



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, June 3, 2014

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

6:30 pm City Council Work Session

7:00 pm City Council Regular Meeting



Home of the Tualatin River National Wildlife Refuge

6:30 PM CITY COUNCIL WORK SESSION

1. Establishing Police Advisory Board

REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CONSENT

- A. Approval of May 6, 2014 City Council Meeting Minutes**
- B. Approval of May 20, 2014 City Council Meeting Minutes**
- C. Resolution 2014-031 Authorizing the City Manager to sign an Intergovernmental Agreement for the Washington County Community Development Block Grant Program for program years 2015-2017**
- D. Resolution 2014-032 Reappointing David Scheirman to the Parks and Recreation Board**
- E. Resolution 2014-033 Reappointing Mary Reid to the Parks and Recreation Board**
- F. Resolution 2014-034 Appointing David Sorensen to the Parks and Recreation Board**
- G. Resolution 2014-035 Appointing Eric Evans to the Parks and Recreation Board**

5. PRESENTATIONS

- A. Introduction of TVF&R New Sherwood Station 33 Captain, Brian Smith**
- B. Boy Scout Recognition**
- C. Recognition of Robin Hood Maid Marion Court Members**
- D. Sherwood Main Street Presentation**
- E. Tree City USA Recognition, Ruth Williams, VP of Oregon Community Tree's**

6. CITIZEN COMMENTS

7. NEW BUSINESS

- A. Resolution 2014-036 Authorizing the City Manager to enter into a contract with Rychart Excavation, Inc. to replace storm system on Lincoln Street between Willamette and Division (Craig Sheldon, Public Works Director)**

AGENDA

SHERWOOD CITY COUNCIL June 3, 2014

6:30 pm City Council Work Session

7:00 pm City Council Regular Meeting

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

B. Ordinance 2014-010 Amending the Sherwood Municipal Code Chapter 12.08, Sidewalks Construction and Repair (Craig Sheldon, Public Works Director)

C. Ordinance 2014-011 Amending Section 13.24 of the Sherwood Municipal code to authorize extending the duration of a Reimbursement District (Julia Hajduk, Community Development Director)

8. COUNCIL ANNOUNCEMENTS

9. CITY MANAGER AND DEPARTMENT REPORTS

10. ADJOURN

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 MEETING MINUTES
22560 SW Pine St., Sherwood, Or
May 6, 2014

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:02 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Krisanna Clark, Bill Butterfield, Matt Langer, Robyn Folsom. Councilor Dave Grant was absent.
3. **STAFF PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Police Chief Jeff Groth, Finance Director Julie Blums and City Recorder Sylvia Murphy. Labor Consultant Howard ?
4. **TOPICS:**
 - A. Labor Negotiator Consultations, pursuant to ORS 192.660(2)(d).
5. **ADJOURN:**

Mayor Middleton adjourned the Executive Session at 6:35 pm and convened to a work session.

WORK SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:35 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Krisanna Clark, Bill Butterfield, Matt Langer and Robyn Folsom. Councilor Dave Grant was absent.
3. **STAFF PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Police Chief Jeff Groth, Finance Director Julie Blums, IT Director Brad Crawford and City Recorder Sylvia Murphy.
4. **TOPICS:**
 - A. **YSAT Update, (Youth Substance Abuse Team)**

Chief Groth presented information to the City Council (see record, Exhibit A) and explained. He noted that the last Council discussion was in February 2013 and since then many hours of work have been put in by the committee with a lot going on since that concept presentation. He said other components have been added under the umbrella of YSAT. He said today YSAT has four components and the intervention component is responsible for acceptance and processing of all referrals. He said there is a team in place

and the processes are nearly completed but some funding is needed for classified support from the School District. He commented on the enforcement component which they have been doing which targets high risk drinking & tobacco use and includes under-age decoy stings to target sellers & underage party response and general enforcement. He noted they have an existing IGA governing that and grant funding.

He referred to the legislative component which is the piece they are working on now. He stated the education and prevention component uses community collaboration and includes forming a community based 501(c) that supports prevention programs and addresses community norms. He said there is an Officer mentorship program already underway with Selma Broadhurst. He said the governing body is made of the key partners who include the City, School District and the Juvenile Department. He said the representatives from the City are the City Manager, Councilor Langer and the Police Chief, the School District representatives are Superintendent Cordie and School Board Member Sue Hekker and the Juvenile Department is represented by Director Lynn Schroeder.

He addressed the intervention component and said a lot of work has been done by High School administrators and Officer Asla to get specific details in place about how a youth would be referred and come into the program and what the process would look like. He said they have identified the best source of assistance, and support would come from the School District because a majority of the referrals are going to come from the School District with a lot of the staff involved. He said they already have people in place that do similar type of work and they could just add some funding for a position already there. He said for clarity they need to have the operational IGA in place so the intervention team can come together and share information that they otherwise could not legally share. He noted that information regarding juveniles and the types of things they are dealing with is protected information by State law. He said the IGA would allow for them to function together and that needs to be finalized. He said the IGA would also take care of some of the funding issues.

He discussed the enforcement component and said there is a separate IGA and reminded the Council that in September 2013 the Council approved Resolution 2013-051 which was an IGA with Washington County which was specific to and limited to the Sherwood Police Department participating with Washington County through Health and Human Services for high risk drinking efforts. He said tomorrow there is a luncheon that Council can attend with that group. He stated when Washington County heard that Sherwood was engaging in this work and doing undercover stings they approached the Police and suggested the IGA which provides for reimbursement funding up to \$4,000 for equipment and some programming and falls under the umbrella of YSAT. He commented that the IGA is already done but it doesn't accomplish the multi-disciplinary intervention team component that we need. He said they currently conduct underage decoy missions to lower alcohol and tobacco availability to our youth and said Officer Hirsch has done a great job leading those efforts. He stated the point is to attack the sources of availability. He said when they get information of underage parties they respond to those and that is extremely challenging.

He commented on the legislation component and said they need an IGA so the intervention team can operate and said they are going to do some work on the municipal code in terms of stronger language to address smoke free community. He said that Sherwood is actually a model for a lot of Washington County communities on their tobacco language and smoke free ordinances. He stated there are some gaps that need to be closed specifically dealing with the e-cigarettes and said they are becoming a big problem and they will address that and get some language to limit the public smoke houses. He stated

they have been working with Carla Bennett from Washington County HHS Tobacco Prevention & Education.

He referred to the next step and said they identified early on the need to have a community collaboration piece in Sherwood that has never existed. He provided the example of Tigard Turns the Tide which has been in place a long time and is very strong. He said it would be a 501(c) group that addresses the non-intervention enforcement piece. He referred to solving the problem and said we don't look at solving the problem by 2015 we look at establishing something that has things about legacy and 15 years from now they can look at data and numbers and realize the investments are paying off. He said there are a lot of components and he gave examples. He said this group would address the community norms and promote positive messaging. He discussed activities in other communities and the funding that is available. He said this group would develop and support programs like what Selma Broadhurst has done on her own and she got support for an Officer mentorship program and she partnered with Polar Bear Yogurt.

He stated that they put a group together early on to start working on that but the attention has been on the intervention piece and they need to put something in place because the intervention piece is about getting kids help and measure and assess what they need to be healthy and get them the resources and give them opportunities locally so they can make better decisions.

He said they are working on drafting the IGA and will present it to Council for support. He stated that they will work on code language and discuss the problems that e-cigarettes are creating and said he will have Carla Bennett with Washington County come speak to Council about the issues. He said they will also need funding for a classified position that will be part of the IGA.

Councilor Langer added that there has been a tremendous amount of technical and legal work involved and said they hoped to kick it off last fall. He said the best component of the plan is that rather than expelling a student, with this program they stay in school under a monitor program.

Councilor Henderson asked how smoke houses are currently regulated by our code. Discussion followed that they are regulated by the State and Chief Groth said that it is becoming a big problem in communities.

5. ADJOURN:

Mayor Middleton adjourned the work session at 6:58 pm and convened to a regular Council meeting.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:08 pm.
- 2. PLEDGE OF ALLEGIANCE:**
- 3. COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Krisanna Clark, Bill Butterfield, Matt Langer and Robyn Folsom. Councilor Dave Grant was absent.
- 4. STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Police Chief Jeff Groth, Community Development Director Julia Hajduk, Finance Director

Julie Blums, Senior Planner Brad Kilby, City Engineer Bob Galati, Community Services Director Kristen Switzer and City Recorder Sylvia Murphy. City Attorney Chris Crean.

Mayor Middleton addressed the Consent Agenda.

5. CONSENT AGENDA:

- A. Approval of April 15, 2014 City Council Meeting Minutes**
- B. Resolution 2014-026 Reappointing Russell Griffin to the Sherwood Planning Commission**
- C. Resolution 2014-027 Appointing Sally Robinson to the Sherwood Planning Commission**
- D. Resolution 2014-028 Authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with Washington County regarding a Joint Industrial Site Readiness and Planning Grant benefiting Sherwood's Tonquin Employment Area**
- E. Resolution 2014-029 Authorizing the City Manager to sign the Memorandum of Agreement between the City of Sherwood and the American Federation of State, County and Municipal Employees (AFSCME)**

MOTION: FROM COUNCILOR FOLSOM TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCILOR HENDERSON, MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR GRANT WAS ABSENT).

Mayor Middleton addressed the next agenda item.

6. PRESENTATIONS

A. Boy Scout Recognition

No scouts came forward.

B. Recognition of Sherwood Mr. Bowmen Contest Winners

Mayor Middleton commented on the Sherwood High School Mr. Bowmen contest and noted that four of the Councilors attended the event and for the first time two winners were chosen. He stated it was the 9th annual contest and was very well attended and they raised over \$56,000 for Doernbechers Children's Hospital. He noted that 12 senior males competed and each competitor has a manager and he asked the winners to come forward and received a certificate. He announced the winners were Olson Cottle and his sister McKenzie Cottle and Kes Rooney and his sister Cambria, who was unable to attend. He asked the Cottle team to briefly describe the experience and they commented on the importance of charity and said they rose over \$9,000 and they added that they were born at Doernbechers as premature triples and said that Doernbechers is important to their family and they owe them a lot. Mayor Middleton recognized the winners and asked them to come forward to receive a certificate. Councilor Folsom also recognized Kes for his leading role in Sherwood High School's Fiddler on the Roof. Mayor Middleton thanked the winners and said this is what makes our community great.

C. Proclamation, Emergency Medical Services (EMS) Week

Mayor Middleton states the week of May 18-24, 2014 is Emergency Medical Services Week. He read the proclamation and noted that emergency medical services is a vital public service and access to

quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury. He stated the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others. He said it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week. He stated that we have the best in our community and he asked Kieran Henthorn to come forward.

Kieran Henthorn from Metro West said they have been providing ambulance service in Oregon since 1953 and a great deal of that time in Sherwood. He said it has been an honor to be allowed to serve in Sherwood and the rest of Washington County. He stated EMS Week is May 18-24 and the proclamation is important to the members of the EMS teams. He noted they work in tandem with TVF&R paramedics to provide emergency health care and said Washington County has one of the best health care systems in Oregon. He said the partners include fire personnel, police, emergency room staff and the support personnel surrounding them. He thanked the Council for the proclamation and continued support of the emergency medical workers. He invited everyone to the EMS celebration on Friday May 23, at 3:00 pm at the Dawson Creek Office in Hillsboro.

Rob Watson came forward and said he is a lieutenant paramedic at Sherwood Station 33 and said their new Captain Brian Smith started May 1, 2014 and said Captain Smith will be coming before the Council at the next meeting.

Mayor Middleton thanked them and presented them with the Proclamation.

D. Metro Presentation, Southwest Corridor Update

Craig Dirksen came forward and said he is the Metro Councilor for District 3 which includes Sherwood and said he would be giving an update on the SW Corridor Plan and thanked Mayor Middleton for his participation in the SW Corridor Plan Steering Committee. He stated the plan is a collaboration between 8 cities, 2 counties, TriMet, ODOT and Metro focusing on targeting public investments to support community visions of how downtowns, main streets and employment areas should grow over time. He said the plan is looking at options for high capacity transit and said that is not enough to address the challenges and opportunities of this region. He said last July the Steering Committee approved the SW Corridor Plan and the shared investment strategy which includes about \$1.5 billion dollars of corridor improvement projects including walking, biking and roadway improvement projects aimed at providing more choices for people to get around today and in the future and also parks, trails and habitat projects that would enhance the green character of the communities. He said it also includes continuing to study both bus rapid transit and light rail high capacity transit modes and studying a facility that would connect downtown Portland with Tualatin via Tigard. He noted that Sherwood is not included in the plan as a destination for the high capacity transit because it was identified that it is not part of your local land use vision, however the plan does call for improved transit in the form of frequent bus service that would link Sherwood with the terminal station of the high capacity line. He thanked the Council for their commitment in participating in the SW Corridor Plan and having a voice. He said a vote at the Steering Committee helps shape the plans direction and it ensures that Sherwood will benefit from the long term investment, especially through the SW Corridor Service Enhancement Plan which is already going into the implementation process at TriMet. He introduced Malu Wilkinson as the Metro SW Corridor Project Manager.

Ms. Wilkinson provided a short update and noted that last fall each of the project partners endorsed the SW Corridor Shared Investment Strategy and said they have been refining the plan and said they have identified 60 design options and they are trying to narrow those down and find the complimentary roadway and bicycle and pedestrian facility that would go along with that. She said they are aiming to develop a package that the Steering Committee can recommend to the Metro Council to further study a process that is a federal planning process under the National Environmental Policy Act. She said they would draft environmental impact statements and they want to be careful with their resources going into a federal process because once you are in the process you need to study everything very carefully. She said they have a draft recommendation from the staff level that is out for public discussion and the Steering Committee will hear about that next Monday and said Mayor Middleton is on the Steering Committee and they are looking for the committee to narrow down the design options to a smaller set in June. She noted that while that doesn't include a destination to Sherwood they are considering the needs of all the communities in the SW Corridor. She said that is the next step and referred to a number of public involvement opportunities such as a community planning forum that will be held next Tuesday in Tigard in the Public Works Auditorium at 6:00 pm. She said this has been a collaborative process and it has been very useful and beneficial to all the partners.

Councilor Dirksen offered to answer questions. Mayor Middleton stated he is happy to stay involved in the process and thanked them for the update.

Mayor Middleton addressed the next agenda item.

7. CITIZEN COMMENTS

Tess Kies, Sherwood resident, approach the Council and thanked the City for supporting the dedication for "Stan the Man" Stanislawski who served as Police Chief in Sherwood from 1965-1981. She said the turnout was fantastic. She thanked Councilor Butterfield, Councilor Henderson and City Manager Joe Gall for their support in getting this approved. She thanked everyone and said it was a tribute to Stan but also to the whole police force. She thanked everyone that helped make this happen.

Nancy Bruton came forward as the CEO for the Sherwood Chamber of Commerce and said the Chamber is happy that the City has decided to review System Development Charges (SDCs) within Sherwood. She said the Chamber recognizes that SDC fees spread the cost of essential capital improvements to new developments. She said they however believe that business owners, especially new ones are able to support economic development in other necessary ways such as creating jobs to support the local tax base when they have more access to capital. She said now is a great time to reduce those fees to support the momentum of the City being open to business. She recognized the importance of good transportation systems for the business development and said the City should also use this opportunity to adjust transportation SDCs down for business development noting that the City secured outstanding funding, State and County dollars, in 2012 for local and region road projects. She said additionally it is worth considering addition options for ways to promote small businesses by having a certain percentage of square footage of commercial property at a lower rate than subsequent space beyond the initial square foot amount. She stated the Chamber thanks the Council for considering a reduction in fees to encourage economic activity and they support this as an ongoing discussion over time. She thanked the Council for their public service and all the volunteers throughout the community.

Terrie Emmons came forward and said she has been a Sherwood resident for 17 years. She responded to comments made by the Mayor in a recent Gazette article regarding the review of the operating

agreement between the YMCA and City of Sherwood. She said in the article the Mayor stated that “the YMCA couldn’t, or wouldn’t provide financial information for us to audit. Instead our auditor had to rely on piecemeal financial documents after 2001 that were provided and the testimony of the YMCA director Renee Brouse and other members of the council. She said even so, the report clearly states that this contract is vague, poorly written and had been mismanaged through the years”. She said she believes Mayor Middleton’s statements are inaccurate and reflect his ongoing prejudice against the YMCA and its staff. She noted for 14 years the YMCA and the City fostered a great working relationship built on mutual trust, honesty and integrity. She said in 2013 that changed with new elected officials and in March of 2013, there was an attempt by Mayor Middleton to have Renee Brouse terminated from her employment with the YMCA. She said emails clearly state that the Mayor made it clear that if she was not replaced the contract was at risk. She said she reviewed the letter of engagement between the City and Talbot, Korvola & Warwick and said at first TKW was not engaged to perform a financial audit of the YMCA as implied in the Mayor’s statement. She said the letter specifically states “The Firm will not conduct an audit of the YMCA’s financial statements and the overall goal of the agreement is for the Firm to provide information to the City such that the City can make informed choices and take appropriate actions with respect to the agreement in place with the YMCA”. She noted second, regarding the financial document the YMCA couldn’t or wouldn’t provide to TKW and said this seems to imply there is some wrong doing on the YMCA’s part for not providing financial documents for the past 16 years. She said there is no legal or contractual requirement which states an entity must retain financial records for more than 4 years. She said however, the YMCA did provide financial documentation. She commented that throughout the life of the contract the YMCA has provided financial statement to prior City officials. She said it is interesting that City officials from prior years were not contacted during the review of the contract. She stated TKW’s recommendation #5 states the City, not the YMCA needs to establish and implement policies for retention of minutes, financial information, and correspondence related to the agreements defined performance requirements. She said the issue of maintaining adequate records rests on the City not the YMCA. She stated nowhere in the report does it say that the contract was not abided to or that the contract was mismanaged. She said Mayor Middleton should apologize to the YMCA and Renee Brouse for his blatant misrepresentation of the facts. She stated transparency is a two way street.

Nancy Taylor, Sherwood resident approached the Council and stated that Trashpalooza was a huge success and thanked everyone that came and volunteered. She commented on the amount of cigarette butts found during the event. She encouraged everyone to pick up trash on their own. She noted that children learn to do what they see and picking up trash is a good example. She reminded everyone on social media of two terms: slander and liable. She noted they can both get you into big trouble and said to be sure that what you are saying about people is true because you can not only hurting their feelings but you can get sued.

Naomi Belov, Sherwood resident came forward and thanked those who initiated the audit and said it is important as a resident. She thanked Councilor Clark for being the judge and participating in Trashpalooza. She said they had about 100 volunteers and thanked Mayor Middleton for initiating the event. She commented on the proposed Charter changes on the ballot and referred to an article in the Gazette and said there are a lot of problems with the changes. She noted that some of them are benign but probably just thrown in to confuse the public at large. She said in general it is not right to just suddenly make these changes. She noted in particular the adoption of the Council Rules where under this rule making strategy a Councilor can shut out the public and manipulate the process every four years which seem like a reasonable approach but the voter might like to have a history of guarantees of how committees are conducted. She referred to the last year where there have been times where the

public has not been giving a voice in the process and shut out and said this does not help the matter or help to build the public trust. She referred to the proposed Charter change calling for public comment at each regular meeting and said isn't that a given. She asked why you would need to implement a change when that is already a rule. She said you should have resident comments at every meeting and noted sometimes they are not allowed or moved to the end of the meeting and asked why we need a Charter change for that. She said term limits is one of the benign ones and there to confuse people. She said she hopes the citizens will come together and vote no and our voices will be heard. She commented that June Reynolds who runs the history museum in Sherwood will be having a new history camp and Sustainable Sherwood is going to have a field team and interested people can contact the history museum.

Mayor Middleton asked Council President Henderson to address the public comment issue.

Council President Henderson referred to the five changes that the citizen led Charter Review Committee recommended to Council, and said the one change regarding citizen comments is an addition to. She said in the Charter there is no mandate for citizen comment and that is why the committee wanted to put that into the Charter and said it is listed under Council Rules. She said state law does not mandate for citizen comments either so the committee thought that was important to communicate to the elected officials through the Charter by mandating that public comment be afforded at every meeting.

Naomi Belov said isn't that what a city hall meeting is all about and said it is a given and is already implied when you are having a city hall meeting. She added that the Chamber of Commerce is preparing to give out awards and hoped that they take into consideration the small businesses owners and those that work within the confines of our ecosystem and small businesses that don't clog the roads with additional traffic and that they look to a citizen that spends a lot of time volunteering and adding to the quality of life in Sherwood.

Mayor Middleton said he was also surprised that the Charter does not mandate public comments.

Councilor Folsom noted that previous Mayors have disallowed it at their whim.

Lori Stevens, Sherwood resident approached the Council and addressed the previous comments regarding the YMCA and said as the former Vice President of the Sherwood Swim Association they tried on several occasions to get a copy of the YMCA's financial records and for whatever reason were not given full disclosure or full reports. She said it is not a unique circumstance that this occurred and said she misconstrued the article and said she agreed that the company that was hired to not do an audit but to look at the contract to see if it was written clearly and they determined it was not. She said it is a known fact that the Y does not fully disclose financial records when they are requested to do so and to put the onus on the City of Sherwood to keep track of those records is silly.

Tony Bevel, Sherwood resident came forward and said he has lived in Sherwood for 16 years and is concerned about traffic and lives on SW Lynnly Way which is between Roy Rogers and Edy Road and said it is like Portland International raceway. He appreciates that the police have a patrol there trying to monitor the speed. He commented that drivers are doing California stops in his neighborhood. He said he has been told they can't have speed bumps in Sherwood and he does not understand. He has been told that we can have traffic calming devices and said he received a letter that said that action would be taken. He noted that at the end of SW Lynnly another traffic stop sign has been installed and they appreciate it.

Mayor Middleton addressed the next agenda item.

8. NEW BUSINESS

A. Resolution 2014-030 Reducing Transportation System Development Charges

Councilor Langer recused himself.

Mayor Middleton said the Resolution has been changed and asked Community Development Director Julia Hajduk to distribute the proposed amendment (see record, Exhibit B). Julia said the staff report was clear as to the intent of the resolution but she realized the resolution was not as clear as she thought. She said she is proposing an amendment to Section 1 that makes it clear and she read the following language, *The City Council declares its intent that the City Transportation System Development Charge shall be charged at a rate of 50% of the adopted Fiscal Year 2013-2014 Rate Schedule effective July 1, 2014 until July 1, 2017.* She said this makes it clear that it is the Council intent and if Council adopts this resolution those changes will be folded into the fee schedule update and Council will consider that and adopt it at that time. She asked if the Council had any questions about that change and said if they are supportive they need to make a motion to amend the resolution.

Julia stated the resolution would reduce the transportation System Develop Charge (SDC) by 50% of what is currently being collected and assessed in the fee schedule. She said the Council has had several work session on this topic. She provided background and said when the City adopted the Transportation System Plan (TSP) in 2005 there was already a county wide impact fee that was assessed but did not cover even closely to the impacts of development. She said when they adopted the TSP they identified a number of projects that were necessary to support the transportation system over the 20 year planning period but they recognized there wasn't funds to do that. She stated they developed a SDC report and methodology that was adopted and intended to make of the difference of the full impact of any given use. She said the TIF was the Traffic Impact Fee assessed by the county and the SDC was making up the difference. She said since that time the TIF has been replaced by the Transportation Development Tax (TDT) and it was adopted and voted in 2008 and it increased the fees at the county level fairly significantly but still not enough to make up the difference. She said shortly after the City adopted the transportation SDC they adopted a 25% discount across the board. She noted with the TDT increasing and the SDC decreasing over time we need to readjust the numbers and the fees. She said the TDT caps uses and any given use has a certain number of trips associated with it. She stated at the county level it was capped and the SDC was intended to make up the difference and that still is the case. She stated they have looked at that and referred to page 37 of the Council packet and referred to the table that shows the comparison by categories and said the categories include residential, institutional, commercial, office and industrial. She stated that the table shows the percentage of actual costs that are covered by the TDT and the next column shows the actual percentage covered by the current City SDC with the 25% discount. She noted the third column shows the actual cost being paid for by the TDT plus the SDC and said you can see that some of the uses are paying more than their impact with the only exception being the commercial/retail uses which are still not quite paying 100% of the impact, but because of the way TDT trips are capped there is a greater proportion share being paid for by those uses and that is illustrated on page 37 also in a table that shows that for example hotel/motel impact is about \$9500 per room and the TDT rate anywhere but Sherwood in about \$1800 but in Sherwood because of the SDC methodology of making up the difference between assessed and what the impact was, users and developers would be required to by

about \$7700. She said there is a significant impact even though it is still not paying 100% of its share with the reductions and the trip caps it is still paying a higher portion of its share than others in Washington County. She said they discussed this with the Council at a prior work session and noted the Council and the staff have heard about the economic impact that developers face when they have to choose where they are going to locate and looking at the cost of things that is a disincentive for people locating in Sherwood and we want to try to level the playing field as well as making up for the categories where we are over collecting. She said the recommendation is reducing across the board the SDC by 50% and commented that there have also been simultaneous increases in the TDT and things have shifted so they looked at what the effect of a reduction would be and said they estimate that over a 3 year period you are looking at about \$1.5 million dollars that would be not assessed if you reduce the SDC by 50%. She said you are still collecting about \$1.35 million in SDC as well as \$2.6 million in TDT so there will still be funds coming in to contribute to projects. She said they recommend a limit to this reduction as they recognized that they are in the middle of updating the TSP and will hopefully have this to the Council by late June or early July. She said they will have a new list of projects to consider and they will need to reevaluate the SDC methodology and that is why they are proposing a three year period.

She recommended adoption of the resolution with the changes and said if adopted it would take effect July 1, 2014 so any building permits submitted prior to that would still be assessed at the current rate. She said there may be projects that have credits for the transportation SDC and they will be looking at a policy and a process if development wants to transfer those credits to TDT credits. She noted it is not a simple dollar to dollar so they have to clearly identify a process. She said the intent is to reduce transportation SDC by 50% effective July 1, 2014 and would be effective until July 1, 2017 unless Council took action sooner. She said staff will provide notice to potentially effected properties and will develop a policy and process to allow the transfer of SDC credits to TDT credits. She offered to answer questions.

Councilor Butterfield referred to page 38 and the third paragraph from the bottom and said it states that we could anticipate collecting \$2.6 million in SDC and \$1.9 million in TDT and asked if those figures were backwards. Julia said yes and said we anticipate collecting \$2.6 million in TDT and \$1.9 million in SDC.

Councilor Clark said a 50% reduction of 1.3 is half of 2.6. Julia responded that the TDT is not halved it is the SDC that is halved. Councilor Clark asked for clarification. Julia stated that the table is correct.

Assistant City Manager Tom Pessemier clarified that currently we anticipate without a reduction to collect \$2.7 million in SDC and \$2.6 million in TDT and with the proposed reduction it would be roughly half the revenue with \$1.35 million in SDC and still collecting the \$2.6 million in TDT.

Councilor Folsom asked if we needed to fix the language. Julia responded that it is just a staff report and it is just estimates.

Councilor Clark asked how they decided on the amount of 50%. Julia said it got us close to the residential which is how much we are over so the residential is about 54% over and to make it simple across the board they recommended doing that so it will make all of them fair. She said where they are hearing the most from is the development community and industrial uses and this helps level the playing field from an economic development standpoint. She said it ensures that it is fair for the residential uses who are contributing more than their share.

Councilor Henderson referred to the table on page 38 and noted that even though the county hasn't increased the TDT for a while it is slated to be increased. Julia said that is correct but to be conservative they kept the estimate at the current rate but do expect the TDT to go up and we will collect more over time.

Councilor Henderson referred to the bottom of page 38 where it states "limited to 3 years" and asked if the amendment to the resolution is addressing this by stating the intent is to reduce the rate 50% through a period no later than July 1, 2017. Julia said that is correct.

Councilor Henderson asked how long it would take to develop a new methodology for the SDC. Julia said it will take less than three years but three years gave them a safety and they should be able to update within the next year so it could be sooner but three years was the motivation to make sure that we had it done by then. Councilor Henderson asked if that will be done in house. Julia said they will hire a consultant to help.

City Attorney Chris Crean stated the reason for the amendment is to clear up any confusion about what document actually establishes the new rate and is it this resolution or the subsequent fee schedule. He said this is the Council's resolve that it be done and directs the City Manager to reflect this intent in the subsequent fee schedule but it is the fee schedule that will actually change the rate not this resolution. Councilor Henderson noted that we will adopt that in June when we adopt the budget.

Julia said this helps lay that foundation so that you don't need to have as much discussion of the rationale and the reason this will serve as the documentation for why, when you adopt the fee schedule.

Mayor Middleton thanked Julia for her hard work. She said City Engineer Bob Galati was very helpful and she thanked him.

Mayor Middleton asked for a motion.

Mr. Crean offered to summarize the proposed amendment for the Council. He summarized that it has been suggested by staff that the resolution be amended as follows: in Section 1 at the beginning of the text insert the phrase "*The City Council declares its intent that*" and later in that same Section 1 after the word "schedule" and before the word "until" insert the phrase "*effective July 1, 2014*" such that this section in its entirety reads; "*The City Council declares its intent that the City Transportation System Development Charge shall be charged at a rate of 50% of the adopted Fiscal Year 2013-2014 Rate Schedule effective July 1, 2014 until July 1, 2017 unless such action is taken by Council to modify the SDC methodology and calculation sooner.*" He reminded the Council that the Charter says it has to be read out loud.

MOTION TO AMEND: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT RESOLUTION 2014-030 WITH THE AMENDMENTS MADE TO SECTION 1 AS STATED BY ATTORNEY MR. CREAN, SECONDED BY COUNCILOR BUTTERFIELD, MOTION PASSED 5:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR GRANT WAS ABSENT AND COUNCILOR LANGER RECUSED).

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT RESOLUTION 2014-030 AS AMENDED, SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 5:0, ALL PRESENT

MEMBERS VOTED IN FAVOR (COUNCILOR GRANT WAS ABSENT AND COUNCILOR LANGER RECUSED).

Councilor Folsom asked to be excused at 8:13 pm.

Councilor Langer returned to the Council dais.

Mayor Middleton addressed the next agenda item.

9. COUNCIL ANNOUNCEMENT

Councilor Butterfield indicated he had no announcements.

Councilor Langer announced that Sweet Story has a ribbon cutting ceremony Thursday May 8 at 6:00 pm and encouraged everyone to come. He announced that Cruisin' is Saturday June 14. He said the annual Chamber Award Dinner in Thursday June 19 at 6:00 pm and the theme is Smockville Bonanza with western attire. He stated the YMCA will be open on Memorial Day, May 26 from 7 am to 1 pm. He stated youth T-ball is in full swing with hundreds participating and there is a teen dance at the YMCA on May 16.

Councilor Clark had no announcement as Main Street and SURPAC will be meeting this week so she will announce at the next meeting.

Council President Henderson announced that the Charter Review Committee has reconvened and will meet on May 15 at 6:30 pm and said they are reviewing other sections of the Charter that may need updating or amending and said in late June or early July they will meet with Council in order to adopt any ballot titles in order to meet the election deadlines. She commented on the Stanislawski memorial and thanked Tess Kies and said it was a great event and she was privileged to be a part of it. She stated that she attended the Law Enforcement Memorial Ceremony and said Oregon City Officer Robert Libke' name was added to that memorial. She commented on the risk officer's face and said it is open to the public and encourage others to attend.

Mayor Middleton said the Planning Commission is having a work session on Tuesday May 13 on the Transportation System Plan.

Mayor Middleton addressed the next agenda item.

10. CITY MANAGER AND DEPARTMENT REPORTS

City Manager Joe Gall reminded everyone that the election is May 20 and there are a number of issues on the ballot. He said the ballot box is in the parking lot and the deadline is 8 pm and he encouraged everyone to vote. He provided an update on the Dog Park and said the Parks Board recommended Snyder Park be considered as the site of the dog park. He said he signed a \$4000 contract with a design firm to do a preliminary design and a couple of neighborhood meetings to come up with a budget to put that project together. He said starting tomorrow there is a company called Pet Safe and they have a contest called Bark for your Park and you can win \$100,000 for your community to develop a dog park. He said it is an online competition that you can vote twice daily and it will go through the summer and there will be 4 runner up cities that will receive \$25,000. He encouraged people to vote and vote

often to bring some outside dollars to build a dog park. He stated that information will be on the website starting tomorrow.

Mr. Gall reminded the Council of a letter they received from the School District regarding an expiration of a reimbursement district around the Ridges school campus requesting that Council consider adding language to the code to allow for an additional extension. He said staff is prepared to bring that to Council on June 3rd but they are looking for direction from Council whether they would be open to that item publicly. He reminded them that the district will expire on March 3, 2018 and development that occurs after that date will not be required to reimburse the School District for the costs incurred constructing the infrastructure and because of the down turn in the economy there seeking some extra time for the investment they made.

Mr. Gall said the Cedar Creek Trail Local Advisory Committee will be having their first meeting next Thursday May 15 from 6:30 pm to 8:00 pm upstairs in the City Hall Lobby.

Mr. Gall announced that DEQ will be having a meeting to discuss the Ken Foster farms testing results on May 15 in the Community Room from 6:30 pm to 8:00 pm and the Charter Review Committee will meet at that same time in the small room.

Mr. Gall reminded citizens that Metro is conducting a housing preference survey which is intended to analyze peoples housing preference when factoring size, location and approximated services and approximated work and type of dwelling. He said there is a link on the website and he encouraged Sherwood residents to take the survey and said it will factor into future actions including growth management decision, UGB expansions and funding priorities. He said the survey is open until May 9 and it is important that Sherwood's voice is heard.

Mr. Gall said Councilor Clark has participated in a number of events that he would like to highlight briefly and said on April 24 Westside Economic Alliance had a County Commissioner Candidate Forum with a panel and an opportunity to ask questions and noted that we have a competitive County Commission race and Councilor Clark wanted him to encourage everyone to read the voters pamphlet and get out and vote. He commented on Trashpalooza and said Councilor Clark wanted to thank Naomi Belov and her daughter Nadia and the owner of Blue Plume Studio who started it last year and now the City has partnered with them. He reported that he attended the Sherwood High School Fiddler on the Roof production and was amazed by the talent in the community and noted that it was only the 2nd musical in 16 years and because of the success Principal Ken Bell said they would make it an annual event. He said they sold out 4 out of the 6 nights. He said Good Samaritan Faith in Action occurred last Saturday. He stated Bella Via hosted an event on May 2nd to promote and support small businesses in town and Sherwood Allstate hosted a women's business symposium to also promote and support small businesses in town.

Mr. Gall commented on upcoming events and said Sherwood FFA is having a plant sale for two more weekends, the Sherwood Charter School is having their annual dinner auction on May 10 and tickets can be purchased online. On May 17 Sherwood High School Booster Club will be having the Drive One For The School Event from 8:00 to 10:00 am at the High School. He said the first budget meeting is Wednesday May 14 and there will be a second budget meeting on Saturday May 17 from 9 am to noon and said hopefully we will get increased attendance. He said Councilor Folsom asked him to announce the VPA Spring Benefit Concert this weekend and Michael Allen Harris will be performing on Saturday at 7:30 pm and there are two other performances. He said there is information online at vpafoundation.org.

Council President Henderson reported that Sherwood is hosting the Policy Advisory Board for the Community Development Block Grant program on Thursday May 8 at 7 pm. She said CDBG is a Washington County federally funded program that has funded many projects at our Senior Center. She stated there will be representatives from all over Washington County and they will be discussing projects that they fund and future funding. She said it is an interesting long standing meeting and she thanked Kristen Switzer for helping put that together.

11. ADJOURN

Mayor Middleton adjourned the meeting at 8:28 pm.

Submitted by:

Sylvia Murphy, MMC, City Recorder

Bill Middleton, Mayor



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
May 20, 2014

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:21 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Krisanna Clark, Bill Butterfield, Matt Langer and Robyn Folsom. Councilor Dave Grant via conference call.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, and City Recorder Sylvia Murphy and City Attorney Pam Beery.
4. **TOPICS:**
 - A. Exempt Public Records, pursuant to ORS 192.660(2)(f). Discussion concluded at 6:47 pm and City Manager Gall and Assistant City Manager Pessemier exited the meeting prior to discussion of the next agenda item.
 - B. Performance Evaluation, pursuant to ORS 192.660(2)(i).
5. **ADJOURN:**

Mayor Middleton adjourned the Executive Session at 7:15 pm.

Submitted by:

Sylvia Murphy, MMC, City Recorder

Bill Middleton, Mayor

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Kristen Switzer, Community Services Director
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2014-031, A Resolution Authorizing the City Manager to sign an Intergovernmental Agreement for the Washington County Community Development Block Grant Program for program years 2015-2017

Issue:

Should the City Council authorize the City Manager to sign Exhibit A, an intergovernmental agreement (IGA) for the Washington County Community Development Block Grant (CDBG) Program for Program Year 2015-2017?

Background:

The Community Development Block Grant (CDBG) program was enacted into law by President Gerald Ford, as the centerpiece of the Housing and Community Development Act of 1974. Since 1979, the City of Sherwood, with CDBG funds in the amount of \$2,058,266, has provided housing rehabilitation; neighborhood revitalization; addition or expansion of community facilities and shelters; and physical redevelopment. The CDBG program has as its primary objective the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.

In 2011, the City of Sherwood entered into a three-year Intergovernmental Cooperation Agreement (IGA) with Washington County to continue our partnership in the Community Development Block Grant (CDBG) program. While the existing agreement contains an automatic renewal clause which would go into effect should there be no changes required by HUD, HUD's recent guidance on urban requalification has necessitated changes to the legal document. The redlined version of the document is attached. In summary, the changes include:

- More detailed statutory references under II.3 (required by HUD)
- New language regarding use of funds under III.8 (required by HUD)
- Updating HUD's new address
- Housekeeping edits

Recommendation:

City staff respectfully recommends City Council approval of Resolution 2014-031, A Resolution Authorizing the City Manager to Sign An Intergovernmental Agreement for the Washington County Community Development Block Grant Program for Program Years 2015-2017.

**INTERGOVERNMENTAL AGREEMENT
WASHINGTON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM YEARS ~~2012--2014~~ 2015 - 2017**

This Agreement is entered into between Washington County ("COUNTY"), a political subdivision of the State of Oregon, and the City of _____ ("CITY"), a municipal corporation of the State of Oregon located within Washington County, for the cooperation of units of local government under the authority of ORS 190.010.

I. RECITALS

WHEREAS, the Congress of the United States has enacted the Housing and Community Development Act of 1974 ("THE ACT"), the Housing and Urban/Rural Recovery Act of 1983, the Housing and Community Development Act of 1987, the National Affordable Housing Act of 1990; and

WHEREAS, Congress has declared that the nation's cities, towns and small urban communities face critical social, economic and environmental problems; and

WHEREAS, Congress has further found and declared that the future welfare of the Nation and the well being of its citizens depend on the establishment and maintenance of viable urban communities as social, economic and political entities; and

WHEREAS, the primary objective of the Act(s) is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities principally for persons of low and moderate income; and

WHEREAS, the parties to the agreement are dedicated to the elimination of slums, blight and the prevention of blighting influences and the deterioration of property; the improvement of neighborhood and community facilities of importance to the welfare of the community, principally for persons of low and moderate income; and

WHEREAS, the parties are dedicated to the elimination of conditions which are detrimental to health, safety and public welfare, through code enforcement, demolition, interim rehabilitation assistance and related activities; and

WHEREAS, the parties are dedicated to the conservation and expansion of existing public housing stock in order to provide a decent home and a suitable living environment for all persons but principally those of low and moderate income; and

WHEREAS, the parties are dedicated to the expansion and improvement of quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for the development ~~iof~~ viable urban communities; and

WHEREAS, the parties are dedicated to a more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers; and

WHEREAS, the parties are dedicated to the reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income and the revitalization of ~~deterioration or~~ deteriorated neighborhoods to attract person of higher income; and

WHEREAS, the parties are dedicated to the restoration and preservation of properties of special value for historic, architectural or aesthetic reasons; and

WHEREAS, the parties are dedicated to the alleviation of physical and economic distress through the stimulation of private investment and community revitalization in areas with population outmigration or a stagnating or declining tax base; and

WHEREAS, the parties are dedicated to the conservation of the Nation's scarce energy resources, improvement of energy efficiency and the provision of alternative and renewable energy resources; and

WHEREAS, the parties desire to join together to meet the criteria for an urban county in order to qualify to receive funds to meet each of these national objectives,

NOW THEREFORE, in consideration of the mutual promises and benefits given and received within this agreement, the parties agree to each and every term contained below:

II. MUTUAL COVENANTS

1. The City and the County agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities.
2. The parties agree that this agreement covers the CDBG Entitlement program, the HOME Investment Partnerships program (HOME), and the Emergency ~~Shelter~~ Solutions Grant Program (ESG).
3. The parties agree to take all actions necessary to assure compliance with the urban county's certification required by Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, including regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing; section 109 of Title I of the Housing and Community

Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975; and other applicable laws.

4. Both parties agree that the County has the final responsibility for selecting CDBG, HOME, and ESG activities and filing required documents with HUD.

III. CITY COVENANTS

1. The City expressly agrees that as the cooperating unit of general local government it has adopted and is enforcing the following requirements of law:
 - 1.1 A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 - 1.2 A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.
2. The City agrees that it is subject to the same requirements applicable to subrecipients set forth in 24 CFR 570.501 (b).
3. The City agrees in order to participate as a subrecipient under the terms of this agreement it shall enter into a contract as required by 24 CFR 570.503.
4. The City agrees that the County as the recipient is responsible for ensuring that CDBG, HOME, and ESG funds are used in accordance with all program requirements. The County as recipient is responsible for determining the adequacy of performance under subrecipient agreements.
5. The City authorizes the inclusion of its population for purposes of the Act, and joins together with other units of general local government to qualify the County as an urban county for Housing and Community Development Act block grant funds.
6. The City agrees it may not apply for grants from appropriations under the State CDBG program for fiscal years during the period in which it participates in the urban county's CDBG program.
7. The City agrees that it may not receive either HOME or ESG formula allocations, except through the County. Regardless of whether the County receives a HOME formula allocation, City agrees that it may not form a HOME consortium with other local governments.
- 7.8. The City agrees that it may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits, or non-federal considerations, but must use such funds for activities eligible under Title I of the Act.

IV. TERM OF AGREEMENT

1. This Agreement shall remain in effect for three Fiscal Years commencing July 1, 201~~2~~⁵, and ending June 30, 201~~5~~⁸, which shall constitute the urban county qualification period.
2. This agreement shall remain in effect until the CDBG, HOME, and ESG funds and program income received (with respect to activities carried out during the three-year qualification period, and any successive qualification periods under agreements that provide for automatic renewals) are expended and the funded activities completed.
3. The Agreement shall be automatically renewed for participation by the parties for successive three-year qualification periods unless either party provides written notice to the other that it elects not to participate in the new qualification period. The parties agree to send any such notice to the HUD Field Office at ~~400 SW Sixth Avenue, Suite 700, Portland, OR 97204~~ 1220 SW 3rd Avenue, Suite 400, Portland, OR 97204-2825, upon such election.
 - 3.1 The urban county shall send a written notice to the City advising of the City's right to elect not to participate in the next automatic urban county qualification period. The County shall send the notice to the City by the date specified in HUD's Urban County Qualification Notice for the next qualification period. County shall send a copy of the notice to HUD.
 - 3.2 The failure by either party to adopt an amendment to this agreement incorporating all changes necessary to meet the requirements for cooperation agreement set forth in the Urban County Qualification Notice applicable for any subsequent three-year urban county qualification period, and to submit the amendment to HUD as provided in the Urban County Qualification Notice will void the automatic renewal of subsequent qualification periods set forth in Section IV.3 above.

Formatted: Superscript

V. TERMINATION

1. This Agreement may be terminated by the County in the event funding is no longer available; otherwise, neither party may terminate or withdraw from the Agreement while the Agreement remains in effect

VI. ENFORCEMENT

1. The County is responsible for ensuring that CDBG, HOME, and ESG funds are used in accordance with all program requirements. The County may use any available legal methods to ensure compliance by the City.
2. The County is also responsible for determining the adequacy of performance under all applicable subrecipient agreements and procurement contracts and for

taking appropriate action when performance problems arise, such as action described in 24 CFR 570.910. The County may use any available legal methods to ensure compliance by the City.

3. The County shall not distribute any CDBG, HOME, or ESG funds for activities in or in support of the City if the City does not affirmatively further fair housing within its own jurisdiction or acts in a manner that impedes the County's actions to comply with its fair housing certification.

VII. POLICY ADVISORY BOARD

For the purpose of developing an annual Community Development Plan and Programs as required by Title I of the Act, a Policy Advisory Board is hereby continued which shall guide the plan and program development, make recommendations to the County upon the criteria to be utilized in selecting eligible Housing and Community Development Act activities within Washington County, and recommend to the County the program priorities.

1. The Policy Advisory Board shall be composed of one representative and a designated alternate from the County and each participating unit of general local government. The County and City shall have one vote on the Board. Jurisdictions shall appoint an elected official as primary and an employee or other public official as an alternate.
2. The Policy Advisory Board shall adopt bylaws, study, review, hold public hearings, supervise the public review and information process, and recommend to Washington County on all matters related to the Housing and Community Development Act as amended. Activities shall include making recommendations concerning the Housing and Community Development Plan (Consolidated Plan), and annual action plan(s), a five-year non-housing Community Development Plan, Fair Housing Plan, performance reports, citizen participation plans, and developing or directing studies necessary to gather data or information on which to base its recommendations.
3. After public hearings, the Policy Advisory Board shall make final recommendation on the Housing and Community Development Plan (Consolidated Plan) which may be accepted by Washington County at a public meeting and submitted to the Department of Housing and Urban Development as the Washington County application; provided that , should all or part of the recommended plan not be considered acceptable to the County, the Board of County Commissioners shall hold at least one (1) public hearing on the plan and program prior to rejection or amendment of the recommended plan. The County shall be responsible for filing required documents with HUD.

4. Projects may be implemented and funds expended in accordance with subgrant agreements between the County and other jurisdictions signatory to this Agreement.

VIII. CERTIFICATION

The parties by the signatures below certify that the governing body of each party has authorized entry into this Agreement.

IN WITNESS, the undersigned parties have executed this Agreement this ____ day of _____, _____.

WASHINGTON COUNTY CITY OF _____

BY _____ By _____
Chair, ~~Washington County~~ Board of ~~Washington County~~
Commissioners _____

Title _____

Date (required) _____

Recording Secretary

Date (required)

~~It is my opinion I certify~~ that the terms and provisions of this Intergovernmental Agreement are fully authorized under the State and local law and that the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community renewal and lower income housing assistance activities.

Paul L. Hathaway III
Senior Assistant County Counsel



RESOLUTION 2014-031

AUTHORIZING THE CITY MANAGER TO SIGN AN INTERGOVERNMENTAL AGREEMENT FOR THE WASHINGTON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR PROGRAM YEARS 2015-2017

WHEREAS, the Community Development Block Grant (CDBG) program was enacted into law by President Gerald Ford, as the centerpiece of the Housing and Community Development Act of 1974; and

WHEREAS, the CDBG program has as its primary objective the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income; and

WHEREAS, since 1979, the City of Sherwood, with CDBG funds in the amount of \$2,058,266, has provided housing rehabilitation; neighborhood revitalization; addition or expansion of community facilities and shelters; and physical redevelopment; and

WHEREAS, in 2011 the City entered into a three-year Intergovernmental Agreement (IGA) with Washington County to continue participating in the CDBG program;

WHEREAS, while the existing agreement contains an automatic renewal clause, HUD's recent guidance on urban requalification has necessitated changes to the legal document; and

WHEREAS, the Intergovernmental Agreement for the Washington County Community Development Block Grant for Program Years 2015-2017 is attached as Exhibit A.

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

Section 1. The City Manager is authorized to sign Exhibit A, an Intergovernmental Agreement for the Washington County Community Development Block Grant program for Program Years 2015-2017.

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

Duly passed by the City Council this 3rd day of June 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

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WASHINGTON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM YEARS – 2015 - 2017**

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WHEREAS, the Congress of the United States has enacted the Housing and Community Development Act of 1974 (“THE ACT”), the Housing and Urban/Rural Recovery Act of 1983, the Housing and Community Development Act of 1987, the National Affordable Housing Act of 1990; and

WHEREAS, Congress has declared that the nation’s cities, towns and small urban communities face critical social, economic and environmental problems; and

WHEREAS, Congress has further found and declared that the future welfare of the Nation and the well being of its citizens depend on the establishment and maintenance of viable urban communities as social, economic and political entities; and

WHEREAS, the primary objective of the Act(s) is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities principally for persons of low and moderate income; and

WHEREAS, the parties to the agreement are dedicated to the elimination of slums, blight and the prevention of blighting influences and the deterioration of property; the improvement of neighborhood and community facilities of importance to the welfare of the community, principally for persons of low and moderate income; and

WHEREAS, the parties are dedicated to the elimination of conditions which are detrimental to health, safety and public welfare, through code enforcement, demolition, interim rehabilitation assistance and related activities; and

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WHEREAS, the parties are dedicated to a more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers; and

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WHEREAS, the parties are dedicated to the restoration and preservation of properties of special value for historic, architectural or aesthetic reasons; and

WHEREAS, the parties are dedicated to the alleviation of physical and economic distress through the stimulation of private investment and community revitalization in areas with population outmigration or a stagnating or declining tax base; and

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of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975; and other applicable laws.

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7. The City agrees that it may not receive either HOME or ESG formula allocations, except through the County. Regardless of whether the County receives a HOME formula allocation, City agrees that it may not form a HOME consortium with other local governments.
8. The City agrees that it may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits, or non-federal considerations, but must use such funds for activities eligible under Title I of the Act.

IV. TERM OF AGREEMENT

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3. The Agreement shall be automatically renewed for participation by the parties for successive three-year qualification periods unless either party provides written notice to the other that it elects not to participate in the new qualification period. The parties agree to send any such notice to the HUD Field Office at 1220 SW 3rd Avenue, Suite 400, Portland, OR 97204-2825, upon such election.
 - 3.1 The urban county shall send a written notice to the City advising of the City's right to elect not to participate in the next automatic urban county qualification period. The County shall send the notice to the City by the date specified in HUD's Urban County Qualification Notice for the next qualification period. County shall send a copy of the notice to HUD.
 - 3.2 The failure by either party to adopt an amendment to this agreement incorporating all changes necessary to meet the requirements for cooperation agreement set forth in the Urban County Qualification Notice applicable for any subsequent three-year urban county qualification period, and to submit the amendment to HUD as provided in the Urban County Qualification Notice will void the automatic renewal of subsequent qualification periods set forth in Section IV.3 above.

V. TERMINATION

1. This Agreement may be terminated by the County in the event funding is no longer available; otherwise, neither party may terminate or withdraw from the Agreement while the Agreement remains in effect

VI. ENFORCEMENT

1. The County is responsible for ensuring that CDBG, HOME, and ESG funds are used in accordance with all program requirements. The County may use any available legal methods to ensure compliance by the City.
2. The County is also responsible for determining the adequacy of performance under all applicable subrecipient agreements and procurement contracts and for taking appropriate action when performance problems arise, such as action described in 24 CFR 570.910. The County may use any available legal methods to ensure compliance by the City.

3. The County shall not distribute any CDBG, HOME, or ESG funds for activities in or in support of the City if the City does not affirmatively further fair housing within its own jurisdiction or acts in a manner that impedes the County's actions to comply with its fair housing certification.

VII. POLICY ADVISORY BOARD

For the purpose of developing an annual Community Development Plan and Programs as required by Title I of the Act, a Policy Advisory Board is hereby continued which shall guide the plan and program development, make recommendations to the County upon the criteria to be utilized in selecting eligible Housing and Community Development Act activities within Washington County, and recommend to the County the program priorities.

1. The Policy Advisory Board shall be composed of one representative and a designated alternate from the County and each participating unit of general local government. The County and City shall have one vote on the Board. Jurisdictions shall appoint an elected official as primary and an employee or other public official as an alternate.
2. The Policy Advisory Board shall adopt bylaws, study, review, hold public hearings, supervise the public review and information process, and recommend to Washington County on all matters related to the Housing and Community Development Act as amended. Activities shall include making recommendations concerning the Housing and Community Development Plan (Consolidated Plan), and annual action plan(s), a five-year non-housing Community Development Plan, Fair Housing Plan, performance reports, citizen participation plans, and developing or directing studies necessary to gather data or information on which to base its recommendations.
3. After public hearings, the Policy Advisory Board shall make final recommendation on the Housing and Community Development Plan (Consolidated Plan) which may be accepted by Washington County at a public meeting and submitted to the Department of Housing and Urban Development as the Washington County application; provided that , should all or part of the recommended plan not be considered acceptable to the County, the Board of County Commissioners shall hold at least one (1) public hearing on the plan and program prior to rejection or amendment of the recommended plan. The County shall be responsible for filing required documents with HUD.
4. Projects may be implemented and funds expended in accordance with subgrant agreements between the County and other jurisdictions signatory to this Agreement.

VIII. CERTIFICATION

The parties by the signatures below certify that the governing body of each party has authorized entry into this Agreement.

IN WITNESS, the undersigned parties have executed this Agreement this ____ day of _____, 2014.

WASHINGTON COUNTY

CITY OF SHERWOOD

BY _____
Chair, Washington County Board of
Commissioners

By _____

Title

Date (required)

Recording Secretary

Date (required)

It is my opinion that the terms and provisions of this Intergovernmental Agreement are fully authorized under the State and local law and that the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community renewal and lower income housing assistance activities.

Paul L. Hathaway III
Senior Assistant County Counsel

TO: Sherwood City Council

FROM: Kristen Switzer, Community Services Director
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2014-032, Reappointing David Scheirman to the Parks and Recreation Board

Issue:

Should the City Council reappoint David Scheirman to the Parks and Recreation Board?

Background:

David Scheirman was originally appointed to the Parks and Recreation Board by Resolution 2002-050 and served a four year term. David Scheirman was reappointed by Resolution 2006-046, Resolution 2008-007, Resolution 2010-019, and Resolution 2012-018 and served additional 2 year terms with each reappointment.

The Parks and Recreation Board currently has vacancies and David Scheirman has requested reappointment. Council Liaison Bill Butterfield and the Board, with assistance of staff, are recommending David Scheirman for reappointment.

According to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Board shall be appointed by the Mayor with consent of the City Council.

Recommendation:

Staff respectfully requests City Council approval of Resolution 2014-032, a Resolution reappointing David Scheirman to the Parks and Recreation Board.



RESOLUTION 2014-032

REAPPOINTING DAVID SCHEIRMAN TO THE PARKS AND RECREATION BOARD

WHEREAS, David Scheirman was originally appointed to the Parks and Recreation Board by Resolution 2002-050 and served a four year term; and

WHEREAS, David Scheirman was reappointed by Resolution 2006-046, Resolution 2008-007 Resolution 2010-019 and Resolution 2012-018 and served additional 2 year terms with each reappointment; and

WHEREAS, the Parks and Recreation Board currently has vacancies and David Scheirman has requested reappointment; and

WHEREAS, Council Liaison Bill Butterfield and the Board, with assistance of staff, are recommending David Scheirman for reappointment; and

WHEREAS, according to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Board shall be appointed by the Mayor with consent of the City Council.

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

Section 1. The Mayor is authorized to reappoint David Scheirman to a two year term, expiring June 30, 2016.

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

Duly passed by the City Council this 3rd day of June 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Kristen Switzer, Community Services Director
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2014-033, Reappointing Mary Reid to the Parks and Recreation Board

Issue:

Should the City Council reappoint Mary Reid to the Parks and Recreation Board?

Background:

Mary Reid was originally appointed to the Parks and Recreation Board by Resolution 2006-047 and reappointed by Resolution 2008-009 and Resolution 2010-020. In reviewing the record, it appears that Mary ended up serving a 4 year term with her appointment in 2010.

The Parks and Recreation Board currently has vacancies and Mary Reid has requested reappointment. Council Liaison Bill Butterfield and the Chair, with assistance of staff, are recommending Mary Reid for reappointment.

According to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Board shall be appointed by the Mayor with consent of the City Council.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2014-033, reappointing Mary Reid to the Parks and Recreation Board.



RESOLUTION 2014-033

REAPPOINTING MARY REID TO THE PARKS AND RECREATION BOARD

WHEREAS, Mary Reid was originally appointed to the Parks and Recreation Board by Resolution 2006-047 and reappointed by Resolution 2008-009 and Resolution 2010-020; and

WHEREAS, the Parks and Recreation Board currently has vacancies and Mary Reid has requested reappointment; and

WHEREAS, Council Liaison Bill Butterfield and the Board Chair, with assistance of staff, are recommending Mary Reid for reappointment; and

WHEREAS, according to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Board shall be appointed by the Mayor with consent of the City Council.

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

Section 1. The Mayor is authorized to reappoint Mary Reid to a two year term, expiring June 30, 2016.

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

Duly passed by the City Council this 3rd day of June 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

City Council Meeting Date: June 3, 2014

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Kristen Switzer, Community Services Director
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2014-034, Appointing David Sorensen to the Parks and Recreation Board

Issue:

Should the City Council appoint David Sorensen to the Parks and Recreation Advisory Board?

Background:

The Parks and Recreation Board currently has vacancies and David Sorensen has requested appointment. Council Liaison Bill Butterfield and the Chair, with assistance of staff, are recommending David Sorensen for appointment.

According to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Board shall be appointed by the Mayor with consent of the City Council.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2014-034, a Resolution authorizing appointment of David Sorensen to the Parks and Recreation Board.



RESOLUTION 2014- 034

APPOINTING DAVID SORENSEN TO THE PARKS AND RECREATION BOARD

WHEREAS, the Parks and Recreation Board currently has vacancies; and

WHEREAS, Council Liaison Bill Butterfield and the Board Chair, with assistance of staff, are recommending David Sorensen for appointment; and

WHEREAS, according to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Board shall be appointed by the Mayor with consent of the City Council.

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

Section 1. The Mayor is authorized to appoint David Sorensen to a two year term, expiring June 30, 2016.

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

Duly passed by the City Council this 3rd day of June 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

City Council Meeting Date: June 3, 2014

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Kristen Switzer, Community Services Director
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2014-035, Appointing Eric Evans to the Parks and Recreation Board

Issue:

Should the City Council appoint Eric Evans to the Parks and Recreation Board?

Background:

The Parks and Recreation Board currently has vacancies and Eric Evans has requested appointment. Council Liaison Bill Butterfield and the Chair, with assistance of staff, are recommending Eric Evans for appointment.

According to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Board shall be appointed by the Mayor with consent of the City Council.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2014-035, appointing Eric Evans to the Parks and Recreation Board.



RESOLUTION 2014-035

APPOINTING ERIC EVANS TO THE PARKS AND RECREATION BOARD

WHEREAS, the Parks and Recreation Board currently has vacancies; and

WHEREAS, Council Liaison Bill Butterfield and the Board Chair, with assistance of staff, are recommending Eric Evans for appointment; and

WHEREAS, according to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Board shall be appointed by the Mayor with consent of the City Council.

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

Section 1. The Mayor is authorized to appoint Eric Evans to a two year term, expiring June 30, 2016.

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

Duly passed by the City Council this 3rd day of June 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Craig Sheldon, Public Works Director
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2014-036 authorizing the City Manager to enter into a Contract with Rychart Excavation, Inc. to replace storm system on Lincoln Street between Willamette and Division

ISSUE:

Should the City of Sherwood replace the storm system on Lincoln Street between Willamette Street and Division Street?

BACKGROUND:

Pending approval from City Council in the FY2014-15 budget, Lincoln Street is scheduled for paving per the City's Pavement Management Program. Prior to any major road improvements, City staff inspects storm and sanitary lines.

Over the last 10 years, several temporary repairs to our storm system have been made on Lincoln Street. During the most recent inspection of the storm lines, the lower portion of the storm piping on Lincoln Street has failed. The current storm system also has elevation issues (new street cannot be built until the storm line is replaced).

The City solicited five (5) contractors to perform the work. A mandatory pre-bid meeting was held and four (4) contractors attended the meeting: Rychart Excavation Inc., C & M Excavation and Utilities LLC, Legacy Homes, and Northwest Earthmovers, Inc. Two contractors provided information that they would not be bidding this project. Rychart Excavation, Inc. was the lowest responsible bidder.

Financial Impacts:

This contract is covered in the FY2013-14 and FY2014-15 budgets. The bid is \$87,986.47. Staff is requesting a 20% contingency (\$17,597.29) for a total contract amount not to exceed \$105,585.76. We are requesting a higher contingency amount because work on this project will be performed very close to retaining walls and power poles, in addition to unforeseen ground water issues (springs).

In order to save money, the City will be purchasing material and supplies for this project. This is in addition to the contract for Rychart Excavation, Inc.

Recommendation:

City staff respectfully requests City Council adoption of Resolution 2014-036 authorizing the City Manager to enter into a contract with Rychart Excavation, Inc. to replace Storm System on Lincoln Street between Willamette and Division.



RESOLUTION 2014-036

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RYCHART EXCAVATION, INC. TO REPLACE STORM SYSTEM ON LINCOLN STREET BETWEEN WILLAMETTE AND DIVISION

WHEREAS, the City has a responsibility to maintain the City's infrastructure; and

WHEREAS, City staff issued an Request for Qualifications (RFQ) and received two (2) bids; and

WHEREAS, Rychart Excavation, Inc. was the lowest responsible bidder at \$87,986.47; and

WHEREAS, city staff recommends a contingency of 20% (\$17,597.29) for a total contract amount not to exceed \$105,585.76 to cover any unforeseen construction costs.

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

Section 1. The City Manager is authorized to enter a contract with Rychart Excavation, Inc. to replace a portion of the storm system on Lincoln Street.

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

Duly passed by the City Council this 3rd day of June 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Craig Sheldon, Public Works Director
Through: David Doughman, City Attorney and Joseph Gall, ICMA-CM, City Manager

SUBJECT: Ordinance 2014-010 Amending the Sherwood Municipal Code Chapter 12.08 Sidewalks, Construction and Repairs

Issue:

Should the City amend the current Chapter 12.08 Sidewalks Construction and Repair with new updated language?

Background:

The current Chapter 12.08 in the Sherwood Municipal Code was last updated in 1977. Staff worked with the City's Attorney to update language to be more applicable to how the City currently does business. See attachment A to the staff report noting code language with track changes.

The updated language will allow staff to work directly with property owners to resolve sidewalk issues without having to take an ordinance to Council and wait the required 30 days before we are able to move forward to correct deficiencies. In addition, the new ordinance removes the need to declare sidewalk deficiencies in a weekly newspaper or publication. The majority of the changes remove current language that is outdated.

Staff will still notify customers by certified mail and will still bring before Council any liens to property for their consideration and approval.

Financial Impacts:

Updating the ordinance process will allow the City to save money on newspaper notification.

Recommendation:

City staff respectfully requests City Council adoption of Ordinance 2014-010 amending Sherwood Municipal Code 12.08 Sidewalks, Construction and Repairs.

12.08.010 Definitions.

As used in this chapter:

"Owner" means the person in whose name real property is assessed for tax purposes according to the latest assessment roll in the office of the Department of Revenue and Taxation for Washington County, Oregon.

"Person" means every natural person, firm, partnership, association or corporation.

~~(Ord. 682 § 1, 1977)~~

12.08.020 Duty to repair and maintain sidewalks.

~~It is made the duty of a~~All owners of land adjoining any improved street in the city ~~to shall~~ construct, reconstruct, ~~and maintain~~ and repair in good repair the sidewalks in front of or adjacent to said lands ~~in accordance with sidewalk specifications set by the city~~. The city ~~council shall have the power and authority to will~~ determine the grade and width of all sidewalks, the material to be used and the specifications for their construction ~~thereof~~ upon any street or part thereof or within any district ~~or area~~ in ~~said the~~ city.

~~(Ord. 682 § 2, 1977)~~

12.08.030 Owner's liability.

~~All if an~~ owners of property within ~~the city limits of the city~~ ~~failing fails to~~ construct, reconstruct, maintain or repair ~~defective~~ sidewalks along and adjacent to ~~their the owner's~~ property in accordance with the city's specifications, the owner shall be solely liable for ~~all~~ any injuries or damages to ~~whomsoever persons or property resulting or arising through their arising out of or related to the owner's failure to construct, reconstruct, maintain or repair fault or negligence in failing to construct or put such sidewalk in repairs~~ such sidewalks.

~~(Ord. 682 § 3, 1977)~~

12.08.040 Duty to report defective walks.

Whenever a public sidewalk is ~~found believed~~ to be defective, out of repair or hazardous, ~~by any officer of the city of Sherwood, or~~ by any ~~other~~ person, a report thereof shall be made to the city ~~administrator~~. The city ~~administrator~~ shall thereafter investigate the report and, if it finds the public sidewalk to not comply with the city's sidewalk specifications of such defective, out of repair or hazardous, sidewalk to the city council and may notify the property owner of the requirements to repair and bring said the sidewalk into compliance.

~~(Ord. 682 § 4, 1977)~~

12.08.050 Sidewalk specifications.

The city ~~council~~ shall have the power to specially determine the grade and width of all sidewalks, the materials to be used and the specifications for construction thereof upon any street or part thereof, or within any district within the city. Unless the ~~City council so specially determines said matters~~ determines otherwise with respect to a particular sidewalk ~~or sidewalks in a particular area of the city~~, all sidewalks ~~hereafter~~ reconstructed, maintained or replaced-repaired shall be ~~constructed done so~~ in accordance with ~~the City's most current Engineering Design and Standard Details Manual~~ the standard sidewalk specifications and standard sidewalk plans heretofore adopted by the city council by Ordinance No. 600, enacted June 29, 1970, and applicable state statutes with respect to provisions for handicapped persons. All repairs undertaken pursuant to this chapter shall be according to city specifications as to the nature, manner and extent of repair. Repair work shall be done in such a manner as to make existing sidewalks conform ~~as nearly as reasonably practical~~ as nearly as reasonably practical to the standard specifications referred to in this section, ~~unless the city engineer approves a deviation from the standards on a case-by-case basis~~. The degree of conformity required shall ~~meet current Engineering Design and Standard Details~~ be determined by the city administrator in his or her exercise of reasonable discretion.

~~(Ord. 682 § 5, 1977)~~

12.08.060 Declaration by ~~council~~ the city of defective walks as nuisance or need for sidewalks to be constructed.

After receiving ~~the a~~ report of and conducting an investigation, the city ~~administrator referred to in Section 12.08.040 of this chapter, the city council, by ordinance,~~ may declare ~~the a~~ defective, out of repair or hazardous sidewalk a nuisance and direct ~~the owner to reconstruct or repair the sidewalk that the defect or hazardous condition be eliminated or that said sidewalk be placed in a state of good repair.~~

In any case where no sidewalk exists adjacent to various parcels or tracts along a street which meet the standards ~~of the city~~, the ~~City council~~ may order the construction thereof ~~by ordinance in the manner provided herein for repair of sidewalks,~~ or may proceed with the formation of a sidewalk improvement assessment district, for construction of sidewalks along said street. ~~The ordinance ordering repair or construction of sidewalks shall specify the particular sidewalk or sidewalks to be constructed, the character of construction thereof, the character of the materials to be used therein, the width thereof, and the time within which the owner or owners of the parcels involved are required to construct the same, specifying therein the names of the owners or reputed owners of abutting parcels and lots, or portions thereof abutting upon such sidewalk or sidewalks.~~

~~(Ord. 682 § 6, 1977)~~

12.08.070 Notice to owner.

~~Within five days after the passage of the ordinance referred to in Section 12.08.060 of this chapter, the city administrator shall give notice to the owner of the real property adjacent to the sidewalk that it has declared the sidewalk defective, out of repair or hazardous of the real property adjacent to the sidewalk to be constructed or abutting on said sidewalk of the defect therein, the state of disrepair thereof, and of the determination that such condition constitutes a nuisance and that the sidewalk constitutes a nuisance. The notice shall be sent to the owner of said property, by sending to such owner, by certified mail, to at the his address as shown on the last tax assessment roll in the office of the county assessor of Washington County, Oregon, a copy of such ordinance and a copy of this chapter. If, after diligent search the owner is not discovered, the City shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.~~

~~The person serving the notice shall file with the City Recorder an Affidavit of Notice statement stating the time, place and manner of service of notice.~~

~~The city recorder shall cause notice to also be given by publication in one issue of a weekly paper published in the city of Sherwood, proof of which publication shall be made by the affidavit of the printer or publisher of said newspaper filed with the city recorder.~~

~~(Ord. 682 § 7, 1977)~~

12.08.080 Failure of owner to repair or construct.

If the owner does not correct the defect, or eliminate the hazard in, or make the repairs to said sidewalk, or construct the sidewalk as required by [Sherwood Municipal Codes](#) said ordinance within one hundred twenty ~~sixty (12060)~~ days of ~~the giving receipt~~ of the notice, ~~or such longer time as the council by ordinance may specify, t~~, the city may construct or repair the sidewalk or sidewalks and assess upon each lot, parcel or part thereof its proportionate part or share of the whole cost [including all expenses associated with repair, replacement or construction.](#) ~~Without limitation, such expenses include any consultant or legal expenses the city incurs. of the same, including expense to defray cost of notice, engineering, advertising and attorney's fees.~~

12.08.090 Assessment.

Immediately after the [city determines](#) costs of construction and repair of such sidewalks ~~has been ascertained by the city council~~, the [proportionate](#) costs thereof shall be [apportioned and a notice of the amount thereof shall will](#) be served upon the [relevant](#) owner or owners ~~of the lots or parcels of land or portions thereof, abutting upon the sidewalk constructed or repaired, either~~ by certified mail addressed [to the address as shown on the](#)

~~last tax assessment roll in the office of the county assessor of Washington County, Oregon to the last known address or addresses of the person in whose name the real property is assessed for tax purposes according to the latest assessment roll in the office of the Department of Revenue and Taxation for Washington County, Oregon, or by posting a copy of the notice in a conspicuous place on the property personal service.~~ Proof of ~~said~~ service shall be made and filed with the recorder in the same manner as provided for in 12.08.070.

The notice shall specify the amount of the cost of construction or repair, and state that if ~~said~~ the amount is not paid within thirty (30) days after the date of service ~~of notice~~, the council shall thereafter, after hearing objections, if any, made thereto, by ordinance-resolution assess the cost of such construction and repairs of such sidewalk or sidewalks upon the lots and parcels abutting such sidewalk and thereby benefited; and the recorder shall enter such assessment in the docket of city liens and shall bear interest at the rate of nine percent per annum from ten days after date of entry in the lien docket.

~~in~~ In the manner provided in Chapter X of the City Charter for docketing liens for street improvements, and it shall become immediately due and collectible thereafter and enforced in the manner provided by Chapter X of the City Charter, or as provided by state statute for enforcement of city liens and assessments. Such assessments shall be paid in full, if in excess of twenty five dollars (\$25.00), may be paid, upon application being filed, in installments.

~~(Ord. 98-1049 § 5; Ord. 682 § 9, 1977)~~

12.08.100 Sidewalk assessment districts.

In any case where no sidewalk and/or curbs exist adjacent to various parcels or tracts along a street which meet the standards of the city, the council may proceed with formation of a sidewalk assessment district for the construction of sidewalks along said street. The procedure for establishing of sidewalk districts to lay and install sidewalks, assess and collect the costs and expenses thereof by assessing the real property benefited thereby shall in all respects be the same as those pertaining to the establishment of other local improvement districts in the city; except that any property within the area proposed for the improvement district that has sidewalks in front of or adjacent to said property that meet the specification of the city shall not be included within the district and shall not be assessed for said construction.

~~(Ord. 682 § 10, 1977)~~

12.08.110 Violation—Penalty.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00).

~~(Ord. 98-1049 § 6; Ord. 682 § 11, 1977)~~



ORDINANCE 2014-010

AMENDING SHERWOOD MUNICIPAL CODE CHAPTER 12.08 SIDEWALKS, CONSTRUCTION AND REPAIRS

WHEREAS, the City of Sherwood Municipal Code requires property owners to maintain sidewalks abutting their property and authorizes the city to compel property owners to repair and maintain such sidewalks;

WHEREAS, the existing code provisions governing a property owner’s responsibility for sidewalks is almost 40 years old;

WHEREAS, the city would like to update and revise these provisions and replace the existing provisions with new provisions.

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

Section 1. Sherwood Municipal Code Chapter 12.08 is hereby amended. The revised code language is attached to this ordinance as Exhibit A.

Section 2. This ordinance will be effective 30 days after its adoption.

Duly passed by the City Council this 3rd day of June 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	_____	_____
Langer	_____	_____
Butterfield	_____	_____
Folsom	_____	_____
Grant	_____	_____
Henderson	_____	_____
Middleton	_____	_____

12.08.010 Definitions.

As used in this chapter:

"Owner" means the person in whose name real property is assessed for tax purposes according to the latest assessment roll in the office of the Department of Revenue and Taxation for Washington County, Oregon.

"Person" means every natural person, firm, partnership, association or corporation.

12.08.020 Duty to repair and maintain sidewalks.

All owners of land adjoining any improved street in the city shall construct, reconstruct, maintain and repair the sidewalks in front of or adjacent to said lands in accordance with sidewalk specifications set by the city. The city will determine the grade and width of all sidewalks, the material to be used and the specifications for their construction upon any street or part thereof or within any district or area in the city.

12.08.030 Owner's liability.

If an owner of property within the city fails to construct, reconstruct, maintain or repair sidewalks along and adjacent to the owner's property in accordance with the city's specifications, the owner shall be solely liable for any injuries or damages to persons or property arising out of or related to the owner's failure to construct, reconstruct, maintain or repair such sidewalks.

12.08.040 Duty to report defective walks.

Whenever a public sidewalk is believed to be defective, out of repair or hazardous, by any person, a report thereof shall be made to the city. The city shall thereafter investigate the report and, if it finds the public sidewalk to not comply with the city's sidewalk specifications, may notify the property owner of the requirements to repair and bring the sidewalk into compliance.

12.08.050 Sidewalk specifications.

The city shall have the power to specially determine the grade and width of all sidewalks, the materials to be used and the specifications for construction thereof upon any street or part thereof, or within any district within the city. Unless the city determines otherwise with respect to a particular sidewalk or sidewalks in a particular area of the city, all sidewalks constructed, reconstructed, maintained or repaired shall be done so in accordance with the City's most current Engineering Design and Standard Details Manual. All repairs undertaken pursuant to this chapter shall be according to city specifications as to the nature, manner and extent of repair. Repair work shall be done in such a manner as to make existing sidewalks conform to the standard specifications referred

Ordinance No. 2014-010
Exhibit A

to in this section, unless the city engineer approves a deviation from the standards on a case-by-case basis. The degree of conformity required shall meet current Engineering Design and Standard Details.

12.08.060 Declaration by the city of defective walks as nuisance or need for sidewalks to be constructed.

After receiving a report and conducting an investigation, the city may declare a defective, out of repair or hazardous sidewalk a nuisance and direct the owner to reconstruct or repair the sidewalk. In any case where no sidewalk exists adjacent to various parcels or tracts along a street which meet the standards, the City may order the construction thereof or may proceed with the formation of a sidewalk improvement assessment district, for construction of sidewalks along said street.

12.08.070 Notice to owner.

The city shall give notice to the owner of the real property adjacent to the sidewalk that it has declared the sidewalk defective, out of repair or hazardous and that the sidewalk constitutes a nuisance. The notice shall be sent to the owner by certified mail, to the address as shown on the last tax assessment roll in the office of the county assessor of Washington County, Oregon. If, after diligent search the owner is not discovered, the City shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

The person serving the notice shall file with the City Recorder an Affidavit of Notice stating the time, place and manner of service of notice.

12.08.080 Failure of owner to repair or construct.

If the owner does not correct the defect, or eliminate the hazard in, or make the repairs to said sidewalk, or construct the sidewalk as required by Sherwood Municipal Code within one hundred twenty (120) days of receipt of the notice, the city may construct or repair the sidewalk or sidewalks and assess upon each lot, parcel or part thereof its proportionate part or share of the whole cost including all expenses associated with repair, replacement or construction. Without limitation, such expenses include any consultant or legal expenses the city incurs.

12.08.090 Assessment.

Immediately after the city determines costs of construction and repair of such sidewalks, the proportionate costs will be served upon the relevant owner or owners by certified mail addressed to the address as shown on the last tax assessment roll in the office of the county assessor of Washington County, Oregon, or by posting a copy of the notice in a conspicuous place on the

property. Proof of service shall be made and filed with the recorder in the same manner as provided for in 12.08.070.

The notice shall specify the amount of the cost of construction or repair, and state that if the amount is not paid within thirty (30) days after the date of service, the council shall thereafter, after hearing objections, if any, made thereto, by resolution assess the cost of such construction and repairs of such sidewalk or sidewalks upon the lots and parcels abutting such sidewalk and thereby benefited; and the recorder shall enter such assessment in the docket of city liens and shall bear interest at the rate of nine percent per annum from ten days after date of entry in the lien docket.

In the manner provided in Chapter X of the City Charter for docketing liens for street improvements, and it shall become immediately due and collectible thereafter and enforced in the manner provided by Chapter X of the City Charter, or as provided by state statute for enforcement of city liens and assessments. Such assessments shall be paid in full.

12.08.100 Sidewalk assessment districts.

In any case where no sidewalk and/or curbs exist adjacent to various parcels or tracts along a street which meet the standards of the city, the council may proceed with formation of a sidewalk assessment district for the construction of sidewalks along said street. The procedure for establishing of sidewalk districts to lay and install sidewalks, assess and collect the costs and expenses thereof by assessing the real property benefited thereby shall in all respects be the same as those pertaining to the establishment of other local improvement districts in the city; except that any property within the area proposed for the improvement district that has sidewalks in front of or adjacent to said property that meet the specification of the city shall not be included within the district and shall not be assessed for said construction.

12.08.110 Violation—Penalty.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00).

TO: Sherwood City Council

FROM: Julia Hajduk, Community Development Director
Through: Chris Crean, City Attorney and Joseph Gall, ICMA-CM, City Manager

SUBJECT: Ordinance 2014-011, amending section 13.24 of the Municipal Code to allow extensions to reimbursement districts

Issue:

Shall the City Council adopt an ordinance amending the Municipal Code to allow for extension of reimbursement districts?

Background:

Section 13.24 of the Municipal Code provides the process for Council to authorize a reimbursement district and sets a ten (10) year time limit on the duration of the district. There are currently no provisions for an extension of the reimbursement period.

The Sherwood School District requested a reimbursement district be established when the Edy and Laurel Ridge schools were constructed. The City Council authorized the reimbursement district in 2008 via Ordinance 2008-011. This is the only reimbursement district in effect in the City at this time. Since the establishment of the reimbursement district, the economy slowed drastically. To date, there have only been 2 developments in the area which have contributed less than 12% towards the costs incurred by the School District. The reimbursement district will expire on March 3, 2018. The School District has requested that the Council consider amending the Municipal Code to allow extensions to a reimbursement district's expiration period. A copy of the School District's letter requesting Council consideration of a Municipal Code text amendment is attached.

The School District has indicated that a 5 year extension would likely be requested. City legal counsel has advised that the life of a reimbursement district cannot exceed the life of the improvements funded through the district. In this case, the improvements include SW Copper Terrace Road and storm water, sanitary sewer and water system improvements. For that reason, staff recommends continuing the standard period of 10 years, with a possible 5 year extension upon a showing of good cause and analysis of the value of the improvements and the benefit to the affected properties. The attached Ordinance and proposed Municipal Code changes (Exhibit A) achieve this purpose.

By approving the amendment, the Council is making it possible to consider a subsequent request from the School District but is not making the decision to extend the reimbursement district. While there are currently no other reimbursement districts, this amendment will apply to any future reimbursement district as well.

Financial Impacts:

There are no direct financial impacts to the City.

Recommendation:

Staff respectfully requests City Council adoption of Ordinance 2014-011 amending the Municipal Code to allow for the extension of reimbursement districts.

Attachments:

- Ordinance and Exhibit A
- March 25, 2014 letter from Sherwood School District



SHERWOOD SCHOOLS

Sue Hekker, Board of Directors

A GREAT PLACE FOR ALL KIDS

Sherwood School District 88J
23295 SW Main St. • Sherwood, OR 97140
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www.sherwood.k12.or.us

March 25, 2014

The Honorable Bill Middleton, Mayor
The Honorable Linda Henderson, Council President
The Honorable Matt Langer, Councilor
The Honorable Dave Grant, Councilor
The Honorable Bill Butterfield, Councilor
The Honorable Krisanna Clark, Councilor
The Honorable Robyn Folsom, Councilor
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

City of Sherwood

MAR 31 2014

Recorder's Office

*Re: Text Amendment
Sherwood Municipal Code Section 13.24*

Dear Mayor Middleton, Council President Henderson, and Councilors Langer, Grant, Butterfield, Clark, and Folsom:

On March 4, 2008, The Sherwood City Council passed Resolution 2008-011 establishing the Area 59 Reimbursement District and directing staff to enter into an agreement with the Sherwood School District (District). Chapter 13.24 of the Sherwood Municipal Code (SMC) permits those who finance and install public improvements to seek reimbursement from other persons or entities who benefit from those improvements. The reimbursement period expires March 3, 2018.

The Area 59 Reimbursement District was established as a result of the District constructing the Edy Ridge Elementary School and the Laurel Ridge Middle School. The City determined that the District expended \$1.732 million to build public improvements sized to accommodate future development of properties adjacent to the Ridges schools.

The Great Recession effectively halted development within our Area 59 Reimbursement District. Only within the last three months have we received our first reimbursement payment. However, the amount received was less than \$200 thousand. The reimbursement period is nearly 50 percent expired; yet we have been reimbursed less than 12 percent of the amount allowed. More than \$1.5 million is still outstanding.

SMC 13.24 limits the reimbursement period to ten years. And, presently, SMC 13.24 does not allow for an extension of the reimbursement period.



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The District does not relish the thought of losing \$1.5 million. Nor do we think it the intent of the City of Sherwood to place the District in that position.

We believe an equitable remedy is a text amendment process. We request the Mayor and the City Council schedule a work session and allow us to present our situation, the adverse financial impact without an extension, and a proposed text amendment solution.

The District anticipates asking for a five year extension. This is roughly the period from establishment of the reimbursement district until we received our first payment.

Very truly yours,

Sue Hekker
Chair, Board of Directors



ORDINANCE 2014-011

**AMENDING SECTION 13.24 OF THE SHERWOOD MUNICIPAL CODE TO AUTHORIZE
EXTENDING THE DURATION OF A REIMBURSEMENT DISTRICT**

WHEREAS, Section 13.24 of the Municipal Code authorizes the City Council to approve a reimbursement district and sets a ten (10) year time limit on the duration of the district; and

WHEREAS, the Municipal Code currently does not authorize extending the reimbursement period, and

WHEREAS, a reimbursement district was formed in 2008 prior to the economic downturn; and

WHEREAS, as a result of the economic downturn, development has been slow resulting in significantly less funds contributed to the reimbursement district than anticipated; and

WHEREAS, the Sherwood School District, which financed the improvements included in the reimbursement district, has requested the City consider amending the Municipal Code to authorize extending the duration of the reimbursement district; and

WHEREAS, the City Council recognizes the significance of the economic circumstances and has previously amended the Municipal Code to allow additional extensions for other development projects; and

WHEREAS, the City Council intends that the School District and any future developer for whom a reimbursement district is formed must clearly demonstrate that an extension is warranted and that the improvement still provides adequate value for the subject properties, and

WHEREAS, the proposed amendments ensure that the City Council can evaluate whether the circumstance warrants an extension.

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

Section 1. The Sherwood Municipal Code, Section 13.24, is amended to allow for an extension of up to five (5) additional years as set forth in the attached Exhibit A.

Section 2. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 3rd day of June 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	_____	_____
Langer	_____	_____
Butterfield	_____	_____
Folsom	_____	_____
Grant	_____	_____
Henderson	_____	_____
Middleton	_____	_____

Chapter 13.24 PUBLIC IMPROVEMENT REIMBURSEMENT DISTRICTS

13.24.010 Definitions.

The following terms are defined as follows for the purposes of this chapter:

"City" means the City of Sherwood, Oregon.

"Developer" means a person who is required or chooses to finance some or all of the cost of a street, water or sewer improvement which is available to provide service to property, other than property owned by the person, and who applies to the city for reimbursement for the expense of the improvement.

"Development permit" means any final land use decision, limited land use decision, expedited land division decision, partition, subdivision, planned unit development, or driveway permit.

"Person" means a natural person, the person's heirs, executors, administrators or assigns; a firm, partnership, corporation, association or legal entity, its or their successors or assigns; and any agent, employee or representative thereof.

"Public improvement" means any construction, reconstruction or upgrading of public water, stormwater, sanitary sewer or street improvements.

"Public works director" means the director of the department responsible for the review and approval of Private Development projects~~public works director of in~~ the city of Sherwood.

"Reimbursement agreement" means the agreement between the developer and the city which is authorized by the city council and executed by the city manager, providing for the installation of and payment for reimbursement district public improvements.

"Reimbursement district" means the area which is determined by the city council to derive a benefit from the construction of public improvements, financed in whole or in part by the developer.

"Reimbursement fee" means the fee required to be paid by a resolution of the city council and the reimbursement agreement. The city council resolution and reimbursement agreement shall determine the boundaries of the reimbursement district and shall determine the methodology for imposing a fee which considers the cost of reimbursing the developer for financing the construction of the improvement within the reimbursement district.

(Ord. 01-1114 § 1)

13.24.020 Application to establish a reimbursement district.

- A. A person who is required to or chooses to finance some or all of the cost of a public improvement which will be available to provide service to property other than property owned by the person

may by written application filed with the public works director request that the city establish a reimbursement district. The public improvement must be of a size greater than that which would otherwise ordinarily be required in connection with an application for a building permit or development permit or must be available to provide service to property other than property owned by the developer, so that the public will benefit by making the improvement.

- B. The application shall be accompanied by an application fee, as set by council resolution which is reasonably calculated to cover the cost of the preparation of the public works director's report and notice pursuant to this chapter.
- C. The application shall include the following:
 - 1. A written description of the location, type, size and cost of each public improvement which is to be eligible for reimbursement.
 - 2. A map showing the boundaries of the proposed reimbursement district, the tax account number of each property, its size and boundaries.
 - 3. A map showing the properties to be included in the proposed reimbursement district; the zoning district for the properties; the front footage and square footage of said properties, or similar data necessary for calculating the apportionment of the cost; the property or properties owned by the developer; and the names and mailing addresses of owners of other properties to be included in the proposed reimbursement district.
 - 4. The actual or estimated cost of the public improvements.
- D. The application may be submitted to the city prior to the installation of the public improvement but not later than one hundred eighty (180) days after completion and acceptance of the public improvements by the city. This time period may be extended by the city manager for good cause shown.

(Ord. 01-1114 § 3)

13.24.030 Public works director's report.

The public works director shall review the application for the establishment of a reimbursement district and evaluate whether a district should be established. The public works director may require the submission of other relevant information from the developer in order to assist in the evaluation. The public works director shall prepare a written report for the city council that considers and makes a recommendation concerning each of the following factors:

- A. Whether the developer will finance, or has financed some or all of the cost of the public improvement, thereby making service available to property, other than that owned by the developer.
- B. The boundary and size of the reimbursement district.
- C. The actual or estimated cost of the public improvement serving the area of the proposed reimbursement district and the portion of the cost for which the developer should be reimbursed for each public improvement.
- D. A methodology for spreading the cost among the properties within the reimbursement district and, where appropriate, defining a "unit" for applying the reimbursement fee to property which

may, with city approval, be partitioned, subdivided, altered or modified at some future date. City may use any methodology for apportioning costs on properties specially benefited that is just and reasonable.

- E. The amount to be charged by the city for an administration fee for the reimbursement agreement. The administration fee shall be fixed by the city council and will be included in the resolution approving and forming the reimbursement district. The administration fee may be a percentage of the total reimbursement fee expressed as an interest figure, or may be a flat fee per unit to be deducted from the total reimbursement fee.
- F. Whether the public improvements will or have met city standards.
- G. Whether it is fair and in the public interest to create a reimbursement district.

(Ord. 01-1114 § 3)

13.24.040 Amount to be reimbursed.

- A. A reimbursement fee shall be computed by the city for all properties within the reimbursement district, excluding property owned by or dedicated to the city or the state of Oregon, which have the opportunity to use the public improvements, including the property of the developer, for formation of a reimbursement district. The fee shall be calculated separately for each public improvement. The developer for formation of the reimbursement district shall not be reimbursed for the portion of the reimbursement fee computed for its own property.
- B. The cost to be reimbursed to the developer shall be limited to the cost of construction engineering, construction, and off-site dedication of right of way. Construction engineering shall include surveying and inspection costs and shall not exceed seven and a half (7.5) percent of eligible public improvement construction cost. Costs to be reimbursed for right of way shall be limited to the reasonable market value of land or easements purchased by the developer from a third party in order to complete off-site improvements.
- C. No reimbursement shall be allowed for the cost of legal expenses, design engineering, financing costs, permits or fees required for construction permits, land or easements dedicated by the developer, the portion of costs which are eligible for systems development charge credits or any costs which cannot be clearly documented.
- D. Reimbursement for the amount of the application fee required by Section 13.24.020 in this chapter.

(Ord. 01-1114 § 4)

13.24.050 Public hearing.

- A. Within forty-five (45) days after the public works director has completed the report required in Section 13.24.030, the city council shall hold an ~~informational~~ public hearing in which any person shall be given the opportunity to comment on the proposed reimbursement district. Developer shall provide the mailing list for all property owners within the proposed district. Because formation of the reimbursement district does not result in an assessment against property or lien against property, the public hearing is for informational purposes only and is not subject to mandatory termination because of remonstrances. The city council has the sole discretion after

the public hearing to decide whether to adopt a resolution approving and forming the reimbursement district ~~shall be adopted~~.

- B. Not less than ten (10) days prior to any public hearing held pursuant to this chapter, the developer and all owners of property within the proposed district shall be notified of the public hearing and the purpose thereof. Such notification shall be accomplished by either regular and certified mail or by personal service. Notice shall be deemed effective on the date that the letter of notification is mailed. Failure of the developer or any affected property owner to be so notified shall not invalidate or otherwise affect any reimbursement district resolution or the city council's action to approve the same.

(Ord. 01-1114 § 5)

13.24.060 City council action.

- A. After the public hearing held pursuant to Section 13.24.050A, the city council shall approve, reject or modify the recommendations contained in the public works director's report. The city council's decision shall be contained in a resolution. If a reimbursement district is established, the resolution shall include the public works director's report as approved or modified, and specify that payment of the reimbursement fee, as designated for each parcel, is a precondition of receiving any city permits applicable to development of that parcel as provided for in Section 13.24.100.
- B. The resolution shall establish an interest rate to be applied to the reimbursement fee as a return on the investment of the developer. The interest rate shall be fixed and computed against the reimbursement fee as simple interest and will not compound.
- C. The resolution shall instruct the city manager to enter into an agreement with the developer pertaining to the reimbursement district improvements. If the agreement is entered into prior to construction, the agreement shall be contingent upon the improvements being accepted by the city. The agreement shall contain at least the following provisions:
 - 1. The public improvement(s) shall meet all applicable city standards.
 - 2. The total amount of potential reimbursement to the developer shall be specified.
 - 3. The total amount of potential reimbursement shall not exceed the actual cost of the public improvement(s).
 - 4. The developer shall guarantee the public improvement(s) for a period of twelve (12) months after the date of installation.
 - 5. A clause in a form acceptable to the city attorney stating that the developer shall defend, indemnify and hold harmless the city from any and all losses, claims, damage, judgments or other costs or expense arising as a result of or related to the city's establishment of the reimbursement district, including any city costs, expenses and attorney fees related to collection of the reimbursement fee should the city council decide to pursue collection of an unpaid reimbursement fee under Section 13.24.110H.
 - 6. A clause in a form acceptable to the city attorney stating that the developer agrees that the city, cannot be held liable for any of the developer's alleged damages, including all costs and attorney fees, under the agreement or as a result of any aspect of the formation of the

reimbursement district, or the reimbursement district process, and that the developer waives, and is stopped from bringing, any claim, of any kind, including a claim in inverse condemnation, because the developer has benefited by the city's approval of its development and the required improvements.

7. Other provisions the city determines necessary and proper to carry out the provisions of this chapter.

ED. If a reimbursement district is established by the city council, the date, of the formation of the district shall be the date that the city council adopts the resolution forming the district.

(Ord. 01-1114 § 6)

13.24.070 Notice of adoption of resolution.

The city shall notify all property owners within the district and the developer of the adoption of a reimbursement district resolution. The notice shall include a copy of the resolution, the date it was adopted and a short explanation specifying the amount of the reimbursement fee and that the property owner is legally obligated to pay the fee pursuant to this chapter.

(Ord. 01-1114 § 7)

13.24.080 Recording the resolution.

The city recorder shall cause notice of the formation and nature of the reimbursement district to be filed in the office of the Washington County clerk so as to provide notice to potential purchasers of property within the district. Said recording shall not create a lien. Failure to make such recording shall not affect the legality of the resolution or the obligation to pay the reimbursement fee.

(Ord. 01-1114 § 8)

13.24.090 Contesting the reimbursement district.

No legal action intended to contest the formation of the district or the reimbursement fee, including the amount of the charge designated for each parcel, shall be filed after sixty (60) days following the adoption of a resolution establishing a reimbursement district and any such legal action shall be exclusively by Writ of Review pursuant to ORS 34.0 10 to ORS 34.102.

(Ord. 01-1114 § 9)

13.24.100 Obligation to pay reimbursement fee.

- A. The applicant for a permit related to property within any reimbursement district shall pay the city, in addition to any other applicable fees and charges, the reimbursement fee established by the council, if within ten years after the date of the passage of the resolution forming the reimbursement district, the person applies for and receives approval from the city for any of the following activities:
 1. A building permit for a new building;
 2. Building permits for any addition(s) of a building, which cumulatively exceed twenty-five (25) percent of the existing square footage in any thirty-six (36) month period;

3. A development permit, as that term is defined by this chapter;
 4. A city permit issued for connection to a public improvement.
- B. The city's determination of who shall pay the reimbursement fee and when the reimbursement fee is due is final.
 - C. In no instance shall the city, or any officer or employee of the city, be liable for payment of any reimbursement fee, or portion thereof, as a result of the city's determination as to who should pay the reimbursement fee. Only those payments which the city has received from or on behalf of those properties within a reimbursement district shall be payable to the developer. The city's general fund or other revenue sources shall not be liable for or subject to payment of outstanding and unpaid reimbursement fees imposed upon private property.
 - D. Nothing in this chapter is intended to modify or limit the authority of the city to provide or require access management.
 - E. Nothing in this chapter is intended to modify or limit the authority of the city to enforce development conditions which have already been imposed against specific properties.
 - F. Nothing in this chapter is intended to modify or limit the authority of the city, in the future, to impose development conditions against specific properties as they develop.
 - G. No person shall be required to pay the reimbursement fee on an application or upon property for which the reimbursement fee has been previously paid, unless such payment was for a different type of improvement. No permit shall be issued for any of the activities listed in subsection 10A unless the reimbursement fee, together with the amount of accrued interest, has been paid in full. Where approval is given as specified in subsection 10A, but no permit is requested or issued, then the requirement to pay the reimbursement fee lapses if the underlying approval lapses.
 - H. The date of reimbursement under this chapter shall extend ten (10) years from the date of the formation of a reimbursement district formation by city council resolution. The developer may file with the City a written application to extend the reimbursement district for up to five (5) additional years. The application shall provide information regarding the remaining useful life of the improvement(s), the continuing benefit to subject properties, and explain why there is good cause for the extension. In considering an application for an extension, the Council must provide notice in accordance with 13.24.050.B and hold a public hearing for anyone to provide comment. After the public hearing the Council may, by resolution, approve the extension for up to five (5) additional years after determining that the developer has demonstrated good cause for the extension and that the value of the improvement(s) to the subject properties remains sufficient to warrant reimbursement. If an extension is approved by the City Council, the City Recorder shall provide notice in accordance with 13.24.070 and record the resolution in accordance with 13.24.080.
 - I. The reimbursement fee is immediately due and payable to the city by property owners upon use of a public improvement as provided by this chapter in subsection 10A. If connection is made or construction commenced without required city permits, then the reimbursement fee is immediately due and payable upon the earliest date that any such permit was required.
 - J. Whenever the full reimbursement fee has not been paid and collected for any reason after it is due, the city manager shall report to the city council the amount of the uncollected

reimbursement, the legal description of the property on which the reimbursement is due, the date upon which the reimbursement was due and the property owner's name or names. The city council shall then, by motion, set a public hearing date and direct the city manager to give notice of that hearing to each of the identified property owners, together with a copy of the city manager's report concerning the unpaid reimbursement fee. Such notice may be either by certified mail or personal service. At the public hearing, the city council may accept, reject or modify the city manager's report. If the city council determines that the reimbursement fee is due but has not been paid for whatever reason, the city council may, at its sole discretion, act, by resolution, to take any action, it deems appropriate, including all legal or equitable means necessary to collect the unpaid amount. However, nothing in this chapter requires the city to take any action to collect such amounts.

(Ord. 01-1114 § 10)

13.24.110 Public improvements.

Public improvements installed pursuant to reimbursement district agreements shall become and remain the sole property of the city.

(Ord. 01-1114 § 11)

13.24.120 Multiple public improvements.

More than one public improvement may be the subject of a reimbursement district.

(Ord. 01-1114 § 12)

13.24.130 Collection and payment—Other fees and charges.

- A. The developer shall receive all reimbursement collected by the city for reimbursement district public improvements. Such reimbursement shall be delivered to the developer for as long as the reimbursement district agreement is in effect. Such payments shall be made by the city within ninety (90) days of receipt of the reimbursements.
- B. The reimbursement fee is not intended to replace or limit, and is in addition to, any other existing fees or charges collected by the city.

(Ord. 01-1114 § 13)

13.24.140 Nature of the fees.

The city council finds that the fees imposed by this chapter are not taxes subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

(Ord. 01-1114 § 14)

13.24.150 Severability.

If any section, phrase, clause, or part of this chapter is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect.

Sherwood Field House Monthly Report April 2014

<u>April-14</u>	<u>Apr-14</u>		<u>YTD</u>		<u>Apr-13</u>
					Est.
Usage		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served*</u>
Leagues	4	350	27	5650	585
Rentals	97	1455	676	11275	1825
Other (Classes)					
[1] Day Use	10	57	67	521	110
Total Usage		1862		17446	2520
Income	<u>Apr-14</u>	<u>YTD</u>			
Rentals	\$2,605	\$39,821			
League fees (indoor)	\$5,747	\$74,381			
Card fees (indoor)	\$130	\$3,529			
Day Use	\$199	\$1,626			
Advertising		\$1,500			
Snacks	\$275	\$4,491			
Classes					
Total	\$8,956	\$125,348			
FY 12 13					
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			

*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.



Sports Fields and Gyms

Spring Basketball continued to use the gyms in April.

The Youth Track Club held their Sherwood Invite on April 26th they had 600 athletes from all over the Portland Metro area in town with their parents on that Saturday.

Youth Soccer played their last four games and held one State Cup game at Snyder in April their spring winter season is over but their Fall classic tryouts are starting next week.

Youth baseball was able to hold 15 games at some of the baseball fields this month. That number should ramp up with better weather and the younger teams starting to play.

Youth Softball was able to have about 20 Rec games during the month of April at the high school.

Greater Portland Soccer District held 8 adult games on Sundays at Snyder Park during the month of April.

Chamber was sent a tournament schedule for the spring summer so that they can alert the members of what's going on in town this summer.

Field House

Sherwood Youth Soccer rented a total of 74.5 hours in the field house for their youth indoor spring league.

We are still running 4 nights of adult leagues (we are in need of women's teams) for Thursday nights.

Pre-school plat days are slowing down with the better weather, we will drop down to one day a week in June.

We are getting ready to take care of some summer cleaning in the next month or so.

Respectfully submitted:

Lance Gilgan

May 1, 2014



Sherwood Public Library – April 2014 Monthly Management Report

	<u>Current Year</u>	<u>Past Year</u>	<u>% Change</u>
Check out	29,013	33,666	-13.82% (22% Self-check)
Check in	21,579	24,407	-11.5%
New Library cards	92		
Volunteer hours	185 hours; equivalent to 1.07 FTE (26 volunteers)		
• New Library2Go users	32		
• Library2Go check outs	1172		

Monthly Activities

- Thirty-three Baby, Preschool and Toddler Storytimes (895 attendees)
- Two Read-to-the-Dogs programs
- Magazine Monday (free magazine giveaway)
- Federal tax forms available
- 04/03 - 04/24 Creative Writing Workshops with Teresa Klepinger, every Thursday afternoon in April (16 attendees)
- 04/03 Teen Advisory Board Meeting (5 attendees)
- 04/05 Family Game Day (15 attendees)
- 04/05 Get to Know Library2Go (2 attendees)
- 04/09 Pajama Time (18 attendees)
- 04/11 Library Staff Meeting
- 04/12-19 National Library Week Celebration

- 04/12 Art of the Story Festival with Bil Lepp (65 attendees)
- 04/13 & 04/27 Marie Buckley's Writing Workshops for Adults (9-12 attendees)
- 04/15 Wednesday Crafternoon - Book/Library Crafts (31 attendees)
- 04/15 Paulann Petersen, Oregon Poet Laureate (4 attendees)
- 04/16-18 Staff attend the Oregon Library Association Conference in Salem
- 04/16 "Beatrix Potter: Life & Works" Display & lecture (9 attendees)
- 04/23 DIY Craftshop - Wood & Tile Coasters (11 attendees)
- 04/23 Library Advisory Board Meeting
- 04/26 Saturday Family Storytime "Some Bunny Loves You" theme (21 attendees)
- National Library Week Raffle - Plants vs Zombies Raffle, for ages 17 & under (159 entries)
- Volunteer recruitment & training continues / New volunteers started shifts
- Library staff attended various regional, City and WCCLS meetings: OLA/PLD Board, OLA Executive Board, OLA Leadership Task Force, WUG, Policy Group and Safety Committee