



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, April 15, 2014

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

5:30 pm URA Board of Directors Executive Session
(Pursuant to ORS 192.660(2)(e), Real Property Transactions)

5:45 pm URA Board of Directors Work Session

6:10 pm City Council Work Session

7:00 pm City Council Regular Meeting



Home of the Tualatin River National Wildlife Refuge

5:30 URA BOARD EXECUTIVE SESSION

1. Pursuant to ORS 192.660(2)(e)
Real Property Transactions

5:45 PM URA BOARD WORK SESSION

1. SURPAC Discussion

6:10 PM CITY COUNCIL WORK SESSION

1. TVWD Presentation

REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CONSENT

- A. Approval of April 1, 2014 City Council Meeting Minutes
- B. Resolution 2014-022 Appointing a Pro Tem Municipal Judge

5. CITIZEN COMMENTS

6. NEW BUSINESS

- A. Resolution 2014-023 Transferring Budget Expenditure Appropriations between categories for budget year 2013-14 (Julie Blums, Finance Director)
- B. Resolution 2014-024 Approving Amendments to City Council Rules Pertaining to Agenda Creation and Committee Appointments (Joseph Gall, City Manager)
- C. Resolution 2014-025 Appointing Primary and Alternate Representatives to Washington County Coordinating Committee (Joseph Gall, City Manager)
- D. Ordinance 2014-009 Approving the Addition of Chapter 12.13, Rules of Conduct on City Property to Sherwood Municipal Code (Joseph Gall, City Manager)

AGENDA

SHERWOOD CITY COUNCIL April 15, 2014

**5:30 pm URA Board Executive Session
(ORS 192.660(2)(e), Real Property Transactions)**

5:45 pm URA Board Work Session

6:10 pm City Council Work Session

7:00 pm City Council Regular Meeting

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

7. COUNCIL ANNOUNCEMENTS

8. CITY MANAGER AND DEPARTMENT REPORTS

9. 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
April 1, 2014

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 5:32 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Krisanna Clark, Bill Butterfield, Matt Langer and Robyn Folsom. Councilor Dave Grant arrived at 5:35 pm.
3. **STAFF PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, and City Recorder Sylvia Murphy.

4. TOPICS:

- A. Labor Negotiator Consultations, pursuant to ORS 192.660(2)(d).

5. ADJOURN:

Mayor Middleton adjourned the Executive Session at 6:32 pm and convened to a work session.

WORK SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:33 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Krisanna Clark, Bill Butterfield, Matt Langer, Robyn Folsom and Dave Grant.
3. **STAFF PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Community Development Director Julia Hajduk, IT Manager Brad Crawford and City Recorder Sylvia Murphy.

4. OTHERS PRESENT: Metro Councilor Craig Dirksen.

5. TOPICS:

A. Metro Update.

Mr. Dirksen presented a power point presentation, (see record, Exhibit A) and answered Council questions that were previously provided. Mr. Dirksen briefly recapped his presentation.

6. ADJOURN:

Mayor Middleton adjourned the work session at 6:59 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, Robyn Folsom and Dave Grant.

4. STAFF AND LEGAL COUNSEL PRESENT: City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Police Captain Ty Hanlon, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon and City Recorder Sylvia Murphy. City Attorney Chris Crean.

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

5. CONSENT AGENDA:

A. Approval of February 25, 2014 City Council Meeting Minutes

B. Approval of March 4, 2014 City Council Meeting Minutes

C. Approval of March 18, 2014 City Council Meeting Minutes

D. Resolution 2014-019 Authorizing the City Manager to sign a Memorandum of Agreement (MOA) with the State Building Codes Division for the renewal of an assumed Building Inspection Program

E. Resolution 2014-020 Authorizing the City Manager to execute a contract with Ogletree Deakins to provide labor attorney services to the City of Sherwood

MOTION: FROM COUNCILOR CLARK TO ADOPT THE CONSENT AGENDA, SECONDED BY MAYOR MIDDLETON, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Prior to the Mayor addressing the next agenda item, Councilor Folsom requested to amend the agenda and move Citizen Comments to the end of the agenda due to the amount of Council business. She clarified to move comments to be heard after Council Announcements.

Mayor Middleton responded not after Council Announcements, but can be moved to be heard before Council Announcements. Ms. Folsom reiterated her request to amend and move Citizen Comments to the end of the Agenda. Mayor Middleton responded no.

Councilor Grant stated if this is a motion, he seconded the motion.

City Attorney Chris Crean clarified and stated the order of events can be changed by 2/3 majority of the Council which in this case would be 5. He said there is a motion and it has been seconded.

Mayor Middleton restated the motion.

MOTION: FROM COUNCILOR FOLSOM TO AMEND THE AGENDA TO MOVE CITIZEN COMMENTS TO THE END OF THE AGENDA, SECONDED BY COUNCILOR GRANT. MOTION PASSED 5:2, (HENDERSON, FOLSOM, GRANT, LANGER AND BUTTERFIELD IN FAVOR), (MIDDLETON AND CLARK OPPOSED).

Mayor Middleton addressed the next agenda item.

6. PRESENTATIONS

A. Proclamation, April 7-13, 2014 as Arbor Week

Mayor Middleton read the proclamation and informed of a tree planting event sponsored by the City that will be held on April 3 at the Stella Olson Park Big Fir Trail Head at 3:30 pm, entrance on 2nd Street and Park Street. He noted that in 1872 the first Arbor Day was observed in Nebraska with the planting of more than a million trees and is now observed throughout the nation and the world and said the Arbor Day Foundation facilitates Tree City USA Certifications. He stated the City of Sherwood has been a Tree City USA since 2005 and this is its ninth year as a Tree City and said that trees properly planted and cared for are a source of community environment that assists in mental and peaceful renewal. He proclaimed April 7-13, 2014 as Arbor Week 2014 in the City of Sherwood and called upon the citizens of Sherwood and the surrounding communities to celebrate Arbor Week and to support efforts to protect trees and woodlands and to plant trees and promote the well-being of this and future generations.

Mayor Middleton addressed the next agenda item.

B. Proclamation, April 21-26, 2014 as National Community Development Week

Mayor Middleton read a portion of the proclamation and stated the City has received a total of \$2,228,482.00 in Community Development Block Grant (CDBG) funds. He stated the week of April 21-26, 2014 has been designated as National Community Development Week by the National Community Development Association to celebrate the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program. He stated the CDBG Program provides annual funding and flexibility to local communities to provide decent, safe and sanitary housing, a suitable living environment and economic opportunities to low and moderate-income people. He said nationally, over one million units of affordable housing have been completed using HOME funds. He stated that this community urges Congress and the Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant Program.

Mayor Middleton addressed the next agenda item.

7. NEW BUSINESS

A. Ordinance 2014-007 Declaring certain sidewalks in the City to be defective under Sherwood Municipal Code Chapter 12.08 for Areas 3, Phase 4

Craig Sheldon Public Works Director came forward and explained the ordinance as an ongoing sidewalk program where a fee was established in 2011 with an assistance program. He said with this phase 4 of area 3, there are 130 properties that if approved the property owners will be able to sign up for the program that would be 50% off the sidewalk bill using our contractors.

Council President Henderson asked if anything has substantially changed since we started the program, either how we are doing it or citizen notification? Craig replied no and explained we do more administrative work with the property owner now with the Public Works office and have 1-2 site visits, and can do more if needed. She asked if he considered the program to be successful. Craig replied yes.

Ms. Henderson asked what would have occurred if we had not instituted the program? Craig replied we would continue with the property owner having to maintain their sidewalks at 100% and there would have been an enforcement part of that. He said we are not having to do that.

Ms. Henderson asked if most residents take advantage of the program where they can pay it off through their water bill over time? Craig replied yes and said it depends on the repair and explained the types and costs of repairs.

With no other questions, the following motion was received.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO READ CAPTION AND ADOPT ORDINANCE 2014-007, SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

B. Ordinance 2014-008 Repealing Ordinance 2014-003, temporarily prohibiting medical marijuana facilities, and declaring an emergency

Julia Hajduk, Community Development Director explained the ordinance and stated that the City Council adopted Ordinance 2014-003 in February 2014, which temporarily prohibits Medical Marijuana facilities for 150 days. She said at the time we expressed that was a tight timeline and was the maximum recommended by legal counsel. She said since that time the legislature passed additional legislation that allowed jurisdictions to declare a moratorium or prohibit the siting of medical marijuana facilities until May 2015. She said we would like to take advantage of that additional time to see what happens in the next legislature and it will also give staff additional time to explore what the community would be interested in doing if we were to adopt code language regulating the siting's. She said at the Planning Commission meeting next week there will be a public work session and one of the topics will be medical marijuana dispensaries. Julia stated staff recommends the adoption of Ordinance 2014-008 repealing Ordinance 2014-003 and offered to answer Council questions.

Councilor Folsom asked if the Planning Commission public work session will allow citizen input. Julia replied yes and explained the format of the session and said there will be tables set up and commissioners will be facilitating discussion and having dialog.

Mayor Middleton commented regarding getting the information tonight and said everyone should be receiving it as it is late coming out.

With no other questions, the following motion was received.

MOTION: FROM COUNCILOR FOLSOM TO READ CAPTION AND ADOPT ORDINANCE 2014-008, SECONDED BY COUNCILOR HENDERSON, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

C. Resolution 2014-021 Accepting review of Operating Agreement with Sherwood Family YMCA and directing renegotiation of Operating Agreement

City Manager Joe Gall stated two weeks ago the Council met with Rob Moody from the City auditing firm of TKW, and reviewed a report from Mr. Moody of his review of the operating agreement. Mr. Gall stated Mr. Moody has a series of recommendations in the report. He said after that discussion and after the Council Executive Session the report was released to the public. He said the direction from the City Attorney's office is for the Council to formally accept the report and accept the work done by the consultant and hopefully then direct staff to begin the negotiation process with the Y. He said this is also the opportunity for the Council to publically comment on the report.

With no questions or comments from the Council, the following motion was received.

MOTION: FROM COUNCILOR GRANT TO ADOPT RESOLUTION 2014-021, SECONDED BY COUNCILOR LANGER, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

D. Discussion of Motion to Take from the Table Resolution 2014-003, A Resolution removing Commissioner James Copfer from the Planning Commission

Mayor Middleton asked Assistant City Manager Tom Pessemier to explain the process. Tom reminded the Council that they previously took action to table Resolution 2014-003 to an unspecified time in the future and in order to remove it from the table they will need to make a motion to remove it from the table for consideration. He said it would need to be a motion with a second, cannot be debated or amended. He said if it is successful you can consider the resolution, if it is not successful, it remains on the table.

City Attorney Crean reiterated that the motion is not debatable. He said if you want to discuss the wisdom of taking it off the table and placing the question before you again, do that before a motion is made, because once the motion is made, it is not debatable.

Mayor Middleton stated he brought this business forward due to an article that was in the paper. He asked Tom Pessemier if the article was truthful. Tom replied that he did not read it in detail and said there were things in the article that he would definitely go back and look at the record to see if they were and he has not done that at this point.

Mayor Middleton asked Julia Hajduk and stated she took notes at the meeting. Julia responded that it was generally truthful and said she checked with Brad Kilby after the meeting held with herself, Mayor Middleton, Council President Henderson and Mr. Copfer, and said we don't believe the Planning Manager told him (Mr. Copfer) that the purpose of the meeting was to discuss him being removed from

the Planning Commission. She said she does not know if this was the way Mr. Copfer perceived it and said Brad made it clear that was not stated.

Mayor Middleton commented that Mr. Copfer did not attend a meeting we were going to have that night and arrived 45 minutes late to the training session we were going to have regarding this issue. He said that is part of the reasoning behind this and said we need to be more honest and upfront when writing articles and said he did not believe bringing that out helped the Planning Commission and believes it harmed the commission, and said he would like to bring the motion back.

MOTION: FROM MAYOR MIDDLETON TO BRING THE MOTION BACK, THE DISCUSSION OF THE MOTION TO TABLE THE RESOLUTION 2014-003, SECONDED BY COUNCILOR CLARK. MOTION FAILED 2:5 (MIDDLETON AND CLARK IN FAVOR), (HENDERSON, GRANT, FOLSOM, LANGER AND BUTTERFIELD OPPOSED).

Mayor Middleton stated we will rewrite the resolution and bring it back.

Mayor Middleton addressed the next agenda item.

8. CITY MANAGER AND DEPARTMENT REPORTS

City Manager Gall reported on April 8th the Planning Commission will be holding two work sessions, a TSP Update work session from 6 pm to 7 pm and a public work session from 7 pm to 8 pm to discuss medical marijuana, the TSP and general code updates. He commented on the success of these open work sessions in the past and Julia stated we are modeling the format we used for the Town Center discussions. She explained they will have 4 tables on separate topics and the commissioners will be facilitating the discussions. She said this will help the Planning Commission as they move forward.

Mr. Gall informed the Council the League of Oregon Cities (LOC) is holding a work shop on May 1 at the Lloyd Center to discuss marijuana and encouraged the Council to attend along with City staff.

Mr. Gall informed the Council that the Aleali vs. City appeal is expecting a decision tomorrow.

Mr. Crean said that the decision should be posted early in the morning and Mr. Gall said that they would put it on the website.

Council President Henderson asked Mr. Crean to explain the appeal. Mr. Crean briefly stated the decision was made by the Planning Commission and was not appealed to the City Council. He said several months later it was appealed to LUBA by a resident who lives about 800 feet from the Walmart site. He noted that for quasi-judicial proceedings the City is required to send noticing to properties within 100 feet. He stated that Sherwood has gone beyond that and requires itself to send notice to properties within 1000 feet. He noted LUBA said their jurisdiction extends only as far as the statute. He said LUBA's decision to dismiss the appeal was appealed to the Court of Appeals so the question before the court is the effect of the City's 1000 foot notice requirement and whether it expands LUBA's jurisdiction and whether somebody beyond 100 feet but less than 1000 feet who claims to have not been noticed can appeal beyond the 120 days. He said they defended LUBA's decision at the Court of Appeals and commented that if the decision is upheld the only recourse for the appellant is the Supreme Court and it is unlikely that the court would hear it. He commented that if the City loses, the case will go back to LUBA and a number of things would be considered, one of which is did the resident get noticed and he

referred to an affidavit that notice was mailed. He said we go back to LUBA on decision of notice and if the Planning Commission's decision was correct. He concluded that the case is to determine the effect of the City's noticing requirement on LUBA's jurisdiction.

Mayor Middleton addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS

Councilor Butterfield reported on the Parks Advisory Board and their work on a location for a dog park. He said they are looking at several areas along with costs.

Councilor Folsom asked if there are any updates on the Cedar Creek Trail. Julia Hajduk commented that they just received a revised statement of work from the consultants and said Senior Planner Michelle Miller is planning on going to the Parks Advisory Board at the next meeting to provide an update.

Councilor Henderson asked staff if we are enforcing the 2 hour parking in old town Sherwood. She said the signs have been there for years and said this was something we consciously did, to not enforce during the Streetscape Project because it was disruptive enough. She said she was asked by a downtown merchant if the City would or would not be enforcing the 2 hour parking or change it from 2 to 3 hours.

Councilor Langer said this came up at a Sherwood Main Street meeting and commented regarding the meeting discussion of whether or not there was enough force for the committee to come before the Council and ask if the parking was going to be enforced or not enforced or to have signs removed.

Councilor Folsom commented regarding a Cultural Arts Commission member who is also a resident in old town that received a citation during an event.

Mr. Gall noted neither Chief Groth nor the Code Enforcement Officer are here but said that the Mayor heard from some citizens regarding the desire to enforce and said the City began to enforce the 2 hour parking in old town. He said they were mostly warnings with a few citations issued. He said he believes this is an important issue to discuss and said if we are not going to enforce it the signs should be removed. He commented regarding other cities having similar issues, discussions at the Main Street meeting, and issues with employee parking and said this is a bigger issue versus a simple answer tonight. He commented regarding the Council setting this policy and commented regarding having limited resources. He said unless the Council thinks differently, he believes the signs should come down.

Mayor Middleton commented that initially there was a transient parking problem where the park and ride people were parking there all day. Mr. Gall commented on the current parking conditions with the construction of the Community Center.

Mayor Middleton said that we could put it on a future agenda to discuss. Mr. Gall said that it could be a work session and staff would make sure the businesses in old town are aware of it. He commented that it is problematic to have signs up and not enforce them.

Council President Henderson asked Mr. Langer what the Sherwood Main Street merchants were requesting at the meeting. Mr. Langer said there was polarity on both sides.

Ms. Henderson said she made a suggestion a month ago to consider amending the Council Rules with respect to formal representation any Councilor has at a Board or Commission or any organization where we request formal representation. She referred to section Q Item 3 of the Council Rules that mentions Councilor liaisons and said she would like to make a motion and poll Council if they would consider amending Council Rules at the next meeting on April 15 to either change the name liaison to representation and to amend Section A which states the Mayor will appoint Councilors to liaison positions to City Boards and Commissions, including ad-hoc committees and limited term committees as the Mayor deems necessary and said she would like to recommend amending that section to state Council representation and said then the Mayor will appoint Councilors to any representative position representing the Council at any Board. She said any formal representation that the Council chooses to have at any public, private, nonprofit, state, county or federal, that the Mayor appoint by resolution with the consent of the Council. She said that is her motion and she was hoping the Council would consider that and the staff would work on the amendment language to the Council Rules.

Mr. Crean said that if it is done by resolution it would by necessity be by the consent of Council. He said the language would be all liaison positions will be appointed by resolution.

Councilor Folsom said within the resolution we could discuss terms, etc. and they may vary over time. She said we will be setting up a basic structure that will leave little ambiguity.

Councilor Henderson recommended that we do it formally so we have a record and it is clearly defined.

Councilor Clark said the underlying idea is a good idea and said that the problem she has with it is we have been told by legal that the Council Rules are a guide, so for us to spend a lot of time reworking the rules and coming up with resolutions seems like a waste of time. She said if we are not going to follow it and it has no legal basis why are we spending time with it.

Mr. Crean said they are not a statute or a constitutional provision or an ordinance, they are adopted by a resolution and are as binding as any other resolution. He said there is a provision for sanctions in the rules that require a majority, but it is something the Council polices on its own.

Councilor Folsom said she thought the conversation that was had was that we would do this now to help the Council as the Mayor has requested the Council follow the rules. She said she believes as a body we are looking for a way to more smoothly navigate and commented regarding making sure the legacy we leave is less ambiguous than it has been and said legal and staff can help us do that.

Mayor Middleton said he doesn't have a problem with it and is surprised that this is coming up after 12 years and said he understands the reasoning behind it. He asked what the sanctions were if people don't go by the rules.

Councilor Henderson read from page 6 that says; *the Council will make and enforce its own rules and to ensure compliance with the City and state laws applicable to governing bodies. If a Council member substantially violates these rules or state law, the Council may take action to protect the Council's integrity and discipline the Council member with a public reprimand. The Council may investigate the actions of any Council member and meet in executive session to discuss any findings that reasonable*

grounds exists and a substantial violation has occurred. She said the Council member under investigation may request a public open hearing. She said this sounds like a due process to her.

Mr. Crean referred to paragraph A with the language of, *if a Councilor has reason to believe that another member has substantially violated the rules the Council may take action*, he said keep in mind that for the Council to take action it requires a majority of the quorum.

Councilor Henderson referred to the City Charter Section 10 Chapter 3, which says, *the Council must by resolution adopt rules to govern its meeting.* She said these rules were adopted in 2007.

Mr. Crean commented on past attempts to amend the rules.

Councilor Henderson said that her intent is to make this a transparent process just like when we appoint citizens to boards and commissions and have a record.

Mayor Middleton said the only problem he has is that if one Councilor violates it and substantially violates it he does not believe they would have a quorum to support. Mayor Middleton referred to a newspaper article and Council President stated she was referring to Council liaisons and asked to finish her motion.

City Recorder Note: the following motion is summarized from Council President Henderson's comments, see page 7 of minutes indicating a motion.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO DIRECT STAFF TO BRING A RESOLUTION TO THE APRIL 15 MEETING TO AMEND THE COUNCIL RULES TO STATE ALL LIAISON POSITIONS WILL BE APPOINTED BY RESOLUTION, SECONDED BY COUNCILOR FOLSOM. MOTION PASSED 5:2, (HENDERSON, GRANT, FOLSOM, LANGER AND BUTTERFIELD VOTED IN FAVOR) (MIDDLETON AND CLARK WERE OPPOSED).

Mayor Middleton explained that if someone violates the rules it will be a popularity contest. He referred to an article that stated the Mayor and Krisanna have a certain agenda but it does not have broad support amongst the Council and commented that they have already decided. He said the article said they keep doing stuff without the support of the Council and said it causes awkward situations and he said that is a violation of the Council Rules.

Councilor Folsom commented she believes that is an opinion and the rule he is referring to is under Section E.3.k, which states; *Council members will not criticize or attack each other, City staff or other persons.* She said it is an opinion whether that was an attack.

Mr. Crean pointed out that Section 3.E under Council Discussion and Decorum and said if you read the introductory statement it says the following ground rules will be observed to maintain order and decorum during Council discussions. Councilor Folsom clarified and outside of that? Mr. Crean answered these rules do not apply.

Mayor Middleton referred to organizations and media.

Mr. Crean said there are two issues being discussed, the first is the appointment of Council liaison positions and the second is whether there should be sanctions and what the process should be. He said these should be separate discussions.

Mayor Middleton said he would like to discuss the second issue, organizations and media and said if the Mayor or Councilors represent the City before another governmental agency or the media or community organization, the Council member should first state the Council majority position.

He said personal opinions and comments should be expressed only if the Councilor makes it clear that it does not express the Council's position and said this was not done in the referred to article.

Councilor Clark said that she believes it is also covered under Section G.

Mr. Crean said he looked at the articles and discussed them at his office and he did not see any comments made by the Councilors or the Mayor that violated the Council Rules. He said there were a lot of generalized statements and opinions offered but he does not think anyone took the position that this was the position of the City Council. He said as the City Attorney he does not believe the Council Rules were violated but reminded the Council that he does not enforce the Council Rules. He said if you want to change the Council Rules for how to enforce them that is a discussion they can have.

Council President Henderson asked if staff needed clarification. The City Recorder responded staff would refer to the recording.

Councilor Folsom thanked the past Chairman of the Cultural Arts Commission Alyse Vordemark for her four years of service and for her vision. She said they are trying to improve the attendance at the Pix on the Plaza with working with the Main Street organization and downtown businesses to use this event as leverage to bring some economic impact to old town. She commented on visual arts and asked for community involvement and announced the Missoula Children's Theater will return this summer for the 11th year and registration opens on May 1st. She commented on the Senior Center and thanked the Director for the recent work session with the Council.

Councilor Folsom stated she has been reviewing the Council rules and would like to make a motion to direct staff to come back with wording on Section D concerning the agenda, Number 2.

She referred to the collaborative effort between the Mayor and the Council President last year to work on the agenda and said her intent is to get back to that collaborative process between two members of the Council, the Council President, the Mayor and staff. She said this is largely a nice way to have it and read; *preparation and scheduling of agenda items will be approved by the Mayor. Council members may request that items be placed on an agenda. Council members may make agenda suggestions at any Council meeting or by communications with the City Manager. Council members will make best efforts to reach consensus on agenda items and should obtain staff input before requesting an agenda item. Agendas with generally be set to allow meetings to end no later than 9:30 pm.*

She said what she would like to do for the future, is something that Mayor Middleton brought when he took office last year, which was a collaborative approach of having the Council President at the table with him. She commented that the current agenda was changed four times in the past day and was embarrassed as she did not get to it and said she was grateful to staff for providing the amended agenda. She stated her motion as:

MOTION: FROM COUNCILOR FOLSOM TO DIRECT STAFF TO AMEND AGENDA ITEM NUMBER 2, WITH HER INTENT AS INDICATED, SECONDED BY COUNCILOR LANGER. MOTION PASSED 6:1 (GRANT, LANGER, CLARK, HENDERSON, FOLSOM AND BUTTERFIELD IN FAVOR), (MIDDLETON OPPOSED).

Councilor Grant stated in regards to the agenda, he was also embarrassed that the agenda for tonight was not published to the citizens and apologized to them. He said one of the items removed from the original agenda was listed under Consent, Resolution 2014-018 regarding the Council appointment to the WCCC. He asked why this item was removed from the agenda.

Mayor Middleton responded that was his decision and it was made.

Councilor Folsom referred to an email sent by City Manager Gall that was from the County and said it clarified and stated; *it is expected that the WCCC representatives are appointed by their respective City Council.* She said this appears to her that it require a majority vote.

Mayor Middleton responded that it does not.

Councilor Grant stated he fears our representation on this board is jeopardized or weakened by the fact that we have no true representation by their standards or by this Council. He said he believes this puts the City in a weaker position than other people at that table. He said he doesn't know why the Council can't do this the way it's always been done. He referred to a previously adopted resolution appointing the members and said now we don't have this.

Councilor Folsom asked the City Recorder what is the WCCC. Ms. Murphy responded Washington County Coordinating Committee, Ms. Folsom said they deal with transportation issues and staff provided additional information.

Community Development Director Julia Hajduk stated the WCCC is the coordinating committee of elected officials in Washington County and are primarily transportation related and they make recommendations to Metro and the County Board of Commission regarding funding decisions. She said they also authorize expenditures of transportation development tax funds for local jurisdictions to spend.

Councilor Folsom referred to this being the group where \$35 million was allotted for projects, the MISTIP Funds? Julia replied yes and said it did not rest solely with them, but they were a key part of the discussion. Ms. Folsom said for a long time Sherwood was passed over for those MISTIP transportation dollars and when our projects and staff were ready we received a large percentage of the dollars and were prepared and represented at the table. She said she currently understands the record the County currently has, as the Mayor is the representative, Council President Henderson is the first alternate and Councilor Clark is the second alternate. She asked why did we need to make a change.

Discussion followed regarding the method used by the City when previously designating the Council members to the WCCC.

Councilor Clark asked staff if the Mayors are predominately the representation on the WCCC. She said Mayor Middleton called her last year and said he asked Council President Henderson to attend in his absence and she declined. Ms. Henderson replied that is not true.

Councilor Clark said the Mayor asked her to attend in his absence and she agreed. She said she doesn't know if there is a problem with Councilor Henderson having her attend and she has attended several times and is happy to attend.

Councilor Grant interjected and said this is no disrespect to Councilor Clark and said this is not about Councilor Clark, he said he hoped not to get into a discussion of who the representative is, but the fact that we don't effectively have representation by their standards and said he is open to discuss who attends. Councilor Grant reiterated we need to do this by their standards and made reference to the previously adopted resolution adopted during Mayor Mays' tenure.

Councilor Folsom asked the City Recorder to provide information. Ms. Murphy replied there was a resolution adopted in 2012 during Mayor Mays' tenure and the resolution indicated the primary member and the alternate. She said in 2013 the City drafted a letter at the Mayor's direction indicating the primary and the alternates, the primary being Mayor Middleton, 1st Alternate being Council President Henderson and 2nd Alternate being Councilor Clark. She said that letter is the current document the County has.

Julia Hajduk added that was based on the Council discussion at their Goal Setting meeting where the Council discussed liaison appointments and assignments and when we drafted that letter we referenced those meeting minutes so there was a clear indication that the Council was aware and in support of the appointments. She said as far as the WCCC is concerned that is what stands and is their understanding.

Councilor Grant replied they essentially gave us a pass from their written rules. Julia replied their written rules don't actually state a resolution, they state that the Council shall appoint. She said the County sent a letter saying they wanted it by resolution and she clarified recently, as we have done it both ways, which manner they prefer and they said they just need to know the Council is supportive of the appointment. She said it doesn't necessarily have to be by resolution.

Councilor Grant replied this is the most transparent way to state to the public and to go on record, whether it is a motion or a resolution. He referred to County funds provided to the City and said for us to not work well with them, he believes if fool hardy and said we need to hear what they are asking for, as we ask a lot of them.

Councilor Clark replied she agrees and said Chris Crean and Julia have stated clearly that we have given them one that they require. She said if a resolution is something Councilor Grant would be more comfortable with that is something different, we have given them a letter.

Councilor Grant suggested asking staff to bring forward a resolution that the Council can pass, he said it did not matter to him if the names were specified in the resolution or not. City Attorney Crean replied it is simple enough to bring forward a resolution leaving the name sections blank, naming a person and the alternate. Councilor Grant stated okay, this is my motion.

Councilor Langer stated he seconds the motion.

MOTION: FROM COUNCILOR GRANT TO DIRECT STAFF TO BRING FORWARD A RESOLUTION FOR COUNCIL CONSIDERATION APPOINTING CITY REPRESENTATIVES TO THE WCCC,

LEAVING THE NAMES BLANK TO BE DETERMINED BY THE COUNCIL. SECONDED BY COUNCILOR LANGER. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Councilor Grant referred to the meeting agenda and said we took a vote to not un-table, a motion to remove Jim Copfer from the Planning Commission and said he is not sure if he heard the Mayor correctly and said he heard the vote was 5:2 to leave it. He said the Mayor said something to staff and he is not sure he or the citizens heard or understand what was said. He said he wants to make very clear what is going on as the Council has made clear direction on this issue tonight.

Mayor Middleton replied the direction was to bring back a new resolution with the specifics of why we are talking about possibly removing him.

Councilor Grant replied this is skirting the clear direction Council gave to staff and said he believes this is divisive. He commented regarding hearing from the Mayor that we need to work together. He said here we have something that in his opinion has never had any work done to get it passed, therefore it's going to fail, unless something is different. He said when we put something on the agenda we are making a statement to the citizens that we work together toward the hope of getting it passed and that hasn't happened here and believes this is being dishonest to the citizens. He said the citizens need to understand this is being put on the agenda with the knowledge that it will fail and believes this is a divisive act that serves to divide the Council. He said unless something new is going to come forward about this member of the Planning Commission.

Mayor Middleton replied he did not believe Councilor Grant has the facts. He asked for additional Council announcements.

Councilor Langer provided a Chamber of Commerce update and said Rep. John Davis is hosting a complimentary legislative update and breakfast on April 22, at 7:30 am at the Sherwood Police Station. He reported the Chamber and the City are beginning some business walks at lunch that begin this spring for local leaders to learn more about the business community. He reported the Les Schwab Cruisin' and custom car show is set for June 14, 2014 in old town. He said after receiving feedback from local Sherwood vendors, the Chamber will host a Sherwood Retail Wine Tour this fall. He reported nominations are being accepted at SherwoodChamber.org for the Best in Sherwood Awards in categories of large business, small business, business leader of the year, citizen of the year, commitment to youth, golden apple award, outstanding community service and outstanding youth.

Councilor Clark said she agrees with Councilor Grant on a couple of points and that is we are no longer working as a Council and believes there are lots of components to that. She said Councilors have pulled out things that it might be and those might be components, but she believes a component she has seen is use of the media in a way to divide. She believes that Councilor Langer did this is the last article when he brought her name out in an article about something the Mayor had brought up and she had never sent an email about or never had a discussion with him about and said she is not sure why her name appeared. She said Councilor Langer continued to state she had an agenda and asked how he would know what kind of agenda she has and what that would be. She said the only agenda she has is serving the citizens of Sherwood, and the rest of the Council did not agree with that. She said he is either insulting me or the rest of the Council. She said either way, that is very divisive and she believes we have gotten to the point where we need to stop treating topics as taboo topics and if the Mayor wants to bring up something that you don't agree with then that is okay, we can talk about that. She said she knows there was a lot of push-pull when she brought up the financial issue of the YMCA contract and

said, look what we got. We got a review that we all agreed on the position that we need to renegotiate the contract, move forward and be more accountable to the public. She said this is not a taboo subject and doesn't believe we should have taboo subjects and we should be able to bring things forward and talk about them in a respectful manner and not say we have agendas or ulterior motives. She stated this would help her and said she doesn't like reading her name in the paper when she hasn't talked about a subject and said you have no idea what I feel about the subject, just to throw my name in the paper.

Councilor Clark reported Briana Dannen and her husband had a baby girl born March 10th and said Briana is the recipient for the Egg Hunt for Hope. The event is April 12th at Laurel Ridge and pre-hunt starts at 12:30 and the hunt starts at 1:30. Briana is a Sherwood High School teacher and is fighting cancer. Councilor Clark encouraged people to attend and said her late husband was the recipient of the 3rd annual egg hunt and this is the 8th annual. Councilor Clark briefed on how the event has grown over the years and said media will possibly be at this year's event.

Councilor Clark reported on the Arbor Day event and said the planting is a Sherwood City event, to be held this Thursday 3:30-4:30 pm at the swale at Stella Olsen Park. She said she and her kids participated last year and expressed how much fun they had even in the rain. She said it's a celebration of life and of growth. She encouraged people to attend and bring their kids. She reported that she attended the 3rd Annual All District Band Festival and said it was amazing with 326 band students gathered at the Sherwood High School gym. She recognized the middle schools and high school band instructors. She provided a brief overview of the event and stated we are blessed to have this kind of talent and support.

Councilor Clark reported on meetings she has attended and said she enjoys attending these meetings whether or not she is the Council representative and will continue to attend. She stated she enjoys hearing about transportation and infrastructure and strongly feels we do need people at the table working collaboratively with other communities. She reported on the WCCC meeting and their discussion of a Trimet report, she reported on the Westside Economic Alliance State of the County address given by Andy Duyck. She said Washington County is in a wonderful position and is the best producing county in our region and has the lowest unemployment. She said she has been appointed to the LOC Water and Waste Water Committee and Taxation and Revenue Committee and said there is a lot of documentation on house bills and senate bills that are associated with these two committees and said staff has assured her that we can provide a link to the LOC website to view information on these committees. She said the information is very interesting and affects us and our neighbors.

Mayor Middleton stated he had a few comments, one of which is a response to comments regarding dividing the Council and said the person that made that comment is the person that brought up during their special meeting this big grand plan of having our liaison done, which was a two year position as all positions were. He said he agrees that Linda should be back on the WCCC and said this was a two year commitment. He said this doesn't seem to stand for anybody else, everyone else can run around and go behind everything. He stated he has had little support from a lot of the Council, he said he believes what has divided the City was the Walmart issue and believes the biggest problem with that is we have people on here that are still pushing that agenda and they need to move forward and take care of the people of Sherwood not their own personal money making agendas.

Mayor Middleton addressed the next agenda item.

10. CITIZEN COMMENTS

Nancy Taylor Sherwood resident came forward and stated in light of what is going on in Oso Washington she thinks that as a Council they have to be extremely cognizant of the fragility of the land and said you are stewards of the land in your positions. She said people are asking why the government allowed them to develop in an area that was landslide prone. She said the data they use today is over 30 years old because there is no funding for landslides and for fragile areas. She said Sherwood is in the middle of some fragile areas, the Tonquin Quarries and the area over here. She said you all voted to let that go through and she thinks people are now looking at those votes and she knows Tualatin is re-looking at that. She urged the Council as stewards of the future, as people who are making decisions that when those decisions come to fruition you won't be here, you will have moved on. She said the US Geological Survey provides information but they do not have any way of enforcing it. She said people look to you to enforce basic good common sense. She said we live in an area where we get a lot of rainfall and it has to go somewhere. She said if you over develop, over pay and don't take some common sense and look at the infrastructure, what happens, you flood. She stated she used to live in Snohomish and there were times when you could not get in and out of town because you're blocked in by the area and yet they still developed it. She said as you are making plans for the future think about Oso and the people. She said there is an article in the Willamette about how we get our news, she urged the Council to read it and said we as citizens are being underserved by the papers and made reference to tea party billionaire blogging going on in the news. She said everybody knows the agenda if you listen to any good knowledge out there you will find that a lot of people have a lot of extra time so they blog on news sites and said it's not necessarily true. She said she doesn't think Sherwood is divided, she thinks the Mayor was voted in by a majority of the people for a reason and she believes those people are still behind him, with the exception of the people in the room.

Sabrina Kirkpatrick came forward and said the YMCA of Columbia Willamette is aware that the City of Sherwood's outside firm of Talbot, Korvola & Warwick, LLP has reviewed our contract with the City, we have received the results and continue to hope to have a great partnership with Sherwood residents. She said over the past 15 years the agreement between the City and the YMCA has produced the following benefits, the YMCA provided over \$325,000 annually in free or subsidized services to 1135 individuals and families who could not participate otherwise. This includes programs and services for the homeless assistance, SNAP and the Transition Program. The Sherwood YMCA raised the initial \$125,000 for the pool slide and the buildings opening, they have made annual payments to the City to pay debt service expense for building expansion that enclosed the gym, added 5000 square feet in programming space and 5000 for the Teen Center. She said as part of this expansion the YMCA raised \$250,000 in capital gifts. The YMCA subsidized the operation of the Teen Center each year which has made the center free to all teens in the community, providing a safe and positive place for the past 12 years for teens after school. She said over the years City Managers and the YMCA of Columbia Willamette agreed to forego the annual operating surplus for the Sherwood YMCA if any, as allowed by the agreement. She said both parties did this to improve the City's owned asset and strengthen the Sherwood YMCA operation. She said this represents a gift to the City and the community by the YMCA exceeding \$225,000, in addition the YMCA of Columbia Willamette by contract can charge 15% of management services and in some years the YMCA of Columbia Willamette has charged less putting the money back into the Sherwood Y for upgrades. She said the management service fees charged through 12/31/2012 are \$4,308,140 the management service fee charged through December 31, 2012 are \$4,725,393, the difference of \$417,253 represents an annual investment made by the YMCA of Columbia Willamette towards the success of the Sherwood YMCA. She said this has allowed the YMCA to invest nearly \$950,000 in capitalized programs and building improvements through 2013. Our capital purchases made through 12/31/2012 equal \$757,693 and capital purchases made in 2013 equal

\$191,428. She said the Sherwood YMCA Executive Director and staff are very involved in community events and take a leadership along with the volunteer board of managers, events such as Cruisn' Sherwood, Community Services Fair, Onion Festival and many others. She stated these events are strengthened by YMCA participation. She said the YMCA values the special relationships they have with the City and the community and look forward to continuing to serve the community in the future.

City Recorder note: Specific dates and dollar figures were confirmed with meeting recording and are written as presented.

Terrie Emmons resident of 97140 zip code came forward and stated now that the City and the YMCA have reviewed the contract, it's the Board of Managers hope that we can stop looking backwards and start looking forwards. She said as the City and YMCA staff members begin to look at potential contract revisions, the Board hopes that everybody keeps something very important in mind, that the YMCA is more than a gym. She provided the examples, during the past snow storm when many Sherwood businesses were closed, including the City of Sherwood, the YMCA remained open as an emergency shelter. She said the staff often remained overnight to ensure they could open on time and plans were put into place to ensure there was always someone there. She said the YMCA serves as a homeless shelter and up until recently when the no camping resolution was passed there were a couple families that would sleep in their cars in the parking lot. She stated even though they can no longer do this the YMCA still offers many services including showers, use of computers, use of the kitchen and other services. She said the Y supports the community with programs for special needs with the SNAP Program and Youth Transition Program which serves 18-21 year old group. She said this is due to collaboration between the high school and the YMCA, both are funded by the annual support campaign through the YMCA, not through City funds. She said another example is the Teen Center to keep our kids safe, away from drugs and surrounded by caring adult mentors during critical after school hours when parents are working. She said the Teen Center is fully supported by our annual support campaign. She said she believes those who formed the relationship between the City and the YMCA originally had the right idea in mind and she would venture to guess if the YMCA were not here those services would not be available to our kids, the YMCA is more than a parks & rec district, more than a gym, it's a community center based on building relationships that focus on the needs of the community. She said she hopes that City staff and the YMCA can work together to develop a new and innovative contract that continues to meet the needs of the City and the community.

Naomi Belov Sherwood resident came forward and reminded of an upcoming community service event sponsored by the City this year. She reported on last year's events with 100 volunteers and their partnership with SOLVE and said it was one of the largest SOLVE events in the state. She said they are hoping for a lot of volunteers and asked the Councilors if they were interested in sponsoring their own teams and said they are looking for 10 teams with 10 volunteers each and she encouraged businesses in town to participate. She said the Mayor will be the judge of the strangest piece of trash contest. She said SOLVE will be providing the gloves. Ms. Belov commended City staff Jennifer Ortiz for her work on the event. She said the events starts at 10am and said the Refuge will have a display and Blue Plume will have an art display. She said the trash hunt begins at 10:30 and lasts about 1 hour, she said the teams will have a route from Cannery Square and will walk around town. She said teams can ask for safer routes if children are involved and encouraged Boy Scouts and Girl Scout troops to sign up. She showed a poster containing registration information and encouraged preregistration. She informed of sponsor's, Al's Garden Center, Halgren Construction, Da Mimmo's Restaurant and Albertson's and said radio Disney will be there and a performance is scheduled for the end of the event. She said the name of the event is Trash Palooza, to be held on April 26th, 10am to noon.

Jim Claus Sherwood resident came forward and said Williamson Regional Planning Commission vs Hamilton National Bank is the guiding case in the Supreme Court on exhausting administrative remedies and reaching finality. He said Beery Elsner and Hammond are working on this as they move through the administrative hearing. He explained as a cautionary note why they are doing this and provided an example of moving a storm water facility. He commented regarding this being a 14th amendment taking. He said this starts with the land use process, moves into engineering and moves into a building and inspection stage. He said if those stages get mixed up and you're calling a building inspector on one individual and not another, and then calling the state building inspector someone has gotten away with a lot of money they haven't spent. He commented regarding the problem with this as being a 5th and 14th amendment taking, under title 42, USC 1983 88. He cautioned to be careful what is done and said rules are granted wide discretionary power and someone goes beyond the code that is beyond the scope of his employment. He commented regarding ex parte contact and clients of doctors and dentists and fluctuating rates that are charged. He commented regarding use of City parking spaces and issuing an occupancy permit and forcing a new problem on occupancy permits elsewhere, you might have a problem. He commented regarding allowing someone to move into ½ acre, tearing it up and then not move in when willing to prosecute somebody two days before cancer surgery over graveling a word. He commented regarding being able to trace this back to ex parte contact. He shared information on a supreme case he worked on and said his work came out very well and the code he wrote came a model of the US. He said the losses you are inflicting on the developers in town are running into hundreds of thousands if not millions. He said this Council is responsible for it and referred to a building and the Council meeting in private and giving a contract to Capstone.

Eugene Stewart nonresident came forward and said he serves on the Sherwood Seniors Inc Board and said he is glad to hear we are going to have cooperation with the Y. He said he understands they wanted to start a Silver Sneakers Program and the Senior Center and the director recognized that is a proprietary program and they need the okay from the Y to do it. He said they had a volunteer instructor to come in and said they had a few seniors who would prefer to come to the senior center rather than go to the Y. he said it would be nice to see the spirit of cooperation come forward. He reported the senior center is in need of transportation and the Y has a few buses and asked if a program could be worked out to have transportation for seniors to come to the center for lunch. He said these are great opportunities to move forward. He thanked Public Works Director Craig Sheldon for the work performed on the lot next to the senior center and said Council needs to form a volunteer program to help support public works to maintain our parks. He said the City of Portland does it.

Tony Bevel Sherwood resident came forward and asked why the Council and the City and other towns in Oregon are afraid of medical marijuana dispensaries. He said he thinks it is going to happen and said when it does he can't see dispensaries on every corner of the City similar to coffee shops. He asked why would we be against this. He explained a card issued by a physician is required and compared it to being 21 and purchasing alcohol and alcohol being more harmful. He said he believes this is something the City should embrace and maybe the City can make some money. He commented the fear of our children being corrupted in some way and said he did not believe this would happen as people who are doing it are doing it currently. He said you hear about crime and people breaking into garages and apartments and compared it to a recent burglary in town to steal alcohol. He said it has to be regulated and said "emergency" is a strong word and doesn't believe this is an emergency.

Mayor Middleton reminded Mr. Bevel of a planning commission meeting, where medical marijuana will be discussed. He said we are not trying to totally outlaw them we are trying to regulate the manner we do it.

Sean Garland Sherwood resident came forward and announced that on April 26th the first Annual Jigsaw Puzzle Competition put on by the Sherwood Foundation for the Arts will be held at the Sherwood Police Station on the community room. He said the event will be open to kids and adults starting at 9am to noon, with two different competitions, ages 7-10 and ages 11-14. He said from 1pm-4pm will be the adult teams and 1pm-4pm will be a four person family team. He said registration is on the Sherwood Foundation for the Arts website and said there will be prizes for 1st -3rd place in each division and competitors get to keep the puzzles. He said sponsors for the event include Mud Puddles, Sesame Donuts, Safari Sam's, Rose's and Ultimate Tan & Spa.

Mayor Middleton reminded of the Trash Palooza event held on the same date as the Jigsaw Puzzle event and brief discussion was held regarding relocating the event.

11. ADJOURN

Mayor Middleton adjourned the meeting at 8:50 pm.

Submitted by:

Sylvia Murphy, MMC, City Recorder

Bill Middleton, Mayor

TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2014-022, Appointing a Pro Tem Municipal Judge

ISSUE:

Shall the City Council appoint Brian Starns as Sherwood Pro Tem Municipal Judge?

BACKGROUND:

On various occasions, the City of Sherwood is in need of a Pro Tem Municipal Judge to conduct business in the absence of our contracted Municipal Judge Jack Morris. Last year, the City Council appointed one Pro Tem Municipal Judge and this has helped ensure continuous municipal court services. In order to provide great court services to our community, we believe the addition of a second Pro Tem Municipal Judge is an important step to take.

Per the City Charter, Section 36, the City Council may appoint and remove municipal judges pro tem.

Judge Jack Morris, Municipal Court Administrator Lisa Layne and I all recommend the appointment of Brian Starns as Pro Tem Judge. We believe his qualifications are outstanding and he is a good fit for Sherwood and our municipal court proceedings.

RECOMMENDATION:

Staff respectfully recommends City Council approval of Resolution 2014-022, appointing Brian Starns as a Pro Tem Municipal Judge.



SHERWOOD MUNICIPAL COURT

Home of the Tualatin River National Wildlife Refuge

City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

April 4, 2014

Mayor
Bill Middleton

Council President
Linda Henderson

Councilors
Dave Grant
Robyn Folsom
Bill Butterfield
Matt Langer
Krisanna Clark

City Manager
Joseph Gall, ICMA-CM

Assistant City Manager
Tom Pessemier, P.E.

Mr. Mayor and City Council members,

I am pleased to recommend Brian Starns for our second Municipal Judge Pro Tem position. Having two Pro Tem judges available to cover court will insure that court will take place regardless of illness, accident or travel plans.

Brian has been a practicing attorney for 16 years and has experience both as a prosecutor and defense council. He also has substantial experience in juvenile law representing both parents and children.

Perhaps more importantly, Brian has served as Pro Tem Judge in Tualatin for the last year and has done an outstanding job. He will be an asset to the court and your approval is very much appreciated.



2009 Top Ten Selection

Sincerely,

Jack Morris
Presiding Municipal Court Judge



2007 18th Best Place to Live





RESOLUTION 2014-022

A RESOLUTION APPOINTING A PRO TEM MUNICIPAL JUDGE

WHEREAS, one of the important services provided by the City of Sherwood is our Municipal Court; and

WHEREAS, we have benefited for many years from the services of our current Municipal Court Judge, Jack Morris; and

WHEREAS, there are occasions when Judge Morris is unavailable to serve in his capacity a Municipal Court Judge; and

WHEREAS, according to the City Charter, Section 36, the City Council may appoint and remove judges pro tem; and

WHEREAS, the Court Administrator and Judge have found a well-qualified individual to serve as Municipal Court Judge;

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

Section 1. The Mayor is authorized to appoint Brian Starns as the Municipal Judge Pro Tem.

Section 2: This Resolution is effective upon its approval and adoption.

Duly passed by the City Council this 15th day of April 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Julie Blums, Finance Director
Through: Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Resolution 2014-023, Transferring Budget Expenditure
Appropriations between Categories for Budget Year 2013-14**

ISSUE:

Shall the City Council approve a budget transfer resolution for the Street Capital and Telecom Funds?

BACKGROUND:

The staff time to work on the TSP update and Adams Ave. North were not anticipated or budgeted for in the FY14 budget. An appropriation transfer from capital outlay and transfers out, to personal services and materials and services is required to cover the staff time and overhead for these two projects.

The Telecommunication redundancy project was originally budgeted in FY13; however, the project was not started until FY14. The budget authority needs to be transferred to FY14. Upgrades to Telecom equipment were necessary to support new customers that will result in approximately \$100,000 a year in new revenue.

This resolution does not increase expenditure authorization in this fund; it only transfers spending authorization from one category to another.

RECOMMENDATION:

Staff respectfully requests City Council approval of Resolution 2014-023, transferring budget expenditure appropriations between categories for budget year 2013-14.



RESOLUTION 2014-023

TRANSFERRING BUDGET EXPENDITURE APPROPRIATIONS BETWEEN CATEGORIES FOR BUDGET YEAR 2013-14

WHEREAS, pursuant to ORS 294.463, Oregon Municipalities can transfer appropriation between existing categories within the same fund during the budget year; and

WHEREAS, the following events have occurred:

Street Capital Fund

- The TSP update and Adams Ave. North projects were not included in the adopted budget.

Telecom Fund

- The redundancy project was budgeted in FY 13 but was not completed; funds need to be allocated to this project in FY14.
- Upgrades to Telecom equipment was necessary to support new customers that will result in approximately \$100,000 a year in new revenue.

WHEREAS, said changes will not alter the total appropriations in the altered funds;

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

Section 1. Appropriations for the 2013-14 fiscal year are increased/(decreased) in the following amounts:

Street Capital Fund	Current	Amount of Change	Revised
Personal Services	\$1,075	\$ 53,525	\$54,600
Materials and Services	435	43,065	43,500
Capital Outlay	38,490	277,510	316,000
Transfers Out	372,000	(155,800)	216,200
Contingency	2,512,788	(218,300)	2,294,488
Revised Total Requirements	\$2,924,788	\$ -	\$2,924,788
Telecom Fund	Current	Amount of Change	Revised
Materials and Services	155,512	43,500	199,012
Contingency	53,034	(43,500)	9,534
Revised Total Requirements	\$402,601	\$ -	\$402,601

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

Duly passed by the Sherwood City Council this 15th day of April 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager
Through: Pam Beery, City Attorney

**SUBJECT: Resolution 2014-024, Approving Amendments to City Council Rules
Pertaining to Agenda Creation and Committee Appointments**

Issue:

Shall the City Council approve amendments to their current City Council Rules pertaining to agenda creation and committee appointments?

Background:

Similar to most cities in Oregon, our City Charter states that the City Council must by resolution adopt rules to govern its meetings. The current version of the City Council Rules was adopted by Resolution 2007-032 on April 17, 2007. At the last regular meeting held on April 1, 2014, City Council directed staff to draft proposed amendments to Section D. Agenda and to Section Q. Committees, Organizations and Media with the following intent:

- To establish a clearer and more collaborative method of creating the agenda for City Council meetings.
- To require the City Council to approve by resolution Mayoral appointments to various boards and committees.

Attached to this staff report are proposed amendments to the existing City Council Rules that attempt to satisfy the intent of City Council. Exhibit A is a red-lined version showing both new language and deleted language of the proposed City Council Rules. Exhibit B is a clean version of the proposed City Council Rules.

Financial Impacts:

Although there are no direct financial impacts resulting from adoption of this resolution, City staff is supportive of improved clarity of process and procedures related to agenda creation and committee appointments. Multiple amendments to meeting materials increase overall costs to the City and results in decreased efficiency.

Recommendation:

Staff respectfully requests adoption of Resolution 2014-024 by the City Council approving the amendments to City Council Rules

EXHIBIT A
CITY OF SHERWOOD
CITY COUNCIL RULES

A. AUTHORITY

City Charter Section 10 provides that the Council must by resolution adopt rules to govern its meetings. The Council will review its rules at its first meeting in January of even numbered years. Amendments will be made as necessary. The Council will have clear and simple procedures for considering agenda matters.

B. DEFINITIONS As used in these Rules, the following mean:

- City Committees: All City committees, commissions, task forces, and advisory bodies.
- Council and Council members: The Mayor, the Council President, and the Councilors.
- Councilors: The Council President and the Councilors.
- Mayor: The Mayor or in the absence of the Mayor the Council President or other Presiding Officer.

C. COUNCIL MEETINGS

1. Regular Meetings to conduct Council business will be held each month.
2. Work Sessions to develop city policy will be held each month. Work sessions may be held in conjunction with Council business meetings. Work session agendas will be developed by the City Manager in consultation with the City Council.
3. Special Meetings may be called by the Mayor, Council President in the absence of the Mayor or by a majority of the Council.
4. Executive Sessions will be held in compliance with the Oregon Public Meetings law.
5. Minutes will be taken as provided by the Oregon Public Records law.
6. Telephonic/Electronic Meetings may be held in compliance with the Oregon Public Meetings law. Council members may participate and vote in Council meetings via telephone, electronically, or by other means consistent with the Oregon Public Meetings Law.

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7. Attendance at meetings is expected of Council members who should use their best efforts to attend all Council meetings.

D. AGENDA

1. The agenda headings for Council business meetings are generally as follows:

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- ROLL CALL
- APPROVAL OF AGENDA
- CONSENT AGENDA
- CITIZEN COMMENTS
- NEW BUSINESS
- BUSINESS CARRIED FORWARD
- PUBLIC HEARINGS
- CITY MANAGER REPORT
- COUNCIL ANNOUNCEMENTS
- ADJOURNMENT

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2. The Mayor, in consultation with the City Council President and City Manager, shall prepare the agenda for City Council meetings. An amendment to a published City Council meeting agenda must be approved by the Mayor, Council President and City Manager prior to a Council meeting with sufficient time to allow the public to be notified of the change.

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~~Preparation and scheduling of agenda items will be approved by the Mayor. Council members may request that items be placed on an agenda. Council members may make agenda suggestions at any Council meeting or by communication with the City Manager.~~

a. A Council member may propose an amendment to the agenda by motion under "Approval of Agenda." A Council member will endeavor to have a subject the member wants considered submitted in time to be placed on the agenda and attempt to notify the Mayor and City Manager in advance of proposing a change to the agenda.

b. A Council member may request through the City Manager that an item be placed on an agenda. The City Manager will place the item on an agenda forecast for the Mayor and Council President to review. Council members will make best efforts to reach consensus on the agenda and should obtain staff input before requesting an agenda item.

- c. Agendas will generally be set to allow meetings to end no later than 9:30 p.m. If the Council is still in session at 9:30 p.m., then the Council will decide whether to continue with the agenda or move items to a future agenda.

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3. City committees will report to the Council during Council work sessions.

E. COUNCIL DISCUSSIONS AND DECORUM

1. Council members will conduct themselves so as to bring credit upon the city government by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all Council decisions, whether or not the member voted on the prevailing side.
2. Councilors will assist the Mayor to preserve order and decorum during Council meetings and may not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Mayor or Council rules. When addressing staff or members of the public, Councilors will confine themselves to questions or issues under discussion and not engage in personal attacks, or impugn the motives of any speaker.
3. The following ground rules will be observed to maintain order and decorum during Council discussions:
 - a. Council members will gather necessary information and ask questions of city staff before meetings.
 - b. Council members will have an opportunity to speak at least once on any pending motion or agenda item, and will speak for themselves and not for other Council members.
 - c. Council members will not speak on behalf of the Council, unless they have been authorized by the Council to do so.
 - d. During public meetings, Council members will not attempt to edit or revise prepared ordinances. Amendments to proposed ordinances may be appropriate, but input from the City Manager or the City Attorney will be sought to accomplish the Council members' objectives.
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 - f. Council members will focus on city issues and avoid becoming involved in "extra-territorial" issues.
 - g. The Mayor will recognize Councilors wishing to speak in the order of their requests. The Mayor will provide a Council member with an opportunity to speak before recognizing another Council member. Council members will not interrupt another Council member who has the floor.

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- h. Council members will not disguise statements as questions or use repetitions as a way to convince others.
 - i. Council members will keep discussions moving and call for a “process check” if the Council becomes bogged down in discussions.
 - j. Council members will set and adhere to time limits on discussions.
 - k. Council members will not criticize or attack each other, city staff or other persons.
 - l. If a Council member wishes to discuss a major policy issue, it will be scheduled on a future agenda and not raised during a current agenda.
4. Public Comment.
- a. Citizen and community group sign-up forms will be available at each regular business meeting. At the time on the agenda designated for public comment and during any public hearing, any member of the public desiring to address the Council must first request to be recognized by the Mayor and then state their name and address for the record. The Council may set time limits for comments. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
 - b. During public hearings, all public comment should be directed to the question under discussion and addressed to the Mayor representing the Council as a whole.
 - c. In general, Council members will not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before placing on a future agenda.

F. MOTIONS

- 1. General.
 - a. Council member motions will be clearly and concisely stated. The Mayor will state the name of the Councilor who made the motion and the Councilor who made the second.
 - b. The motion maker, Mayor, or Manager should repeat the motion prior to voting.
 - c. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes, and a point of order do not require a second. Any motion on which a second is

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not made but on which discussion begins is automatically seconded by the Council member beginning the discussion.

- d. Discussion of a motion is open to all Council members who wish to address the motion. A Council member may speak more than once on each motion. A Councilor must be recognized by the Mayor before speaking.
 - e. The Mayor will ask for a voice vote for all final decisions. All Council members are expected to vote on each motion unless they are disqualified for some reason. A Council member who does not vote must state the basis for any conflict of interest or other disqualification. The City Recorder will maintain a record of the votes. Any Council member may request a roll call vote on any motion.
 - f. At the conclusion of any vote, the Mayor will announce the results. Council members who wish to explain the reasons for their votes must do so briefly and succinctly.
2. Withdrawal. A motion may be withdrawn by the mover at any time without the consent of the Council.
 3. Tie. A motion that receives a tie vote fails.
 4. Table. A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the item may be taken from the table only by adding it to a future agenda for continued discussion.
 5. Postpone. A motion to postpone to a certain date is debatable and amendable. A motion to postpone indefinitely is a motion to reject without a direct vote and is debatable and not amendable.
 6. Call for Question. A motion to call for the question ends debate on the item and is not debatable. Before a Council member calls for the question, each Council member wishing to speak on the item should have at least one opportunity to speak. A second is required for this motion. When the question is called, the Mayor will inquire whether any Council member objects. If there is an objection, the matter will be put to a vote, and it fails without a two-thirds' vote. Debate may continue if the motion fails.
 7. Amendment. A motion to amend may be made to a previous motion that has been seconded but not voted on. Amendments will be voted on first, then the main motion as amended (or not amended). Motions to adjourn, agenda order, table, point of order, take from table, and reconsider may not be amended.
 8. Reconsideration. When a motion has been decided, any Council member who voted with the majority may move for reconsideration. A motion for

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reconsideration may only be made at the meeting at which the motion on the ordinance, resolution, order or other decision was approved.

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1. Representing City. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must state:
 - a. Whether the statement reflects personal opinion or is the official position of the City; and
 - b. Whether the statement is supported by a majority of the Council.

If the Council member is representing the city, the Council member must support and advocate for the official city position on the issue rather than a personal viewpoint.

2. Censure.
 - a. The Council may make and enforce its own rules and ensure compliance with city and state laws applicable to governing bodies. If a Council member substantially violates these rules or state law, the Council may take action to protect Council integrity and discipline the Council member with a public reprimand.
 - b. The Council may investigate the actions of any Council member and meet in executive session to discuss any finding that reasonable grounds exist that a substantial violation has occurred. Under ORS 192.660(1)(b), the Council member under investigation may request an open hearing.

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1. Council members will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Manager or City Attorney.
2. If the Council meets in executive session, members should attempt to provide direction or consensus to staff on proposed terms and conditions for negotiations. All contact with other parties must be left to the designated staff or representative(s) handling the negotiations or litigation. Council members may not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.
3. All public statements, information or press releases relating to a confidential

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matter will be handled by designated staff or a designated Council member.

4. Unless required by law, no Council member may make public the discussions or information obtained in executive session. Council may censure a member who discloses a confidential matter or otherwise violates these rules.

I. COMMUNICATION WITH STAFF

1. Council will respect the separation between policy making (Council function) and administration (City Manager function) by:
 - a. Working with the staff as a team with a spirit of mutual respect and support.
 - b. Except in a Council meetings, not attempting to influence a city employee or the City Manager concerning personnel matters, purchasing issues, the award of contracts or the selection of consultants, the processing of development applications or granting of city licenses and permits. However, the sharing of ideas on these matters is appropriate.
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J. MINUTES

1. Minutes will be prepared with sufficient detail to meet their intended use. Verbatim minutes are not required. The minutes of meetings of the Council will comply with provisions of ORS 192.650 by containing the following information at a minimum:

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- The name of Council members and staff present;
 - All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
 - The result of all votes, including ayes and nays and the names of the Council members who voted.
 - The substance of the discussion on any matter.
 - Reference to any document discussed at the meeting.
2. The Council may amend the minutes to more accurately reflect what transpired at the meeting. Upon receipt of the minutes in the Council agenda packet, the Council member should read and submit any changes, additions or corrections to the City Manager so that a corrected copy may be issued prior to the meeting for approval. Under no circumstances may the minutes be changed following approval by the Council, unless the Council authorizes such change.
 3. The City Recorder or designee will make an audio recording of all meetings except for executive sessions. The City Recorder will maintain custody of all tapes, but a Council member may obtain a copy of any tape. A Council member may obtain a meeting transcript or partial transcript if it can be produced with nominal staff time. If a transcript would require a significant amount of staff time, the City Recorder may only produce the transcript with Council approval. The City Recorder is authorized to produce transcripts as required by law.

K. ADJOURNMENT

1. Upon motion and majority vote of the Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day. No adjournment may be for a period longer than until the next regular meeting.
2. Upon the request of two or more Council members a short recess may be taken during a Council meeting.
3. A motion to adjourn will be in order at any time except as follows:
When made as an interruption of a member while speaking; or
while a vote is being taken.

L. BIAS AND DISQUALIFICATION

1. Any proponent, opponent or other party interested in a quasi-judicial matter to be heard by Council may challenge the qualification of any Council member to participate in such hearing and decision. Any challenge must state any fact(s) relied upon by the party relating to a Council member's bias, pre-judgment, personal interest or other factor from which the party has concluded the Council member should not participate and may not make an impartial decision. Such challenges must be made prior to the commencement of the

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public hearing. The Mayor will give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted upon by the Council. Such challenges and the Council's decision will be incorporated into the record of the hearing.

2. In quasi-judicial matters, each Council member must disclose participation in a prior decision or action on the matter that is before the Council. Common examples include when a Planning Commission member is elected or appointed to the City Council or when a Council member testifies at a Planning Commission meeting. The Council member must state whether the member can participate in the hearing with no regard for the prior decision made. If the Council member is unable to be impartial, the member has a duty not to participate in proceedings and leave the Council table.
3. If the Council believes that the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Council member who has been disqualified from participating in a decision may participate in the proceeding as a private citizen.
4. Generally, conflicts of interest arise in situations where a Council member, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A potential conflict of interest is one that could be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Council member must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.

M. EX PARTE CONTACTS AND DISQUALIFICATION

1. For quasi-judicial hearings, Council members should refrain from having *ex parte* contacts relating to any issue of the hearing. *Ex parte* contacts are those contacts by a party on a fact in issue under circumstances that do not involve all parties to the proceeding. *Ex parte* contacts may be either oral statements when other interested parties are not present, or written information that other interested parties do not receive.
2. If a Council member has *ex parte* contact prior to a hearing, the member must reveal the contact at the meeting and before the hearing. The Council member must describe the substance of the contact and the Mayor will announce the right of interested persons to rebut the substance of the communication. The Council member also will state whether such contact affects their impartiality or ability to vote in the matter. The Council member must state whether the member will participate or abstain.

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3. For quasi-judicial hearings, a Council member who was absent during the presentation of evidence may not participate in any deliberations or decision regarding the matter, unless the Council member reviews all the evidence and testimony received.

N. GOVERNMENT STANDARDS AND PRACTICES COMMISSION REQUIREMENTS AND REPORTING

1. Council members must review and observe the requirements of the State Ethics Law (ORS 244.010 to ORS 244.390) dealing with use of public office for private financial gain.
2. Council members must give public notice of any conflict of interest or potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Council members will maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council.
3. In accordance with ORS 244.195, it is each Council member's responsibility to file annual statements of economic interest with the Government Standards and Practices Commission

O. LEGAL ADVICE

Requests to the City Attorney for advice requiring legal research may not be made by a Council member without the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council members are encouraged to consider consulting with the City Manager to determine if the request or action can be accomplished more cost-effectively. Outside a Council meeting, a Council member should make requests of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager and unique/sensitive personal, yet City business-related, requests.

P. ROBERT'S RULES

Robert's Rules of Order Revised will be used as the guideline for conduct of Council meetings, except where these Rules specifically apply.

Q. COMMITTEES, ORGANIZATIONS & MEDIA

1. Boards and Commissions Appointments

- a. The Mayor will appoint members to City commissions, boards and committees, including ad hoc committees subject to the consent of the City Council by resolution. The Mayor may request assistance from Councilors in making ~~recommendations~~ appointments.

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- b. Council members will encourage broad participation on City committees by generally limiting the number of terms a citizen may serve on the same City committee.
 - c. A citizen may not serve on more than ~~two~~ one City committees simultaneously without approval of the City Council by resolution. Any citizen serving on two City committees may not be chairperson of both City committees simultaneously.
 - d. ~~With the consent of the Council,~~ The Mayor may remove a citizen from a City committee, board or commission prior to the expiration of the term of office subject to the consent of the City Council by resolution.
2. Council Member Participation. Council members shall encourage City committee member participation.
3. Councilor Liaisons.
- a. The Mayor will appoint Councilors to liaison positions to city commissions, boards and committees, including ad hoc or limited term committees, as the Mayor deems necessary, and subject to the consent of the City Council by resolution. The Mayor will consider Council liaison appointments in January of every year or at the Council's annual Goal Setting sessions.
 - b. The Mayor will appoint Councilors as liaisons to all non-City commissions, boards and committees as the Mayor deems necessary, subject to the consent of the City Council by resolution.
 - c. The role of the liaison member is to convey information from the Council to the commission or committee and from the commission or committee to the Council. The member is not to provide direction to the commission or committee, but rather to encourage work plans and recommendations for Council approval.
 - d. Council members as liaisons will not vote on any issue before the committee.
4. Organizations, Media.
- a. If the Mayor or a Council member represents the City before another governmental agency, a community organization, or the media, the Council member should first state the Council majority position. Personal opinions and comments should be expressed only if the Council member makes clear that it does not express the Council position.
 - b. Council members should obtain the appropriate permission before representing another Council member's view or position with the media.

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R. MANAGER EVALUATION

1. Criteria. The standards, criteria, and policy directives used in the evaluation of the Manager will be adopted at a regular Council meeting in accordance with state law.
2. Process.
 - a. The Manager will prepare a written self-assessment identifying major accomplishments.
 - b. Council members will make written comments in response to the Manager self-assessment.
 - c. Evaluation sessions will be scheduled in accordance with the employee's decision on whether to hold the evaluation in open or executive session.
 - d. At evaluation sessions, Council summary comments and individual Council member comments will be made. The Manager will have an opportunity to respond to all comments. The effect of the evaluation on the Manager's employment contract will be discussed. Sufficient time will be allotted for the evaluation discussion with the Manager.
 - e. Council members will then complete their individual evaluations and convene to discuss overall evaluation of the Manager and reach a consensus.
 - f. Council will then reconvene with the Manager to review final performance evaluation and discuss compensation.
3. Contract. The City Attorney will prepare any employment contract amendments to the Manager's contract. Contracts normally will be approved as a consent agenda item at the next regular Council meeting.

S. COUNCIL EXPENSES

1. Reimbursement. Council will follow the same rules and procedures for reimbursement as city employees.
2. Budget. Council will review and discuss its proposed annual budget as coordinated by the Mayor and Council President and as presented by city staff during a public meeting.

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EXHIBIT B

CITY OF SHERWOOD CITY COUNCIL RULES

A. AUTHORITY

City Charter Section 10 provides that the Council must by resolution adopt rules to govern its meetings. The Council will review its rules at its first meeting in January of even numbered years. Amendments will be made as necessary. The Council will have clear and simple procedures for considering agenda matters.

B. DEFINITIONS As used in these Rules, the following mean:

- City Committees: All City committees, commissions, task forces, and advisory bodies.
- Council and Council members: The Mayor, the Council President, and the Councilors.
- Councilors: The Council President and the Councilors.
- Mayor: The Mayor or in the absence of the Mayor the Council President or other Presiding Officer.

C. COUNCIL MEETINGS

1. Regular Meetings to conduct Council business will be held each month.
2. Work Sessions to develop city policy will be held each month. Work sessions may be held in conjunction with Council business meetings. Work session agendas will be developed by the City Manager in consultation with the City Council.
3. Special Meetings may be called by the Mayor, Council President in the absence of the Mayor or by a majority of the Council.
4. Executive Sessions will be held in compliance with the Oregon Public Meetings law.
5. Minutes will be taken as provided by the Oregon Public Records law.
6. Telephonic/Electronic Meetings may be held in compliance with the Oregon Public Meetings law. Council members may participate and vote in Council meetings via telephone, electronically, or by other means consistent with the Oregon Public Meetings Law.

7. Attendance at meetings is expected of Council members who should use their best efforts to attend all Council meetings.

D. AGENDA

1. The agenda headings for Council business meetings are generally as follows:
 - CALL TO ORDER
 - PLEDGE OF ALLEGIANCE
 - ROLL CALL
 - APPROVAL OF AGENDA
 - CONSENT AGENDA
 - CITIZEN COMMENTS
 - NEW BUSINESS
 - BUSINESS CARRIED FORWARD
 - PUBLIC HEARINGS
 - CITY MANAGER REPORT
 - COUNCIL ANNOUNCEMENTS
 - ADJOURNMENT
2. The Mayor, in consultation with the City Council President and City Manager, shall prepare the agenda for City Council meetings. An amendment to a published City Council meeting agenda must be approved by the Mayor, Council President and City Manager prior to a Council meeting with sufficient time to allow the public to be notified of the change.
 - a. A Council member may propose an amendment to the agenda by motion under "Approval of Agenda." A Council member will endeavor to have a subject the member wants considered submitted in time to be placed on the agenda and attempt to notify the Mayor and City Manager in advance of proposing a change to the agenda.
 - b. A Council member may request through the City Manager that an item be placed on an agenda. The City Manager will place the item on an agenda forecast for the Mayor and Council President to review. Council members will make best efforts to reach consensus on the agenda and should obtain staff input before requesting an agenda item.
 - c. Agendas will generally be set to allow meetings to end no later than 9:30 p.m. If the Council is still in session at 9:30 p.m., then the Council will decide whether to continue with the agenda or move items to a future agenda.
3. City committees will report to the Council during Council work sessions.

E. COUNCIL DISCUSSIONS AND DECORUM

1. Council members will conduct themselves so as to bring credit upon the city government by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all Council decisions, whether or not the member voted on the prevailing side.
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RESOLUTION 2014-024

**APPROVING AMENDMENTS TO CITY COUNCIL RULES PERTAINING TO
AGENDA CREATION AND COMMITTEE APPOINTMENTS**

WHEREAS, Section 10 of the Sherwood City Charter states that the City Council must by resolution adopt rules to govern its meetings; and

WHEREAS, the current version of the City Council Rules were adopted by Resolution 2007-032 on April 17, 2007; and

WHEREAS, at the last regular meeting held on April 1, 2014, City Council directed staff to draft proposed amendments to Section D. Agenda and to Section Q. Committees, Organizations and Media; and

WHEREAS, the intent of the proposed amendments in Section D. Agenda is to establish a clearer and more collaborative method of creating the agenda for City Council meetings; and

WHEREAS, the intent of the proposed amendments in Section Q. Committees, Organizations and Media is to require the City Council to approve by resolution Mayoral appointments to various boards and committees;

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

Section 1. The current City Council Rules are amended as set forth in Exhibit B.

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

Duly passed by the City Council this 15th day of April 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

EXHIBIT B

CITY OF SHERWOOD CITY COUNCIL RULES

A. AUTHORITY

City Charter Section 10 provides that the Council must by resolution adopt rules to govern its meetings. The Council will review its rules at its first meeting in January of even numbered years. Amendments will be made as necessary. The Council will have clear and simple procedures for considering agenda matters.

B. DEFINITIONS As used in these Rules, the following mean:

- City Committees: All City committees, commissions, task forces, and advisory bodies.
- Council and Council members: The Mayor, the Council President, and the Councilors.
- Councilors: The Council President and the Councilors.
- Mayor: The Mayor or in the absence of the Mayor the Council President or other Presiding Officer.

C. COUNCIL MEETINGS

1. Regular Meetings to conduct Council business will be held each month.
2. Work Sessions to develop city policy will be held each month. Work sessions may be held in conjunction with Council business meetings. Work session agendas will be developed by the City Manager in consultation with the City Council.
3. Special Meetings may be called by the Mayor, Council President in the absence of the Mayor or by a majority of the Council.
4. Executive Sessions will be held in compliance with the Oregon Public Meetings law.
5. Minutes will be taken as provided by the Oregon Public Records law.
6. Telephonic/Electronic Meetings may be held in compliance with the Oregon Public Meetings law. Council members may participate and vote in Council meetings via telephone, electronically, or by other means consistent with the Oregon Public Meetings Law.

7. Attendance at meetings is expected of Council members who should use their best efforts to attend all Council meetings.

D. AGENDA

1. The agenda headings for Council business meetings are generally as follows:
 - CALL TO ORDER
 - PLEDGE OF ALLEGIANCE
 - ROLL CALL
 - APPROVAL OF AGENDA
 - CONSENT AGENDA
 - CITIZEN COMMENTS
 - NEW BUSINESS
 - BUSINESS CARRIED FORWARD
 - PUBLIC HEARINGS
 - CITY MANAGER REPORT
 - COUNCIL ANNOUNCEMENTS
 - ADJOURNMENT
2. The Mayor, in consultation with the City Council President and City Manager, shall prepare the agenda for City Council meetings. An amendment to a published City Council meeting agenda must be approved by the Mayor, Council President and City Manager prior to a Council meeting with sufficient time to allow the public to be notified of the change.
 - a. A Council member may propose an amendment to the agenda by motion under "Approval of Agenda." A Council member will endeavor to have a subject the member wants considered submitted in time to be placed on the agenda and attempt to notify the Mayor and City Manager in advance of proposing a change to the agenda.
 - b. A Council member may request through the City Manager that an item be placed on an agenda. The City Manager will place the item on an agenda forecast for the Mayor and Council President to review. Council members will make best efforts to reach consensus on the agenda and should obtain staff input before requesting an agenda item.
 - c. Agendas will generally be set to allow meetings to end no later than 9:30 p.m. If the Council is still in session at 9:30 p.m., then the Council will decide whether to continue with the agenda or move items to a future agenda.
3. City committees will report to the Council during Council work sessions.

E. COUNCIL DISCUSSIONS AND DECORUM

1. Council members will conduct themselves so as to bring credit upon the city government by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all Council decisions, whether or not the member voted on the prevailing side.
2. Councilors will assist the Mayor to preserve order and decorum during Council meetings and may not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Mayor or Council rules. When addressing staff or members of the public, Councilors will confine themselves to questions or issues under discussion and not engage in personal attacks, or impugn the motives of any speaker.
3. The following ground rules will be observed to maintain order and decorum during Council discussions:
 - a. Council members will gather necessary information and ask questions of city staff before meetings.
 - b. Council members will have an opportunity to speak at least once on any pending motion or agenda item, and will speak for themselves and not for other Council members.
 - c. Council members will not speak on behalf of the Council, unless they have been authorized by the Council to do so.
 - d. During public meetings, Council members will not attempt to edit or revise prepared ordinances. Amendments to proposed ordinances may be appropriate, but input from the City Manager or the City Attorney will be sought to accomplish the Council members' objectives.
 - e. Council members will be open, direct and candid in the Council forum. Members should be brief and succinct in stating their views and focus on a single issue or topic at any one time.
 - f. Council members will focus on city issues and avoid becoming involved in "extra-territorial" issues.
 - g. The Mayor will recognize Councilors wishing to speak in the order of their requests. The Mayor will provide a Council member with an opportunity to speak before recognizing another Council member. Council members will not interrupt another Council member who has the floor.
 - h. Council members will not disguise statements as questions or use repetitions as a way to convince others.
 - i. Council members will keep discussions moving and call for a "process check" if the Council becomes bogged down in discussions.

- j. Council members will set and adhere to time limits on discussions.
 - k. Council members will not criticize or attack each other, city staff or other persons.
 - l. If a Council member wishes to discuss a major policy issue, it will be scheduled on a future agenda and not raised during a current agenda.
4. Public Comment.
- a. Citizen and community group sign-up forms will be available at each regular business meeting. At the time on the agenda designated for public comment and during any public hearing, any member of the public desiring to address the Council must first request to be recognized by the Mayor and then state their name and address for the record. The Council may set time limits for comments. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
 - b. During public hearings, all public comment should be directed to the question under discussion and addressed to the Mayor representing the Council as a whole.
 - c. In general, Council members will not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before placing on a future agenda.

F. MOTIONS

- 1. General.
 - a. Council member motions will be clearly and concisely stated. The Mayor will state the name of the Councilor who made the motion and the Councilor who made the second.
 - b. The motion maker, Mayor, or Manager should repeat the motion prior to voting.
 - c. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes, and a point of order do not require a second. Any motion on which a second is not made but on which discussion begins is automatically seconded by the Council member beginning the discussion.
 - d. Discussion of a motion is open to all Council members who wish to address the motion. A Council member may speak more than once on

each motion. A Councilor must be recognized by the Mayor before speaking.

- e. The Mayor will ask for a voice vote for all final decisions. All Council members are expected to vote on each motion unless they are disqualified for some reason. A Council member who does not vote must state the basis for any conflict of interest or other disqualification. The City Recorder will maintain a record of the votes. Any Council member may request a roll call vote on any motion.
 - f. At the conclusion of any vote, the Mayor will announce the results. Council members who wish to explain the reasons for their votes must do so briefly and succinctly.
- 2. Withdrawal. A motion may be withdrawn by the mover at any time without the consent of the Council.
 - 3. Tie. A motion that receives a tie vote fails.
 - 4. Table. A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the item may be taken from the table only by adding it to a future agenda for continued discussion.
 - 5. Postpone. A motion to postpone to a certain date is debatable and amendable. A motion to postpone indefinitely is a motion to reject without a direct vote and is debatable and not amendable.
 - 6. Call for Question. A motion to call for the question ends debate on the item and is not debatable. Before a Council member calls for the question, each Council member wishing to speak on the item should have at least one opportunity to speak. A second is required for this motion. When the question is called, the Mayor will inquire whether any Council member objects. If there is an objection, the matter will be put to a vote, and it fails without a two-thirds' vote. Debate may continue if the motion fails.
 - 7. Amendment. A motion to amend may be made to a previous motion that has been seconded but not voted on. Amendments will be voted on first, then the main motion as amended (or not amended). Motions to adjourn, agenda order, table, point of order, take from table, and reconsider may not be amended.
 - 8. Reconsideration. When a motion has been decided, any Council member who voted with the majority may move for reconsideration. A motion for reconsideration may only be made at the meeting at which the motion on the ordinance, resolution, order or other decision was approved.

G. COUNCIL MEMBER CONDUCT

1. Representing City. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must state:
 - a. Whether the statement reflects personal opinion or is the official position of the City; and
 - b. Whether the statement is supported by a majority of the Council.

If the Council member is representing the city, the Council member must support and advocate for the official city position on the issue rather than a personal viewpoint.

2. Censure.
 - a. The Council may make and enforce its own rules and ensure compliance with city and state laws applicable to governing bodies. If a Council member substantially violates these rules or state law, the Council may take action to protect Council integrity and discipline the Council member with a public reprimand.
 - b. The Council may investigate the actions of any Council member and meet in executive session to discuss any finding that reasonable grounds exist that a substantial violation has occurred. Under ORS 192.660(1)(b), the Council member under investigation may request an open hearing.

H. CONFIDENTIALITY

1. Council members will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Manager or City Attorney.
2. If the Council meets in executive session, members should attempt to provide direction or consensus to staff on proposed terms and conditions for negotiations. All contact with other parties must be left to the designated staff or representative(s) handling the negotiations or litigation. Council members may not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.
3. All public statements, information or press releases relating to a confidential matter will be handled by designated staff or a designated Council member.
4. Unless required by law, no Council member may make public the discussions or information obtained in executive session. Council may censure a member who discloses a confidential matter or otherwise violates these rules.

I. COMMUNICATION WITH STAFF

1. Council will respect the separation between policy making (Council function) and administration (City Manager function) by:
 - a. Working with the staff as a team with a spirit of mutual respect and support.
 - b. Except in a Council meetings, not attempting to influence a city employee or the City Manager concerning personnel matters, purchasing issues, the award of contracts or the selection of consultants, the processing of development applications or granting of city licenses and permits. However, the sharing of ideas on these matters is appropriate.
 - c. Limiting individual contacts with city staff to the City Manager or the Assistant City Manager so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the City Manager authority or to prevent the full Council from having benefit of any information received.
 - d. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.
2. All written informational material requested by Council members will be submitted by staff to the entire Council with a notation stating who requested the information.
3. The Mayor will refer any comments or questions regarding city personnel or administration to the City Manager. The Mayor may redirect other questions to a Council member or the City Manager, as appropriate. Council members may also address questions directly to the City Manager, who may either answer the inquiry or ask a staff member to do so.

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1. Minutes will be prepared with sufficient detail to meet their intended use. Verbatim minutes are not required. The minutes of meetings of the Council will comply with provisions of ORS 192.650 by containing the following information at a minimum:
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 - All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
 - The result of all votes, including ayes and nays and the names of the Council members who voted.

- The substance of the discussion on any matter.
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TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager

Through: N/A

SUBJECT: Resolution 2014-025, Appointing Primary and Alternate Representatives to Washington County Coordinating Committee (WCCC)

Issue:

Shall the City Council confirm the appointments of the primary and alternate to the Washington County Coordinating Committee (WCCC)?

Background:

The WCCC bylaws require representatives to be appointed by the local jurisdiction's Council. The Mayor serves as the primary representative to the WCCC and currently Councilors Henderson and Clark have been previously identified as the alternates (see Exhibits A and B to see previous correspondence to Washington County related to the alternate positions).

Since a formal City Council resolution appointing alternates has not been passed, there has been some confusion related to which City Councilor is actually the current alternate to this committee. Both Council President Henderson and Councilor Clark have attended several WCCC meetings on behalf of the City when Mayor Middleton has been unable to attend. The attached resolution will affirm that Mayor Middleton remains the designated primary representative and officially appoints a Councilor as the alternate.

Financial Impacts:

None

Recommendation:

Staff respectfully requests adoption of Resolution 2014-025 confirming the Mayor as the primary representative and appointing a City Councilor as alternate for the Washington County Coordinating Committee (WCCC).



Home of the Tualatin River National Wildlife Refuge

City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

March 12, 2013

Mayor
Bill Middleton

Andrew Singelakis
155 N First Ave, Suite: 350
Hillsboro, OR 97124-3072

Council President
Linda Henderson

Re: WCCC representative and alternate from Sherwood

Councilors
Dave Grant
Robyn Folsom
Bill Butterfield
Matt Langer
Krisanna Clark

Dear Andrew,

This letter is to document and confirm the Sherwood City Council's appointment of Mayor Middleton as the WCCC representative and Council President Linda Henderson as the WCCC alternate.

City Manager
Joseph Gall, ICMA-CM

Assistant City Manager
Tom Pessemier, P.E.

Assignments for the Council board and commission liaison assignments were drafted in January and discussed at the Council goal setting meeting on February 9, 2013. The minutes from the goal setting meeting reflect discussion of draft assignments and while some modifications to other assignments were made there were no changes to the WCCC representation. The minutes reflect that the Council determined that no further action was needed to reflect the representation assignments and the minutes were approved by the City Council at their business meeting on March 5, 2013.



2009 Top Ten Selection

Please let me know if any further action on the City's part to reflect the Council's decision is needed.



2007 18th Best Place to Live

Sincerely,

Julia Hajduk
Community Development Director



CC: Joe Gall, City Manager
Sylvia Murphy, City recorder
Chris Deffebach, Washington County



Home of the Tualatin River National Wildlife Refuge

City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

September 24, 2013

Mayor
Bill Middleton

Council President
Linda Henderson

Councilors
Dave Grant
Robyn Folsom
Bill Butterfield
Matt Langer
Krisanna Clark

City Manager
Joseph Gall, ICMA-CM

Assistant City Manager
Tom Pessemier, P.E.

Dyami Valentine, Senior Planner
155 N First Ave, Suite, 350 MS14
Hillsboro, OR 97124-3072

Re: WCCC representative, 2nd Alternate from City of Sherwood

Dear Dyami,

This letter is to document and confirm the City of Sherwood's designation of the 2nd Alternate to the WCCC, City Councilor Krisanna Clark, clarkk@sherwoodoregon.gov, contact phone number 503-625-4246.

I will remain as the primary representative and Council President Linda Henderson will remain as the 1st Alternate.

If you need additional information, feel free to contact me.

Thank you,

Bill Middleton, Mayor

CC: Joe Gall, City Manager
Sylvia Murphy, City recorder



2009 Top Ten Selection



2007 18th Best Place to Live





RESOLUTION 2014-025

APPOINTING PRIMARY AND ALTERNATE REPRESENTATIVES TO WASHINGTON COUNTY COORDINATING COMMITTEE (WCCC)

WHEREAS, the WCCC bylaws require that WCCC representation be determined by the local jurisdiction's City Council; and

WHEREAS, the Mayor is authorized by City Council Rules to appoint Council liaisons to City Boards and Commissions and had made adjustments to a number of liaison assignments; and

WHEREAS, the re-assignment of Council liaisons has necessitated the need to potentially modify the appointment of the WCCC alternate; and

WHEREAS, the Mayor has determined that he is best suited to remain as the primary representative to the WCCC; and

WHEREAS, in a letter dated March 12, 2013 from Julia Hajduk, Community Development Director for the City of Sherwood to Andrew Singelakis of Washington County, Council President Henderson was confirmed as the Alternate Representative to the WCCC; and

WHEREAS, a subsequent letter dated September 24, 2013 from Mayor Bill Middleton to Dyami Valentine, Senior Planner of Washington County added Councilor Krisanna Clark as the 2nd Alternate to the WCCC; and

WHEREAS, clarity around the selection of the alternate representative needs to be completed to ensure proper representation for the City of Sherwood at the WCCC in the Mayor's absence.

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

Section 1. The City Council confirms the WCCC representation from the City of Sherwood is Mayor Bill Middleton as the primary representative;

Section 2. The City Council via this resolution determines that the 1st Alternate position shall be filled by _____ and if a 2nd Alternate is determined, that position will be filled _____.

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

Duly passed by the City Council this 15th day of April 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager
Through: Christopher Crean, City Attorney

SUBJECT: Ordinance 2014-009, Adding Rules of Conduct on City Property to Sherwood Municipal Code

Issue:

Should the City Council approve an ordinance creating a new chapter in the Sherwood Municipal Code specifying rules of conduct on city property?

Background:

In the past year, the City of Sherwood has experienced problems with people engaging in unwanted, unpleasant, disruptive and sometimes threatening behavior on City property. The behavior presents an unnecessary security risk to citizens, employees and others who use city property and interferes with the operation of the government and the goal of providing service to all segments of the public who have business with City government.

The City has the authority under Section 4 of the City Charter and under ORS 221.410(1) to take action necessary for the conduct of municipal affairs. The proposed ordinance under consideration is based upon a similar ordinance adopted by the City of Tigard in October 2008.

After discussing the issue last year at a City Council meeting, the City Council directed staff to explore similar code language adopted by the City of Tigard. Essentially, this disruptive or threatening behavior on City property needs to be regulated in the interest of assuring smooth and safe operation of the government, and to do so is in the public interest and necessary for the peace, health and safety of the general public of this City. Although the use of the enforcement measures is anticipated to be used rarely, the proposed ordinance would provide another tool for senior management to help ensure a safe work environment for employees, protect the safety of City residents and others on City property, and facilitate the smooth functioning of City services.

Financial Impacts:

None Anticipated

Recommendation:

Staff respectfully requests adoption of Ordinance 2014-009 by the City Council creating Chapter 12.13, Rules of Conduct on City Property in the Sherwood Municipal Code.



ORDINANCE 2014-009

AN ORDINANCE APPROVING THE ADDITION OF CHAPTER 12.13, RULES OF CONDUCT ON CITY PROPERTY TO SHERWOOD MUNICIPAL CODE

WHEREAS, the City of Sherwood has experienced problems with people who engage in disruptive and sometimes threatening behavior on City property; and

WHEREAS, this behavior presents an unnecessary security risk to Sherwood employees, residents and others who use City property and rely on City services; and

WHEREAS, the behavior disrupts and interferes with the efficient and effective operation of City government and its ability to provide necessary services to all segments of the public who have business with City government; and

WHEREAS, the City has the authority under Section 4 of the Sherwood City Charter and ORS 221.410(1) to take action necessary for the conduct of municipal affairs; and

WHEREAS, the City Council finds that establishing standards and procedures for removing a person who is engaging in disruptive or threatening behavior on City property is in the public interest and necessary for the peace, health and safety of the general public, and is necessary to ensure the safe and efficient operation of City government.

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

Section 1. The Sherwood Municipal Code is amended by adding a new Chapter 12.13, Rules of Conduct on City Property as set forth in attached Exhibit A.

Section 2. This Ordinance shall become effective 30 days from its adoption.

Duly passed by the City Council this 15th day of April 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	_____	_____

Langer	_____	_____
Butterfield	_____	_____
Folsom	_____	_____
Grant	_____	_____
Henderson	_____	_____
Middleton	_____	_____

Chapter 12.13 RULES OF CONDUCT ON CITY PROPERTY

Sections:

- 12.13.010 General Purposes of Chapter
- 12.13.020 Definitions
- 12.13.030 Penalty for Violation
- 12.13.040 Prohibited Acts Generally
- 12.13.050 Consistency with State Criminal Law
- 12.13.060 Authority of the City Manager
- 12.13.070 Public Works Director to Make Rules and Regulations
- 12.13.080 Rules of Conduct on City Property
- 12.13.090 Enforcement and Exclusion from City Property
- 12.13.100 Right to Appeal
- 12.13.110 Variance

12.13.010 General Purposes of Chapter

The general purposes of Chapter 12.13 are to prevent and prohibit conduct that threatens harm to individual or public interests, interferes with serving the public, to preserve the enjoyment, safety, comfort and convenience of the public, and to enhance the orderly administration and operation of city business on City property, by prohibiting conduct that unreasonably interferes with the administration and lawful use of City property and providing fair warning of the nature of the conduct declared to constitute an offense.

12.13.020 Definitions

- A. "City property" means any property including but not limited to parks, greenways, buildings, parking lots or other land or physical structures owned or managed by the city.
- B. "Police officer" means a member of the Oregon State Police, a municipal police officer, a sheriff, or an officer of the Sherwood Police Department, including sworn members of the Sherwood police reserves.
- C. "Authorized employee" means an employee of the City of Sherwood who is authorized or designated by the city manager or department director to enforce any rules within City property, including buildings and parking lots.

12.13.030 Penalty for Violation

Unless a different penalty is specifically provided, a violation of any provision of this chapter shall upon conviction be punished as a Class B Violation.

12.13.040 Prohibited Acts Generally

- A. Any act or thing prohibited or the failing to do any act or thing commanded to be done in this chapter, on City property, within the corporate limits of the City of Sherwood and within such other areas as may be specified in this chapter is hereby declared to be an offense against the public peace, safety, health, morals, and general welfare of the people of the City of Sherwood.
- B. Any act or omission made unlawful under this chapter shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing any such act or omission.

12.13.050 Consistency with State Criminal Law

This chapter shall be construed so as to render it consistent with State of Oregon criminal law, and any procedures or defenses made available in the prosecution of the

same or similar offenses under State of Oregon criminal law shall apply in prosecutions under this chapter.

12.13.060 Authority of the City Manager

The city manager shall designate a person or persons to be in charge of City property for the purpose of enforcing the rules of conduct set forth in this Chapter 12.13. In addition, a police officer and authorized employees may enforce the rules of conduct on or about City property, as deemed necessary or when actually observed by the police officer or authorized employee. The city manager may also appoint a hearings officer to hear appeals from an exclusion order as described in Section 12.13.100.

12.13.070 Public Works Director to Make Rules and Regulations

The director of public works is authorized to make such rules and regulations not in conflict with the ordinances of the city as the director finds necessary for the better control and management of City property. These rules and regulations shall be approved by the city manager prior to posting. These regulations may be posted on City property in abbreviated form and are in no way meant to be all inclusive of the conduct prohibited or required by this chapter.

12.13.080 Rules of Conduct on City Property

While on or about City property, a person may not:

- A. Violate any federal, state or City of Sherwood law.
- B. Enter or remain on any City property for purposes other than to conduct legitimate business with the city or to use that property lawfully under the rules provided by the city.
- C. Enter or attempt to enter any secure portion of any city government building that is not open to members of the general public without authorization from the city

manager or the manager's designee, or, during regular business hours, when accompanied by a city employee.

- D. Deface, damage, or destroy City property.
- E. Engage in conduct that degrades the appearance of City property including but not limited to depositing trash, spitting, urinating, or defecating upon the property.
- F. Engage in conduct that disrupts or interferes with the normal operations of the city government, or engage in conduct that disturbs customers or employees of the city government including but not limited to conduct that creates unreasonable noise, or conduct that consists of loud or boisterous physical behavior.
- G. Engage in conduct that subjects or may subject customers or employees of the city government to annoyance or alarm including but not limited to conduct that involves the use of abusive or threatening language or gestures.
- H. Refuse to obey any reasonable direction of a city employee on City property.
- I. Violate any provisions posted on any city parking facility, whether that parking is generally available to the public or not. Private vehicles may not be left overnight in any city parking facility without the express consent of the person in charge of that facility. Violators are subject to cite and tow without notice where posted.

12.13.090 Enforcement and Exclusion from City property

- A. A person who violates any of the rules of conduct on any City property as set forth in Section 12.13.080 above may be immediately ejected from the premises and excluded from City property, and may be cited for trespass (SMC 9.32).
- B. In addition to other measures provided for violation of this chapter, or any of the laws of the State of Oregon, a police officer or authorized employee may exclude a person from City property who, while on City property, violates any law regarding controlled substances, or engages in conduct that:
 - 1. Is classified as a felony, misdemeanor or violation under the following chapters of the Oregon Revised Statutes, or is an attempt, solicitation or conspiracy to commit any such felony, misdemeanor or violation:

- a. Chapter 162, Offenses Against the State and Public Justice;
 - b. Chapter 163, Offenses Against Person(s);
 - c. Chapter 164, Offenses Against Property to Include Offensive Littering;
 - d. Chapter 165, Offenses Involving Fraud or Deception;
 - e. Chapter 166, Offenses Against Public Order; Firearms and Other Weapons; Racketeering;
 - f. Chapter 167, Offenses Against Public Health, Decency and Animals;
 - g. Chapter 475, Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors;
- 2. Otherwise involves a controlled substance;
 - 3. Has resulted in injury to any person or damage to any property; or
 - 4. Constitutes a violation of any of the following provisions of the Sherwood Municipal Code:
 - a. Chapter 9.24, Offenses Against the Person;
 - b. Chapter 9.32, Offenses Against Property;
 - c. Chapter 9.36, Offenses Against Public Peace and Decency;
 - d. Chapter 9.40, Curfew;
 - e. Chapter 9.44, Nuisances;
 - f. Chapter 9.56, Prohibits Use of Tobacco Products on City Property.

C. Nothing in the City of Sherwood Municipal Code shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or any other rights protected by the state or federal constitutions. However, a person engaged in such protected activity who commits an act that is not protected and which violates the Sherwood Municipal Code or other law may be subject to exclusion.

D. Accept as provided in D.1, of this section, an exclusion order issued under this chapter shall be in effect for 30 days.

1. If the person has been excluded from City property at any time within one year before the date of the present exclusion and the exclusion was not a 24-hour exclusion as described in subsection E below, the exclusion shall be for 90 days. If the person was previously excluded from City property on two or more occasions within one year before the date on the present exclusion, the exclusion shall be for 180 days.

E. If the person's behavior does not rise to the level of behavior described in subsections A and B of this section but is causing either a significant and immediate threat to public health and safety or a serious disturbance that is preventing other people from enjoying City property, the person may be excluded from that City property for a period of 24 hours only. If a person receives two 24-hour exclusions under this section and then commits additional violations, any further exclusion the person receives under this section may be for a period of at least 30 days.

F. A person may not enter or remain in any City property at any time during which there is in effect an exclusion order issued under this chapter that excludes the person from City property. A person who knowingly violates an exclusion order commits the crime of criminal trespass in the second degree.

G. Before issuing an exclusion order under this chapter, a police officer or authorized employee shall first give the person a warning and reasonable opportunity to desist from the violation. An exclusion order will not be issued if the person promptly complies with the warning and desists from the violation. Notwithstanding the provisions of this subsection, a warning is not required if the person is to be excluded for committing any act:

1. Punishable as a misdemeanor or felony;
2. Involving controlled substances;
3. Which resulted in an injury to any person; or
4. Which resulted in damage to any property;

H. A written order shall be given to a person excluded from any city property under this chapter. The order shall specify the date, length and place of the exclusion, identify the provision of law the person has violated and contain a brief description of the offending conduct. The order must be signed by the issuing police officer or authorized employee. Warnings about the consequences of failing to comply with the order shall be prominently displayed on the order. Information regarding the appeal process also shall be included on the order.

12.13.100 Right to Appeal

A. A person who receives an exclusion order may request a hearing before the City of Sherwood municipal court judge or, if the city manager determines to make one available, a hearings officer appointed by the city manager, to have the exclusion rescinded or the period shortened. Written notice of the appeal must be filed with the city manager within 10 business days of receipt of the exclusion order. When the city manager receives a notice of appeal, the city manager or the manager's designee shall promptly notify the Sherwood Police records section of the appeal. Failure to file written notice of appeal within 10 business days is deemed a waiver of the right to appeal the exclusion order.

1. If an appeal is timely filed, the effectiveness of the exclusion is stayed pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion is effective immediately upon the issuance of the municipal court judge or hearings officer's decision, unless the municipal court judge or hearings officer specifies a later effective date.
2. If a person is issued a subsequent exclusion while a previous exclusion is stayed pending appeal, or pending judicial review should a court stay the exclusion, the stayed exclusion shall be counted in determining the appropriate length of the subsequent exclusion. If the previous exclusion is set aside, the term of the subsequent exclusion shall be reduced as if the previous exclusion had not been issued. If multiple exclusion orders issued to a single person are simultaneously stayed pending appeal, the effective periods of those that are affirmed may run consecutively.

B. Hearing Procedures.

1. When a timely request for a hearing is made, a hearing shall be held before the City of Sherwood municipal court judge or a hearings officer appointed by the city manager.
2. The hearing shall be set and conducted within seven business days of receipt of the appeal notice. The hearing may be scheduled for a later date if the person excluded so requests but, in any case, not later than seven additional business days from the original request.
3. At the hearing, the person excluded may contest the validity of the exclusion and may present evidence.
4. At the hearing the city has the burden of proving by a preponderance of the evidence the validity of the exclusion. The city may present evidence either by testimony or in writing. If the city's evidence is presented only in writing and the municipal court judge or hearings officer cannot resolve a question by information contained in the documents, the hearing may be held open for a reasonable time for additional evidence.
5. If the municipal court judge or hearings officer finds by a preponderance of the evidence that each element necessary to issue the exclusion notice has been proven, and if the exclusion is otherwise in accordance with law, the municipal court judge or hearings officer shall uphold the exclusion.
6. If the municipal court judge or hearings officer finds that the city has not met its burden of proof, or that the exclusion is otherwise unlawful, then the municipal court judge or hearings officer shall enter an order rescinding the exclusion. If the municipal court judge or hearings officer finds that the city has met its burden of proof, but that the length of the exclusion is unreasonable under the circumstances, the municipal court judge or hearings officer may issue an order shortening the length of the exclusion.
7. The decision of the municipal court judge or hearings officer is final.

12.13.110 Variance

A. At any time within the exclusion period, a person who received an exclusion order may apply in writing to the city manager or manager's designee for a waiver of some or all of the effects of the exclusion. The application must show good cause for the waiver. If the city manager or designee grants a waiver, the city manager or designee shall promptly notify the Sherwood Police Department records section of such action.

B. In exercising discretion under this subsection, the city manager or manager's designee shall consider the seriousness of the violation for which the person was excluded, the particular need of the person to be on City property during some or all of the exclusion period (such as for work, or to attend or participate in a particular event without regard to the content of any speech associated with that event), the number of previous exclusions, and any other criterion the city manager or designee determines to be relevant to the determination of whether or not to grant the waiver. Notwithstanding the granting of a waiver, the exclusion will be included for purposes of calculating the appropriate length of exclusions.

C. The decision of the city manager or designee to grant or deny, in whole or in part, a waiver is committed to the sole discretion of the city manager or manager's designee and is not subject to appeal or review.

Sherwood Field House Monthly Report March 2014

March-14	Mar-14		YTD		Mar-13
					Est.
Usage		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served*</u>
Leagues	8	644	23	5300	700
Rentals	101	1515	579	9820	2100
Other (Classes)					
[1] Day Use	8	92	57	464	63
Total Usage		2251		15584	2863
Income	Mar-14	YTD			
Rentals	\$5,843	\$37,216			
League fees (indoor)	\$4,854	\$68,635			
Card fees (indoor)	\$347	\$3,399			
Day Use	\$190	\$1,427			
Advertising	\$1,500	\$1,500			
Snacks	\$562	\$4,216			
Classes					
Total	\$13,295	\$116,393			
FY 12 13					
Income	Mar-13	YTD			
Rentals	\$5,423	\$42,397			
League fees (indoor)	\$2,892	\$51,578			
Card fees (indoor)	\$294	\$3,288			
Day Use	\$174	\$1,482			
Advertising					
Snacks	\$641	\$4,309			
Classes					
Total	\$9,424	\$103,054			

*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

Youth basketball practiced through the second week in March.

There are about 6 or 7 youth basketball coaches that will take teams into the spring. So gyms will still be used in the spring until about the end of May.

Baseball, Softball and Lacrosse have completed their tryouts/ evaluation's and have started to practice as the weather allows.

Youth soccer continues to play games at Snyder Park I believe that they had 16 games up there during the month.

Now that Spring Break is over both youth track clubs will be starting practice at SMS.

Greater Portland Soccer District men's soccer leagues have started to play games at Snyder Park on Sundays.

Field House

The Field House Youth Leagues are over.

Sherwood Youth Soccer Club will start renting the facility to run an indoor spring league.

We have a few of the outdoor soccer teams renting the facility because we have had so much rain in March.

Respectfully Submitted

March 31, 2014

Lance Gilgan



Sherwood Public Library – March 2104 Monthly Management Report

	<u>Current Year</u>	<u>Past Year</u>	<u>% Change</u>
Check out	32,894	33,948	-3% (21% Self-check)
Check in	22,855	24,946	-9%
New Library cards	111		
Volunteer hours	217.75 hours; equivalent to 1/26 FTE (26 volunteers)		
• New Library2Go users	55		
• Library2Go check outs	1084		

Monthly Activities

- Twenty-eight Baby, Preschool and Toddler Storytimes (729 attendees)
- Two Read-to-the-Dogs programs
- Magazine Monday (free magazine giveaway)
- Federal tax forms available
- Spine Poetry Contest
- 03/01 Family Game Day (17 attendees)
- 03/01 Getting To Know Library2Go class (3 attendees)
- 03/02-08 Dr. Seuss' Birthday Celebration Week
- 03/06 St. Francis Catholic School 8th Grade tour (23 attendees)
- 03/06 Friends of the Library Meeting
- 03/07 Pam North attended meeting with staff from Rep. Merkley's office re: e-government & public libraries

- 03/9-15 Teen Tech Week
- 03/12 Pajama Time Storytime (7 attendees)
- 03/19 Wednesday Crafternoon – Spring Crafts (43 attendees)
- 03/22 Saturday Family Storytime (27 attendees)
- 03/26 DIY Craftshop – Steampunk Trinket Boxes (11 attendees)
- Dr. Seuss' Birthday Week Raffle (203 entries)
- Volunteer recruitment & training continues / New volunteers started shifts
- Library staff attended various regional, City and WCCLS meetings: OLA/PLD Board, OLA/PLD Standards Committee, OLA Conference, Circulation, WUG, Policy Group, Cataloging, Publicity, Youth Services, YALL, Latino Services, WCCLS Core Services, CSD Workshop, Adult Services, PCC Library Assistant Program Review