the high school they had 24 teams from all over the Portland metro area and around the state.

Youth lacrosse finished up the first week of the month.

Youth soccer still has their classic teams practicing.

Respectfully Submitted

Lance Gilgan

July 2, 2013