



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, August 19, 2014

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

6:30 pm City Council Executive Session

(Pursuant to ORS 192.660(2)(f)(h), Exempt Public Records and Pending Litigation)

7:00 pm City Council Regular Meeting



Home of the Tualatin River National Wildlife Refuge

6:30 PM EXECUTIVE SESSION

1. Exempt Public Records & Pending Litigation

REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CONSENT

A. Approval of August 5, 2014 City Council Meeting Minutes

B. Resolution 2014-058 authorizing the City Manager to sign a successor Intergovernmental Agreement (IGA) with Washington County Law Enforcement for the purposes of maintaining participation with inter-agency teams

C. Resolution 2014-059 Authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) with Metro regarding funding to help implement the Southwest Corridor Shared Investment Strategy

5. CITIZEN COMMENTS

6. PRESENTATIONS

A. Sherwood High School Student Academic & Athletic Achievement Recognition

B. Introduction of new City Staff (City Manager Gall)

7. NEW BUSINESS

A. Ordinance 2014-015 Amending Chapter 2 of the Municipal Code creating and establishing the Sherwood Police Advisory Board (Jeff Groth, Police Chief)

B. Ordinance 2014-016 Approving the Easement Relinquishment Located along the North Side of SW Meinecke Parkway Northwest of Highway 99 back to the Oregon Department of Transportation for the Cedar Brook PUD Project (Craig Christensen, Engineering Associate)

AGENDA

**SHERWOOD CITY COUNCIL
August 19, 2014**

**6:30 pm Executive Session
(ORS 192.660(2)(f)(h))**

**7:00 pm City Council Regular
Meeting**

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

8. CITIZEN COMMENTS

9. CITY MANAGER AND DEPARTMENT REPORTS

10. COUNCIL ANNOUNCEMENTS

11. 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
August 5, 2014

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:02 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Krisanna Clark and Councilor Matt Langer. Councilors Bill Butterfield and Robyn Folsom were absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** Assistant City Manager Tom Pessemier, Finance Director Julie Blums and City Recorder Sylvia Murphy. City Attorneys Howard Rubin and Chris Crean.

4. **TOPICS:**

- A. Labor Negotiations pursuant to ORS 192.660(2)(d).

5. **ADJOURN:**

Mayor Middleton adjourned the Executive Session at 6:33 pm and convened to a work session.

WORK SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:34 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Krisanna Clark and Councilor Matt Langer. Councilors Bill Butterfield and Robyn Folsom were absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** Assistant City Manager Tom Pessemier, Finance Director Julie Blums, Public Works Director Craig Sheldon and City Recorder Sylvia Murphy. City Attorney Chris Crean.

4. **TOPICS:**

A. Water Governance Group Update

Public Works Director Craig Sheldon provided the Council with an update and distributed a document, Willamette Water Supply Program Timeline (see record, Exhibit A). Craig recapped the document, discussion followed.

5. **ADJOURN:**

Mayor Middleton adjourned the Work Session at 6:55 pm and convened to a regular session.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:02 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Krisanna Clark and Matt Langer. Councilors Bill Butterfield and Robyn Folsom were absent.
4. **STAFF AND LEGAL COUNSEL PRESENT:** Assistant City Manager Tom Pessemier, Finance Director Julie Blums, Public Works Director Craig Sheldon, Community Development Director Julia Hajduk, Community Services Director Kristen Switzer, City Engineer Bob Galati, Library Manager Adrienne Doman Calkins, Senior Planner Michelle Miller, Economic Development Intern Emily Leuning, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy. City Attorney Chris Crean and Bill Kabeiseman with Garvey Schubert Barer.

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

5. **CONSENT AGENDA:**
 - A. **Approval of July 15, 2014 City Council Meeting Minutes**
 - B. **Resolution 2014-054 Authorizing the City Manager to sign a successor Intergovernmental Agreement (IGA) with the Washington County Consolidated Communications Agency for the purposes of providing public safety dispatch services**
 - C. **Resolution 2014-055 Authorizing partial waiver of Water System Development Charges to allow connection of property to City water for property with a contaminated drinking water well**

MOTION: FROM COUNCILOR CLARK TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCILOR GRANT, MOTION PASSED 5:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILORS FOLSOM AND BUTTERFIELD WERE ABSENT).

Mayor Middleton addressed the next agenda item.

6. CITIZEN COMMENTS

Bob Eddy, Sherwood resident came forward and referred to a request he emailed to the Council and said he is a member of the Sherwood YMCA and is appalled at the blatant attempts of a City Council member and the Mayor to discredit the Y. He referred to the Mayor's public comments following the June 18, 2013 Council meeting. He said he tried to interact with the Mayor via email but was summarily dismissed. He said as a member of the Y he asked for documentation that related to whatever the disputes were about from both the local Y and the Columbia Valley Corporate Y. He noted that at the time he had not previously met Mr. Emmons, Mrs. Brouse or Mr. Hall. He said after reading the documents it was evident that the 32 minute "unnoticed" topic missing from the agenda of the June meeting was orchestrated and it

also became apparent that a couple of our elected officials were using their seats on the dais to attempt to ...

Mayor Middleton interjected and stopped Mr. Eddy and said he is not supposed to impugn the Council and said Mr. Eddy was done speaking. He informed Mr. Eddy if he wanted to continue and speak to his own facts that was fine. Mr. Eddy questioned the prior impugning of a councilor and Mayor Middleton stated impugning of people was being stopped. Mr. Eddy stepped down.

Jim Claus, Sherwood resident approached the Council and said he had a question that he would like answered in writing by the Council. He asked if they signed a contract with the highest density in the history of Sherwood with Cascade Development and asked if that was signed approximately 2 ½ years before this alleged public hearing was held where we were discussing density and design. He said he understands that BEH prepared a contract that was fully executed by this Council selling that for \$5000 a unit when the prevailing price was 10 and he understands that Cascade Development had a consulting contract and he was tipped off that all of this was done in executive session. He asked if Cascade Development was paid a fee and under what grounds of authority did the Council think they could do that. He asked if in the new Walmart if the PUD was parceled and said the Council had an executive session and knew that the PUD was going to be parceled out and allow the land to be sold which would require a cancellation of the PUD immediately. He asked if BEH was involved in drafting those documents that let that abhorrent item occur, i.e. took a PUD, parceled a piece out and sold it to a separate property. He said he remembered in the Planning Commission that Councilor Langer said...

Mayor Middleton interjected and asked Mr. Claus not to use specific Councilor's names and said this question would have to go back to staff.

Mr. Claus said he did not understand and asked the Mayor to shut off the clock if he was going to be giving advice.

Mayor Middleton said it is not advice he just doesn't want Councilor's names mentioned if you are impugning them or accusing them of something and they would rather have the staff take care of it.

Mr. Claus said he was not impugning him it is a matter of public record.

Mayor Middleton responded and said not to bring up certain Councilor's names if they were involved in certain things until we get to the facts. He noted that he wasn't here then and staff would have to address this.

Mr. Claus said of all of the people you should be listening to what is said rather than cutting into my 30 seconds now. Mayor Middleton said he would give him another minute.

Mr. Claus continued that he was at the Planning Commission and it was asked if Walmart was buying that property and the answer was no and if that is true there is no possible way you could have had an executive session where you allowed the staff to deviate from the plans of the PUD. He said in every case massive amounts of public money are involved. He said if Mr. Crean knew what he want to know, and he wants to know if there is any place in the public record where he said there may be a potential conflict of interest and the law firm would draft those documents. He said this is a matter and it appears you had in executive session and you sold that by contract 2 ½ years earlier and he wants to know who drafted the contract and he wants to know if it was the legal counsel that claims to be a public official so

that the proper complaints can be filed with the proper authorities and said that is not impugning anybody's reputation that is asking for facts. He said he wants to know because if that kind of conduct is occurring the citizens are entitled to know. He commented on drafting contracts that are going to excuse ex parte contact which you are denying that you are having then you have someone say on the public record that it is not happening. He said they are entitled to know what went on and can be done for a simple reason and said they have sovereign immunity and you have city county insurance and it will even defend an intangible tort. He said someone can know they are breaking the law and they will still defend that individual at our cost. He commented when you pay 750, 800 million dollars everybody's insurance goes up that is what self-insurance is about, the citizen's pay for it.

Council President Henderson asked if items are covered under executive privilege then they are not things that we talk about in the public or divulge to people that were not in the executive session. She asked if executive session information was disseminated outside of the members of the executive session that would be a violation of executive privilege. She said if Mr. Claus gained executive privilege information then that would be in violation of the laws that govern our ability to what is covered under executive privilege which are real property, personnel, litigation and confidential records. She asked if that is correct. She said if a court of law required the content of an executive privilege session to be divulged for the purposes of a legal proceeding that would be done but if a Councilor talks to a person outside of that executive privilege session then that would be a violation of executive privilege.

City Attorney Chris Crean said what is discussed in an executive session is excluded from disclosure and that is called the public meetings law in Oregon and presumes all public records are subject to disclosure except where there is an executive session which are exempt from disclosure. He said if the executive session privilege is breached then those materials become subject to public disclosure. He stated it would be a breach of an elected official's duty to knowingly breach the executive session laws because only the Council as a whole can agree to waive that exemption from disclosure.

Councilor Henderson clarified that not one individual Councilor. Mr. Crean said yes, not one individual Councilor and that would be a breach of their obligations to the Municipal Corporation.

Councilor Henderson commented that for those that don't know what executive privilege is this should be helpful.

Mr. Crean stated on a few limited exceptions to the general principal that all public records are available and open to the public for disclosure and some of the things you can meet in private about, including buying property, labor negotiations, litigation, but if you start discussing them openly then they are not private anymore and can be disclosed.

Councilor Henderson said that executive privilege allows the press to be present in the room which is a check and balance. Mr. Crean clarified that they can be there but can't report on anything they heard unless the Council waives the privilege and allows those things to be disclosed, and the press can start publishing what they heard in executive session.

Councilor Henderson referred to items discussed that are not covered under the noticing requirement. Mr. Crean commented that Executive Session is very limit and they have to discuss what is posted and cannot discuss other things.

Mayor Middleton said he would have to look over the minutes to see what information could be released to Mr. Claus.

Councilor Clark clarified that he was referring to something that was published as going to be discussed not something that he talked to someone about.

Mr. Crean said a public records request would help clarify.

Assistant City Manager Tom Pessemier said that staff would listen to the tape to get through all the points but agrees that a records request would be the proper way to handle this and said he would contact Mr. Claus to determine what he is looking for.

Council Henderson asked Tom to let the Council know if there is something they can follow up on.

With no other citizen comments, Mayor Middleton addressed the next agenda item.

7. PRESENTATIONS

A. Sherwood High School Student Academic & Athletic Achievement Recognition

The City Council recognized Sherwood High School students for Academic Achievements, students that received a perfect 4.0 GPA for the 2013-14 school year and recognized students for Athletic Achievements, students that placed 1st in State in a sport or art, as a team or individual. Assistant City Manager Tom Pessemier called forward students and the Council presented them with Certificates of Achievement.

B. Introduce new Library Manager, Adrienne Doman Calkins

Kristen Switzer, Community Services Director introduced Adrienne Doman Calkins as the new Library Manager and asked her to tell the Council about herself.

Adrienne Doman Calkins came forward and discussed her background and gave a brief Library update. She said she has spent the last ten years at the Olympia Timberland Library as a Senior Circulation Supervisor and said she is originally from McMinnville. She commented on the experienced Sherwood Library staff and shared some summer success stories from the library.

Community Development Director Julia Hajduk introduced Connie Randall as the new Associate Planner and said she has over 14 years of experience and is a Sherwood resident.

Assistant City Manager Tom Pessemier introduced Emily Leuning as the new Economic Development Intern and said she is splitting her time between Sherwood and West Linn and will be here for 6 months.

C. Sherwood Growth Analysis and Update

Julia Hajduk provided the Council with an update and gave a presentation (see record, Exhibit B). She said the presentation was originally prepared for the Sherwood School District. She said the first purpose of the presentation is to understand the regional context and where Sherwood fits in. She referred to the Metro growth concept map and said the important thing is that while Sherwood is unique it is also part of

a regional government that we are regulated by. She referred to the urban reserves and said they are intended to be a 50 year supply of land. She commented on rural reserves and said they are not to be touched for 50 years. She referred to the areas on the map that are labeled undesignated and said that is land that could potentially be used if they run out of urban reserves. She commented on the areas south of Brookman that were brought in for residential purposes and the areas east for employment purposes. She said when Metro and the City are looking at how to grow and where to grow it has to be land in the urban reserve in order to be developed and has to be determined by Metro to be needed to be brought into the urban growth boundary to meet the 20 year land supply. She said and then when it is in the urban growth boundary it has to be brought into the City limits in order to be urbanized for the most part. She said even when it is in the City limits it will not necessarily be developed. She commented on the land development process and said she wants people to understand that it is long process.

She said Sherwood has a population of 18,575 and approximately 6,700 dwelling units and over 5,000 are single family and over 1,600 are multifamily. She said in 2013-2014 they issued 88 residential building permits and the City is in the process of approving subdivision development which will yield approximately 83 lots which will be developed within a year or so.

She commented on the vision for 2 to 5 years and said they have an idea where there could be potential development and they anticipate approximately another 180 to 225 units will be approved and noted that this does not assume the Brookman Road development because it has not been annexed.

She referred to a map in the exhibit highlighting areas that they feel are the most likely to be developed within the next several years. She commented on the 5 to 10 year vision and said they anticipate Brookman Road will be annexed by then and it has its own capacity of 1088 units based on the zoning and the concept plan but they don't anticipate that all of those lots will be developed within that time period, maybe 300 to 500. She said they also anticipate that they will continue to see infill within the existing lots in the City but there is a limited infill capacity of approximately 500 units.

She said the vision for 10 to 20 years is not as clear and commented on the 1,280 acres in the urban reserves west of Sherwood and 439 areas south of Sherwood and said combined it is estimated these areas could provide an additional 8,000 to 9,600 dwelling units based on the densities assumed by Metro as part of the urban reserve process. She said that is a rough number and is a 50 year supply. She commented on planning and master plans and said as Metro looks at expanding the urban growth boundary we can advocate for or against certain areas and through the annexation process the City has a say in how fast areas develop and in what way through the concept planning process.

She noted they will be starting the concept plan for the area west of Sherwood and it will be about a year process and they will identify what the right use of mixes and the phasing strategy. She said the focus of the presentation was originally for residential growth and the Sherwood west concept plan will include additional planning.

Tom Pessemier commented that in the past they have done economic opportunities analysis which looks at industrial, primarily job creating districts and the last plan was in 2006. He said that plan showed that we have enough land to provide for opportunities. He said the most important thing is community vision and community values and said it is critical in making this work and Sherwood has a unique identity, it is important to remain unique. He said as we work through this 50 year process it is important that we engage the community.

Julia commented on the process of considering growth and the information that is analyzed and said long term we need to continue that discussion of community vision. She referred to the regional and the local needs for housing and jobs and said there may be more of a regional burden on Sherwood because of the way the urban reserves are at the boundaries and we are at the edge of the Metro area but there are tools to help meter the growth to ensure that the community vision is addressed through advocacy and annexation decision and the development code.

She referred to preparation and said they have updated the transportation system plan and will be doing the water system master plan and the storm and sanitary sewer master plan this coming year. She commented on coordinating with other agencies and the resources that are available.

She concluded that growth is going to happen and we need to plan for it, the near term issues and preparing for and preventing long term issues. She said coordination with the City, the School District, the Fire Department, ODOT, Washington County, Clean Water Services, the State, Metro and neighboring jurisdictions and all of this coordination will help manage the growth.

Council President Henderson referred to the urban growth boundary map and asked about the undesignated areas and asked about the process of developing that area.

Julia said that area is undesignated and not in the urban growth boundary and is rural and regulated by the County rural farm rules and that is Clackamas County. She said for someone to develop that area at an urban density would be very unlikely until the urban reserve areas are used up or identified as unrealistic. Tom said Metro's calculations show that they will not need that area within the next 50 years and their intent is to not touch the undesignated areas until the urban reserve areas are used.

Councilor Grant referred to the Brookman Road annexation attempts and pressure from Metro to develop and asked Julia what could happen if annexation attempts continue to fail.

Julia said in Washington County there are options for the County to allow for urban development not in a city which is why she was alluding to tools that give us some control. She said the County is currently not going in that direction but they may have pressure to do that in the future. She said there are certain areas in Washington County that are developed at very urban densities that are not inside a city.

Councilor Langer asked how that would affect property taxes and other services.

Julia gave the example of developing Bull Mountain in Tigard and said it was difficult to have homeowners want to come into the City and pay city taxes but they were so close that they were using city resources.

Tom clarified where citizens could become involved in the process and said there is a lot of time for input. He said the process has changed where before the urban growth boundary changed before you did the concept planning and Metro has changed that. He commented on the urban rural reserve or 50 year plan and said that is mostly done except for the undesignated areas and said the next step is the concept plan which is the process they are now entering with the west Sherwood concept plan and that is looking at a very big area over a 50 year period of time and that will provide information that will help Metro and the City decide what the urban growth boundaries will be. He said there will be opportunities for involvement in the concept planning as it goes forward. He noted annexation is another process where citizen and the

Council have the most control because it requires a vote by citizens and an ordinance passed by Council in order to be annexed. He said he wants people to know where they can get involved in the process.

With no other Council questions, Mayor Middleton addressed the next agenda item.

8. NEW BUSINESS

A. Resolution 2014-056 Authorizing the City Manager to execute a construction contract for the SW Lincoln Street Pavement Rehabilitation Project

Craig Sheldon, Public Works Director came forward and said this is the next phase of the Lincoln Street project and it is the areas from Willamette Street to Division Street. He said the resolution needs to be amended and stated the last whereas should read "City staff recommends City Council to authorize the City Manager to execute a construction contract with the lowest responsive bidder in an amount of \$252,148.81 plus 10 % construction contingency." He referred to Section 1 which should read "The City Manager is hereby authorized to execute a construction contract with the lowest responsive bidder in an amount of \$252,148.81 plus a 10% construction contingency upon completion of the mandatory seven (7) day protect period for the completion of the SW Lincoln Street Pavement Rehabilitation Project." He said they received the bids today and had 5 contractors attend the mandatory bid requirement. He said it is over the engineers estimate but there is work outside the paving alone and it is within the budget he said it is a decent bid to approve.

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

MOTION TO AMEND: FROM COUNCILOR GRANT TO AMEND RESOLUTION 2014-056 AS STATED BY MR. SHELDON, SECONDED BY COUNCILOR LANGER, MOTION PASSED 5:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILORS FOLSOM AND BUTTERFIELD WERE ABSENT).

MOTION: FROM COUNCILOR GRANT TO ADOPT RESOLUTION 2014-056 AS AMENDED, SECONDED BY COUNCILOR LANGER, MOTION PASSED 5:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILORS FOLSOM AND BUTTERFIELD WERE ABSENT).

Mayor Middleton addressed the next agenda item.

B. Ordinance 2014-014 Amending Sherwood Municipal Code Chapter 8.08 Alarm Systems

Julie Blums, Finance Director reminded the Council of previous discussions regarding why the City was requiring this permit, and the discussion of was it providing a benefit to the community and was it cost effective. She said they determined the answer was no on all questions. She said they are proposing to eliminate a fee and become more efficient. She stated that alarm permits will no longer be required and the code will be changed to read that if you have more than two false alarms in a calendar year it will become a code violation instead of an invoice from the Finance Department. She said the police will issue a citation and it will go through the municipal court process.

Councilor Clark asked what the difference is in pricing.

Julie said the price of an alarm permit now is \$100 and there is a \$25 renewal fee each year and the fine for false alarms depending on the number is from \$50 and \$500. She said if approved the fine for more than 2 false alarms in a calendar year will be a Class D violation which is \$110.

Council President Henderson clarified that on the third false alarm the resident will be issued a citation and can pay the fine or come to municipal court so the ordinance would take the fee off the fee schedule and put it under municipal court. Julie said that is correct.

Councilor Henderson asked what else is considered a Class D violation. Tom Pessemier said Class D is undesignated to anything that is not a Class A, B or C.

Julie commented that last year we assessed only \$800 in false alarm violations and commented on the cost effectiveness and said we do not have a false alarm issue in Sherwood.

Councilor Henderson asked if this will be the same for residential and commercial. Julie said yes.

With no other questions or comments, Mayor Middleton asked for a motion.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO READ CAPTION AND ADOPT ORDINANCE 2014-014, SECONDED BY COUNCILOR CLARK, MOTION PASSED 5:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILORS FOLSOM AND BUTTERFIELD WERE ABSENT).

Mayor Middleton addressed the next agenda item.

9. PUBLIC HEARINGS

A. Ordinance 2014-013 Approving a Planned Unit Development (PUD) to be known as Cedar Brook Planned Unit Development including application of a Planned Unit Development Overlay on the Comprehensive Plan and Zone Map and approving the sixty-five lot subdivision – Public Hearing continued from July 15, 2014

Michelle Miller, Senior Planner came forward and updated the Council on what has transpired since the July 15 meeting regarding the Cedar Brook PUD, which is a 65 lot subdivision and said the packet materials include the proposed ordinance, the Planning Commission recommendation and several new exhibits labeled R through U. She said Exhibit R is a staff memo with additional recommended conditions and several comments regarding statements made at the last hearing. She said Exhibit S is an email from Joe Broadhurst and Exhibit T is a revised layout provided by the applicant concerning the water quality facility and Exhibit U is a review of the revised layout by the City Engineer. She said since the packet materials were prepared they received an additional email from Eric Valdez which was sent to the Council referencing the Cedar Brook PUD along with other issues. She said this will be added as Exhibit V (see record).

She referred to the staff memo and the process for the PUD and said this is a subdivision application along with the PUD so Council will be reviewing the PUD along with the subdivision application and if approved they will be approving that preliminary plan. She said if approved it goes back to the Planning Commission for a final development review and said it will be a type 4 process where there will be notice plus the public hearing process. She said at the last hearing the applicant considered changing the water quality facility design for the storm water treatment and convert tract C into the water quality facility from

an open space area. She said they have now officially submitted plans which are Exhibit T and City Engineer Bob Galati has reviewed the plans and that is Exhibit U showing that it is feasible but it changes the area of open space which used to be approximately 21% of the area down to 19% which is still meeting the open space requirement. She said based on that change staff added condition E.9 to the Planning Commission recommendation.

She referred to feeder trails and said the applicant has proposed several areas of feeder trails throughout the project as well as an additional trail along the City property to connect with other local trails. She said the applicant was considering a soft surface trail but our transportation system plan design standards show that the trail would need to be comprised of a hard surface. She asked that this language be added to the proposal which is condition G.7 to read "phase 2 portion of the project consists of design and construction of a hard surface trail." She said after further review of the open space areas staff recommends adding a condition that allows for pedestrian and bicycle access to the public through the site on all of those open space walkways and private streets to improve circulation throughout the site and that condition would be E.10. She said prior to the approval of the final plat, provide pedestrian and bicycle access easement over the entire tract that include a private pathway or private street. She said in addition to that, staff contacted Clean Water Services about the private dog park being located near the vegetative corridor and their response was they have issued a Clean Water Services provider letter and one of their provisions and recommended conditions would be to include signage along the boundary of that vegetative corridor. She said they incorporated that into their recommendations.

With no questions from the Council, Mayor Middleton asked the applicant to come forward.

Steve Miller with DR Horton came forward and said some of the conditions were new and referred to the public access over all of the tracts and requested that the public access be just on the trails and not over the tract as a whole. He said they would have amenities for the residents of the subdivision and the residents will be responsible for maintaining them and they don't want to add that additional burden for them to have to maintain for the public as a whole. He addressed the storm water retention pond and said that is only going to be on a portion of the tract and the tract will still function as open space as originally intended. He requested a copy of the conditions so he can review.

Council President Henderson asked Mr. Miller if he wanted to see a copy of the conditions and postpone a decision. Mr. Miller said he wanted to review the conditions tonight and does not believe the decision has to be delayed.

Julia Hajduk said they would provide Mr. Miller with a copy and then after public testimony he can respond in his rebuttal.

Mayor Middleton recessed the meeting at 8:30 pm to allow Mr. Miler to review the conditions.

Mayor Middleton called the meeting to order at 8:40 pm and opened the public hearing.

With no one coming forward Mayor Middleton closed the public hearing and asked the applicant to come forward for rebuttal.

Mr. Miller approached the Council and stated he met with staff during the recess regarding the conditions and agreed with the conditions.

Michelle Miller referred to the staff memo (Exhibit R) and said the applicant has agreed on the proposed conditions with the exception of condition E.9 and said she would like that changed to E.10 and read into the record the proposed condition. She said it would read “prior to approval of the final plat provide pedestrian and bicycle access easements over all of the pathways within the tracts and private streets that include a pathway or private street”. She noted this limits it to the walkways exclusively and not the other areas within the different tracts.

Councilor Henderson referred page 63 in the packet and asked about the condition of hard trail and the final occupancy condition.

Michelle Miller said they created what they are calling a phase 2 because the trail may take some time to get through the permitting and approval process, and this lets the developer begin both processes simultaneously but still requires them to complete everything.

Councilor Henderson clarified that this is not a condition because there is a chance the developer won't do the trail just that the permits may take some time. Michelle Miller said that is correct.

Councilor Henderson asked why the condition is changed to E.10. Michelle Miller said the document was misnumbered and should be E.10.

Councilor Grant asked if Council needs to make a motion to amend for this change.

City Attorney Crean said this is a staff memorandum with proposed conditions and if Council decides to approve they can approve with conditions described by staff on the record and that would pick up the change that was just read into the record.

Councilor Henderson asked if we need to amend the ordinance or just make note.

Tom Pessemier responded that the ordinance refers to Planning Commission Exhibit 1 and these changes are part of Exhibit 1 so if you do what Mr. Crean recommended the changes will get picked up and will be modified. Mr. Crean said that is correct.

Mayor Middleton commented that this is a unique piece of property and this isn't something we will have throughout the City. The following motion was received.

MOTION: FROM COUNCILOR GRANT TO READ CAPTION AND ADOPT ORDINANCE 2014-013 WITH THE CONDITIONS OF APPROVAL DESCRIBED IN THE STAFF MEMORANDUM AND AS DESCRIBED IN THE RECORD TONIGHT, SECONDED BY COUNCILOR LANGER, MOTION PASSED 5:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILORS FOLSOM AND BUTTERFIELD WERE ABSENT).

Mayor Middleton addressed the next agenda item.

B. Resolution 2014-057 Approving Ballot Titles and Explanatory Statements and submitting proposed Charter amendments to City voters

Assistant City Manager Tom Pessemier introduced Attorney Bill Kabeiseman and Charter Review Committee Chair Pat Allen and asked them to come forward.

Bill Kabeiseman from Garvey Schubert Barer introduced himself and reminded the Council that they worked with his colleague Ed Sullivan in a work session previously to review the ballot titles and explanatory statements. He said the information is relatively self-explanatory and are proposed changes to the Charter that the Charter Review Committee developed. He noted there is a new version provided by staff (see record, Exhibit C) as there were a few Scribner errors and asked if there were any questions regarding the changes. There were no questions or comments from the Council.

Charter Review Committee Chairman Pat Allen provided a brief background and said the Council formed a Charter Review Committee about a year ago made up of representatives from the citizen advisory boards and some citizen members. He said they presented a packet of 5 different amendments previously that were on the May 2014 ballot and related generally to the upcoming election and they all passed by substantial margins. He said there are 7 items that represent the remainder of the committee's work which he will present and encourage the Council to put on the ballot.

Mr. Allen briefly explained each item. He said the first proposal changes the title of the Charter by removing the reference to a year and just calling it the City Charter and would require periodic review of the Charter at least every 6 years. He stated the second proposal is to clarify what the procedure is for putting citizens on City boards and commissions. He said currently there are some procedures and historical practices, and some rules and some Charter provisions. He said they tried to clarify that the Mayor makes the appointments to a board or commission and that is subject to a majority vote by the Council. He said this strengthens and clarifies the notion that it is a joint function that occurs. He said the third proposal has to do with setting the agenda and currently the Mayor largely controls the agenda for the Council so they are proposing to add a provision that says a majority of the Council can add an item to a future agenda in order to meet noticing requirements. He said the fourth proposal is concerning adopting ordinances and requires that ordinances have two readings before being adopted. He said it does have an emergency provision so that if the Council unanimously agrees the ordinance may be adopted in one reading. He said the fifth proposal deals with a current provision in the Charter that prohibits Councilors and the Mayor from interfering or placing undue influence on City staff and that will remain the same. He stated there is a provision that states violation of that can cause that member to be removed from the Council if a majority of the Council approves. He said the committee recommend deleting that provision. He said the sixth proposal is a clarification of an issue regarding the City Attorney and said now there is language that needs to be clarified to provide that the City Attorney can either be a City employee or a law firm contracted by the City. He said the last proposal deals with the Charter being silent on pay for Councilor's yet they are entitled to expenses. He said they are proposing to prohibit pay, which will mean to be paid it will need to be done by a vote of the citizens in the form of a Charter amendment. He said the portion regarding reimbursed for expenses would be changed to add the language of "reasonable" expenses which is a known and defined term. He asked if the Council had any questions.

Mayor Middleton referred to typo on page 2 of 2. Mr. Kabeiseman said yes, they changed "confirming" to "conforming", (see record, Exhibit C) corrections to scribes errors.

Council President Henderson referred to Exhibit B of the Resolution (ballot title and explanatory statement for Mayoral Appointments) which is the appointment to boards and commissions by the Mayor which is a change from the previous language that says the Council appointments members to boards and commissions. She asked how that would affect a new Council in January and said they may want to review that proposed provision. She referred to Exhibit E to the Resolution, about coercion and said that

has never been used in her tenure and her concern is that if there is someone guilty of that there is no other consequence other than censures which are a function of Council Rules which are enforceable by the Council but have no legal binding. She provided an example and said if someone is coercing other employees or other peers that is a liability for the organization and the remedy of that should not take months to resolve. She said removing someone from office would be a last result and commented on the process and said based on the Council Rules the consequence for being proven guilty of coercion would be censure by Council Rules. She said other than that there is no consequence other than the provision in the Charter. She said as a Council it is our responsibility to protect the City from liabilities civil or criminal. She referred to Exhibit G of the Resolution regarding compensation and asked if any members wanted to hear the Charter Review Committee's discussion concerning that proposal.

Mr. Allen noted that the committee consisted of a large and diverse group and there were differing reasons. He said in terms of the Council appointment issue the current Charter language states that a vote by the majority of the Council is needed for an appointment. He said the committee thought it was appropriate to add more form to what was in the Charter and stated that the Mayor and the Council all have a seat at the table for making appointments to boards and commissions but still allowing process leading to an appointment to be handled through Council Rules or customary practices. He stated they did not discuss whether future Council's should consider this because is it a circular argument and he said his argument would be to put it on the ballot and let the citizens make the decision.

Mr. Allen commented on the coercion section and said the biggest challenge by not removing that portion of the provision is it allows four members of the Council to short circuit an election. He said there are recall provisions and a short election term for the Mayor and suggested putting it before the voters to determine if that is a useful tool for a majority of the Council to have.

Councilor Henderson referred to clarifying the process of appointments and said in reality the Council only votes yes or no because the Mayor appoints and controls the agenda to a certain extent and names can be withheld from the agenda because it is an appointment of the Mayor and that is her concern.

Mr. Allen said conversely he is not sure how a Council appoints and it seems the language is unclear and has been the source of some recent confusion about what is the process and the committee tried to capture what is the current process but codify it in the Charter with this proposal.

Councilor Langer said this proposal actually exacerbates the problem because it states the Mayor does the appointing and that was the problem and this makes it worse.

Mr. Allen suggested that they clarified it.

Councilor Langer said for those of us sitting in the middle of this you made it worse.

Mr. Allen suggested that this would be a clear answer to that question and should go before the voters and let them decide how they would like the system to operate.

Mayor Middleton stated it does not preclude the Council from voting no to the nominee.

Councilor Grant said it precludes moving forward in a dead lock and the system we have now with the will of the Council can move forward and this will make it so the will of Council cannot move forward and will be stuck and he agrees that it makes it worse. He referred to difficulties with appointments that they were

able to resolve but this provision would take away the ability to get through it. He said the elected officials on Council should have a way out with the will of Council.

Mr. Allen said you don't have it in the current Charter either.

Councilor Grant said it works and if it is not in the Charter it is the will of Council and the will of Council is making this work now.

Councilor Clark stated she respectfully disagreed with Councilor Grant because the way we moved through it was with an illegal motion according to Mr. Crean so she doesn't think the current way is better than the cleanup proposal. She said the committee did a great job and she doesn't see this as a worsening but a clarification of a situation that is cumbersome.

Councilor Langer said this is not an improvement to the current system.

Councilor Henderson clarified that by replacing the word "council" with the word "mayor" how does that stream line the process. She said currently the process is advertising for board and commissions vacancies, the Chair of the Committee and staff liaison and Council liaison review applicants and make a choice and refer up to the Mayor and the Mayor agrees or disagrees with putting the nomination on the consent agenda for appointment.

Mr. Allen said he would agree that this does not steam line that process it codifies the portion of the process from the recommendation to the Mayor and whatever you do to get recommendations to the Mayor continues to be as it is today some mix of history, tradition and Council Rules.

Councilor Henderson stated that they add the subject to the consent agenda to be approved by the Council.

Mr. Allen said you could lay that process out in a map and say a portion of this process is covered in the Charter and you have not changed the process just moved the amount covered by the Charter one step further in the process.

Councilor Henderson said the difficulty is that sometimes that process is not mentioned in the Charter.

Councilor Clark said that does not negate cleaning up the process.

Tom Pessemier clarified that Mr. Allen in representing a committee that made recommendations to the Council for their consideration and Attorney Kabeiseman is here to answer questions. He said the deliberation process trips over into their time and said if you have questions relative to what they discussed as a committee or the crafting of the legislation now is the time. He reminded the Council that this is a public hearing.

Mayor Middleton opened the public hearing.

Dean Boswell, Sherwood resident came forward and referred to the coercion and said we elect officials and if a council member is using their position to influence he does not see any other way but to remove them. He said if they are not living up to what they promised as an elected official and reminded the

Council that they are elected official and the citizens trust you and if you break that trust we don't want you.

Anthony Bevel, Sherwood resident approached the Council and said there were previously three people nominated for a budget committee and referred to the politics and Walmart and said a number of people are thinking that Councilor Folsom made the motion to table those three citizen nominees from participating in this committee and how does that fit into this discussion. He asked who made the nomination and why were they tabled.

Mayor Middleton said that Councilor Folsom did not say no, she just wanted some questions answered and they are still being answered and once they are answered they have the option of bringing them back.

Mr. Bevel asked if this relates to the discussion and who nominated these three people and who approved them.

Councilor Langer said the Mayor did not talk to anyone and that is a good example.

Mayor Middleton said that is not exactly true, and Councilor Folsom asked for clarification much like he just saw nominations that he was not aware on the next agenda and he was not contacted. He said he takes faith in the committee.

Councilor Henderson referred to the process in the past of advertising for appointments, people apply and a committee which consists of the council liaison, the staff liaison and the Chair of the committee interview everyone that applies and they forward a recommendation for appointment to the Mayor. She said if appointments are on the agenda without the Mayor seeing them then that is a breakdown of the process because the recommendations always go to the Mayor and he as the opportunity to reach out to the nominees with questions. She referred to the budget committee example with Councilor Folsom and said initial interviews were in January and a member was appointed and those people were asked if they wanted their names to stay in the queue for future appointments. She said the other aspect of the process is that when somebody serves on a board or commission and then their tenure is up they are usually offered the opportunity to reapply with the whole applicant pool. She said some of the questions weren't apparent that it had been done and that is why Councilor Folsom asked staff to get back to the Council with those answers. She said that those appointments will be revisit at the August 19 meeting.

Mr. Bevel asked if they interview every candidate for committees. Mayor Middleton said yes. Mr. Bevel said he knows that is not true.

Councilor Henderson said that she is the Council liaison to the Library Board and they had nine people apply and they interviewed all nine people and said she can only speak for herself and said they are interviewing for the Cultural Arts Commission this week and she is assuming that everyone that applied will be interviewed.

Mr. Bevel challenged Councilor Henderson and said he applied for the Charter Review Committee and was never contacted or interviewed.

Councilor Henderson said that was an ad hoc committee that was formed and they did not interview anyone and said three members of the Council and staff made their choice because of the timeline and

the Mayor had his recommendations and they agreed with every appointment except for one and they negotiated. She said because of the time constraints they did not conduct interviews. She stated for a standing board she has always interviewed every applicant. She apologized that Mr. Bevel was not interviewed and asked if he has applied for a standing board. Mr. Bevel said no. She said for an ad hoc committee we were under time constraints and said they had 11 applicants.

Tom Pessemier said the same for the Special Committee which was an ad hoc committee and there were a lot of applicants.

Jennifer Harris, Sherwood resident came forward and said volunteer committees have no prerequisites and asked why they are interviewing them and what are you looking for. She said it may be better to have a lottery. She commented on the division of the Council and the City and said it will always be 2 against 5 and noted that anyone that is considered the other side will never get on a committee. She said she has interviewed for a committee and was not selected. She said maybe she was not qualified but there are no prerequisites for the committees. She suggested there is an issue there and she agrees with the committees ideas and said this is going to turn into the same thing as the Special Committee where they put in all this work to create things for voters and the Council turned them down because they were afraid of the answers. She said the Charter Review Committee was created to take things to voters and the voters should have a say. She said we are hurting our citizens by spending all of this time with committees to create things to go to voters to have the Council just turn them down because it does not benefit their agenda.

Patti Spreen, Sherwood resident approached the Council concerning the committees and the number of committees that have been put together over the past year addressing various issues and significant issues to many of the residents. She noted these were volunteer committees and her and her mother and a handful of people applied and never heard back and through word of mouth heard who was chosen. She recommended follow through to the residents that take the time to apply because there is no prerequisite besides being a resident and you have to care. She said there is no agenda and the whole game of politics is just that, politics. She said it is unfortunate for the community to always sway in one direction. She thanked Mr. Bevel and Ms. Harris for bringing to light that the folks that apply would like follow up and professionalism because she was expecting and looking forward to being interviewed.

With no further comments Mayor Middleton closed the public hearing. The following motion was stated.

MOTION: FROM COUNCILOR CLARK TO ADOPT RESOLUTION 2014-057 AS AMENDED, SECONDED BY MAYOR MIDDLETON. MOTION FAILED 2:3, (MAYOR MIDDLETON AND COUNCILOR CLARK VOTED IN FAVOR), (COUNCILORS HENDERSON, GRANT AND LANGER VOTED AGAINST.) (COUNCILORS FOLSOM AND BUTTERFIELD WERE ABSENT).

The following motion was stated.

MOTION: FROM COUNCILOR HENDERSON TO ADOPT THE AMENDED RESOLUTION 2014-057 TO APPROVE BALLOT TITLES AND EXPLANATORY STATEMENTS IN SUBMITTING PROPOSED CHARTER AMENDMENTS TO THE CITY VOTERS FOR BALLOTS TITLES AND EXPLANATORY STATEMENTS IN THE ATTACHED EXHIBITS BEING A,C,D,F AND G AND REMOVING B AND E AT THIS TIME, SECONDED BY COUNCILOR GRANT. MOTION PASSED 3:2, (COUNCILORS HENDERSON, GRANT AND LANGER VOTED IN FAVOR), (MAYOR MIDDLETON AND COUNCILOR CLARK VOTED AGAINST.) (COUNCILORS FOLSOM AND BUTTERFIELD WERE ABSENT).

Mayor Middleton addressed the next agenda item.

10. CITIZEN COMMENTS

With no citizens coming forward Mayor Middleton addressed the next agenda item.

11. CITY MANAGER REPORT

Assistant City Manager Tom Pessemier reported that the lights at the school are getting close to completion and asked Public Works Director Craig Sheldon to comment.

Mr. Sheldon said they were digging the holes today and will start installing the lights tomorrow and they are hoping to have the majority of the work done before school starts. He said everything was delivered yesterday.

Tom Pessemier commented on the sign code and noted the election season is upon us and said they have seen signs going up and it seems like everyone wants to follow the sign code and noted a few years ago there were significant changes to the sign code. He said the sign code is in Chapter 16.102 in the Municipal Code and said there is a lot of language there and they have put together a brochure regarding temporary and portable signs that is available. He said it may be beneficial to have an open house in the next week or two and repeating that in early September to let citizens know what is or is not allowed. He said enforcement is something that we take seriously and education is important for compliance.

Councilor Langer commented that there are quite a few signs around town that are out of code and asked about enforcement.

Tom Pessemier said they did a sweep today of signs that were in the right-of-ways and there still may be some that did not get picked up and they try to check around the beginning of every week after the weekend when signs are allowed in the right-of-ways. He said they will deal with the issues as they come up.

Councilor Langer asked about the large ones that are somewhat permanently affixed that are out of code.

Tom Pessemier said if they are in the right-of-way they are picked up and if they are on private property there is a process outlined in the code. He said there is an education process where they work with people to get them into compliance and if they won't there are processes of enforcement.

Councilor Henderson said citizens have asked her for clarification and she met with code enforcement a month ago to understand the sign code and it was her understanding that signs were not allowed in roundabouts because of the safety concern and asked if that is true.

Tom Pessemier read Chapter 16.102.040 5b of the code which reads, signs shall not create a traffic safety or maintenance problem and signs on roundabouts constitute a safety issue so have been determined to be not allowed.

Julia Hajduk said that is correct but may not be clear so through this informational meeting they can make sure that is updated in the brochure. She said people are not wanting to disobey the code is just shows where we need to provide additional information.

Tom Pessemier said that is a good example and that is why we want to educate citizens.

Councilor Henderson commented on the new round-about on Langer Parkway and said it is challenging for driving and signs would be a safety issue. She commented the enforcement must be consistent.

Mayor Middleton reminded Council that was past 9:30 pm and they have a URA Board Meeting immediately following this meeting.

12. COUNCIL ANNOUNCEMENTS

Councilor Grant clarified his vote and commented on the divide and stated there are two ways for things to get on the ballot and one way if for Council to recommend and the other is citizen initiatives. He said both ways are adequate and once things get on the ballot comments will be made and voters expect Council to be putting things forward that are good and Council is recommending something for the citizens. He said there is a lot of true, false or conflicting information during elections and citizens expect that the people they vote on Council are recommending something that is good and something that should be approved. He stated it would be contradictory for the Council to put something on the ballot that would be bad for the City and that is what initiatives are for. He commented on a rogue Council and said that is what recalls, initiatives and future election are for. He said people depend on Council to wade through the garbage and make recommendations of what it good for the town and that is why he voted the way he did. He said he can recommend and stand behind the five ballot titles that he voted for. He said it is not rational and would be confusing to put something before the voters that a majority of the Council did not recommend.

Councilor Langer said he agrees with Councilor Grant. Councilor Langer provided the Chamber of Commerce updates and said the next Chamber Breakfast will be on Tuesday August 12 at 7:15 am at the Sherwood High School commons. He stated the Chamber golf tournament in Thursday September 18 at Meriwether Golf Club. He announced that Starbucks opened today at noon with the drive thru at Parkway Village. He said Walmart's Grand Opening is August 13 at 7:30 am. He said the YMCA had a successful pool dual event that raised a lot of money for their annual campaign. He noted the blueberry picking at Our Table Coop raised over \$600 for the teens. He said the annual triathlon and barbeque in collaboration with the Charter School is August 16 at 10 am and the barbeque goes from 11 to 1 pm. He said the annual pool maintenance is scheduled for August 30 – September 14. He stated the YMCA is developing a new program that will be released soon. He asked about the status of the Police Advisory Board and said he would like an update.

Councilor Clark thanked everyone for participating in the Relay for Life and commented on the event and announced the top participants: Carol Apple raised \$2216 and Cindy Francois raised \$2194.55. She announced the top teams: A Walking Miracle raised \$6714.91 and Run for Remission raised \$5473.05. She thanked the City of Sherwood team leader Sherryl Childers and Julie Blums. She said she will announce in the next meeting the total raised. She commented on the Robin Hood Festival and congratulated Pat Allen and all of the volunteers. She commented on the YMCA triathlon and encouraged everyone to attend the event and said it was a great family event. She said the all-star event is a 100 yard swim, 5 mile bike and a 2 mile run and the Rookie is a 50 yard swim, 2 mile bike and ½ mile run and is

followed by a barbeque. She said the next Main Street meeting is August 21 at 4 pm. She said SURPAC will resume meeting. She stated August 16 is the Football Car Wash and tickets are available from youth players.

Council President Henderson said effective July 1 there is an 8% increase in the Clean Water Services bill and said the City has no control over those rate increases and they are an entity that serves our community. She said the City has not raised water rates and is not planning on raising the rates. She said to contact CWS about the increase. She announced the success of Les Miserables with three performances and thanked those who attended and the volunteers and Public Works Department. She congratulated Kristen Switzer for being asked to serve on a USDA panel and the motivation is that it could lead to grants for our Saturday Market to help with financial stability. She asked to have the Police Advisory Board back on the agenda for the August 19 meeting and asked if we could have the new Police Foundation which is a newly formed 501 foundation to come a make a presentation and it is her understanding that they are interested in funding some of the Youth Substance Abuse task force programs for drug education as well as drug prevention.

Councilor Langer asked if that was a motion and what will it take to get that on the agenda.

Mr. Crean said a Council member may request to the City Manager that an item be placed on the agenda and the City Manager will place the item on the agenda forecast for the Mayor and Council President to review.

Tom Pessemier said he would put the items on the agenda forecast.

Mayor Middleton thanked Pat Allen for all his work on the Charter Review Committee.

13. ADJOURN TO URA BOARD MEETING

Mayor Middleton adjourned the meeting at 9:52 pm.

Submitted by:

Sylvia Murphy, MMC, City Recorder

Bill Middleton, Mayor

TO: Sherwood City Council

FROM: Jeff Groth, Police Chief
Through: Joseph Gall, ICMA-CM, City Manager and Paul Elsner, City Attorney

SUBJECT: Resolution 2014-058 authorizing the City Manager to sign a successor Intergovernmental Agreement (IGA) with Washington County Law Enforcement for the purposes of maintaining participation with inter-agency teams

Issue:

Should the City Council authorize the City Manager to sign a successor Intergovernmental Agreement (IGA) with Washington County Law Enforcement for the purposes of continued participation with inter-agency teams?

Background:

There are several inter-agency teams that operate under a current IGA between the law enforcement agencies in Washington County. The existing IGA has been in place for several years, but needed to be updated since there are several new agency leads.

Financial Impacts:

No additional budgeted funds will be required.

Recommendation:

Staff respectfully requests City Council adoption of Resolution 2014-058 authorizing the City Manager to sign a successor Intergovernmental Agreement (IGA) with Washington County Law Enforcement for the purposes of maintaining participation with inter-agency teams.



RESOLUTION 2014-058

AUTHORIZING THE CITY MANAGER TO SIGN A SUCCESSOR INTERGOVERNMENTAL AGREEMENT (IGA) WITH WASHINGTON COUNTY LAW ENFORCEMENT FOR THE PURPOSES OF MAINTAINING PARTICIPATION WITH INTER-AGENCY TEAMS

WHEREAS, the duly elected governing body of the City of Sherwood, Oregon, having been presented with information about the need for continuing participation with Washington County law enforcement inter-agency teams; and

WHEREAS, there exists a current and long standing intergovernmental agreement (IGA) between the City of Sherwood and Washington County law enforcement that enables participation with inter-agency teams that has been updated and needs to be renewed; and

WHEREAS, the Sherwood City Council recognizes the value of participation with inter-agency teams in Washington County and authorizes the City Manager to sign a successor IGA with Washington County law enforcement for ongoing and continued participation with inter-agency teams.

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

Section 1. The City Manager is authorized to sign the IGA, attached as Exhibit A, with the Washington County law enforcement.

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

Duly passed by the City Council this 19th day of August 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

WASHINGTON COUNTY MASTER INTERAGENCY TEAMS INTERGOVERNMENTAL AGREEMENT

This Master Interagency Teams Agreement (Agreement) is entered into by and between the undersigned parties to provide for establishment and support of all local interagency teams as permitted by ORS 190.110 which provides that a unit of local government may enter into a written agreement with any other unit of local government for the performance of any or all functions and activities that a party to the agreement has the authority to perform.

It is the intent of this Master Interagency Agreement to be subservient to individual department pursuit policies. Under no circumstance will this agreement replace the individual department pursuit policy.

Therefore, for and in consideration of the following, the parties agree as follows:

1. **EFFECTIVE DATE AND DURATION.** This Agreement commences and takes effect when signed by two or more parties and remains in effect thereafter until amended or terminated by the parties consistent with this Agreement. The Law Enforcement Council (LEC) will review this Agreement in January of even-numbered years and make recommendation(s) as to its revision or modification to their respective governing bodies if they determine that is needed.
2. **PURPOSE AND FUNCTION.** This Agreement provides for the cooperation and coordination of all local Interagency Teams. Each governing body of a participating jurisdiction agrees to delegate the authority to execute Interagency Team Agreements to the chief law enforcement officer of the jurisdiction provided that all Interagency Team Agreements entered into by the chief law enforcement officer contain the exact language of the contract template as set forth in paragraph four below.
3. **DEFINITIONS.**
 - 3.1 **Interagency Team.** Two or more agencies assign personnel on a full-time, part-time or an on-call or collateral assignment basis to a special unit.
 - 3.1.1. Full time Interagency Teams have a narrowly focused primary mission and have member's assigned full-time (minimum of 40 hours per week) to the team. Some full-time Interagency Teams may have members assigned less than full-time (less than 40 hours per week) or for a limited duration (temporary assignments to enhance professional career of member). Full-time Interagency Teams shall be subject to additional requirements as defined in 4.2 and 4.3.
 - 3.1.2. On-call or collateral assignment Interagency Teams also have a narrowly focused mission; however, member's primary mission is something other than that of the team (Patrol, Detectives, Jail). On-call Interagency Teams are typically activated for limited duration specific missions. These Interagency Teams are not subject to sections 4.2 and 4.3.
 - 3.2 **Police Officer.** Police Officer as used in this Agreement is a police officer commissioned by the State of Oregon or a police officer commissioned by a public agency or unit of local government of the State of Oregon to enforce the criminal laws of Oregon and included in the definitions contained or employed in ORS 181.610 and ORS 190.472, as now enacted or hereafter amended.

- 3.3 Team Administrator or Team Commander. The participating agency which has volunteered to be responsible for primary county wide operational command of the particular Interagency Team shall designate (an exception to this rule is defined in 4.2) a Team Administrator. The Team Administrator must be a command ranking executive from that participating agency. The Team Administrator shall collaborate with participating agencies to develop and recruit team members and will coordinate with those agencies as to r appointment and removal of members to the respective interagency team (exceptions to this are defined in 4.2). The Team Administrator shall communicate with each participating agency the skill set, criteria and testing process to be used in applicant screenings for the Interagency Team.
 - 3.4 Team Supervisor or Team Leader. The Team Supervisor has primary supervisory duties of interagency team members' daily on-duty activities. The minimum rank qualification for this position is sergeant with specific management duties described in section 4.5.1 through 4.5.2.E.
 - 3.5 Team Member. A Team Member is a police officer as defined in 3.2, participating on an Interagency Team as described in 3.1.1 or 3.1.2 above.
 - 3.6 User Board. The User Board is made up of the chief law enforcement administrators of each law enforcement entity as further described in section 4.2.
 - 3.7 Governing Body. The Washington County Board of County Commissioners or a City Council for each participating city.
4. REQUIREMENTS FOR TEAM AGREEMENTS.
- The authority to enter into and maintain Interagency Team Agreements for full-time Interagency Teams (as defined in 3.1.1) is delegated to the chief law enforcement officer of each affected jurisdiction (Chief of Police or Sheriff) provided that all such Interagency Team Agreements shall contain the language found in sections 4.1 through 4.20 below, which shall neither be amended nor modified without a formal unanimous approval of the governing body of all participating jurisdictions, and further, no other substantive contract language may be added without the same protocol. The only language which may be added are provisions addressing the purposes, functions, procedures and role of the affected Interagency Team. The chief law enforcement officer of the jurisdiction may enter Interagency Team Agreements for on-call or collateral assignment teams (as defined in 3.1.2).
- 4.1 COOPERATION. Each participating agency agrees to provide all reasonable assistance and resources to and with other participating agencies in implementing the purposes of the Agreement.
 - 4.2 USER BOARD. If three or more agencies are participating on a full-time Interagency Team, and at the recommendation of the LEC, a User Board will be formed. The User Board will consist of the chief law enforcement administrator of each participating agency or designee having executive command authority. The User Board shall coordinate operational procedures and administrative guidelines for the Team and Team Administrator and review the overall implementation thereof. The User Board recommendations are not binding on the participating agencies but the agencies agree to use good faith efforts to develop operational procedures. The User Board shall elect a User Board Chair (as defined in section 4.3) and appoint a Team Administrator. The Team Administrator and User Board shall collaborate to recruit and appoint Team Supervisor(s).

- 4.3 **USER BOARD CHAIR.** The Chair of a User Board will serve a term of one calendar year (January 1 to December 31) and their appointment will be by majority vote of the participants. The vote shall take place in November of the calendar year preceding their service as Chair. The Chair must be one of the chief law enforcement officers or designees members from the User Board. The User Board will meet at least quarterly and at any time upon written request of a participating agency. Each member of the User Board shall have an equal voice in the conduct of business. No quorum is required to conduct User Board business, and a majority of the members present can take action on any User Board issue.
- 4.4 **TEAM ADMINISTRATOR.** Interagency Team Administrators will have the following responsibilities:
- 4.4.1. Exercise management rights with regard to appointment, term limits and removal of members from the Team;
 - 4.4.2. Attend User Board Meetings, participate in User Board discussions and report on team activities and management functions;
 - 4.4.2. Establishment of operational guidelines consistent with the policies and procedures for each participating agency;
 - 4.4.3. Establish team activities and operations;
 - 4.4.4. Evaluate team activities and supervise members;
 - 4.4.5. Long range planning, preparation of budget recommendations and allocation of budgeted resources to meet members, equipment, and team activities needs; and
 - 4.4.6. Reporting to the User Board on team activities and management functions as outlined in this section
- 4.5 **TEAM SUPERVISOR.** Supervisory responsibilities for the Team Supervisor will be outlined in the Interagency Team's operational guidelines which will include (at a minimum) the following:
- 4.5.1. Plan and manage operational activities of the Team;
 - 4.5.2. Direct team day-to-day activities including:
 - 4.5.2.A. Assignment of investigations and other tasks to team members;
 - 4.5.2.B. Scheduling members for team activities, including those which may result in overtime eligibility under applicable member rules and collective bargaining agreements;
 - 4.5.2.C. Review and approval of investigative reports;
 - 4.5.2.D. Review of personnel performance and making recommendations/observations concerning supervisory issues to appropriate participating agency supervisory and command staff;
 - 4.5.2.E. Serve as a liaison with other law enforcement agencies;
 - 4.5.2.F. Present quarterly reports to the User Board on team activities; and
 - 4.5.2.G. Present bi-annual reports to the LEC on team activities
- 4.6 **TEAM MEMBERS.** Team members remain subject to the internal policies and procedures of their respective agencies for all matters not directly related to team performance and activities.
- 4.7 **SUPERVISION OF TEAM MEMBERS.** Team Members shall be supervised by the Team Supervisor while engaging in team activities and the team member will also have an agency supervisor at the team member's agency.
- 4.8 **RECRUITMENT TO INTERAGENCY TEAM.** Each participating agency and the Team Administrator are responsible for the recruitment process. The recruitment process used by participating agencies must comply with criteria set by the Team

Administrator and participating agencies (i.e., requirements for minimum certification, term limits, years' experience, performance evaluations, etc.).

- 4.9 DISCIPLINE. The Team Supervisor will contact a team member's agency supervisor regarding discipline and performance issues and the team member's agency supervisor will handle performance or discipline consistent with that agency's policies and standards.
- 4.10 WAGES AND BENEFITS. All personnel costs, including wages and benefits, and incidental items of personal equipment will be the responsibility of each participating agency assigning a person to the team.
- 4.11 EQUIPMENT. Any participating agencies may assign to its participating team Member(s)' capital equipment for such times and under such restrictions as it deems appropriate. Such equipment shall not be considered a team asset but remain an asset of the contributing agency. Each agency will be responsible for the maintenance and repair or replacement of their equipment assigned to the team member(s).
- 4.12 FUNDING. Team operations will incur certain operating expenses including but not limited to training, training site rentals, office space rental, supplies and consumables and informant compensation.

The Team Administrator shall annually, at a time consistent with requirements of the various parties' respective budgetary processes, confer and recommend to each agency's chief law enforcement officer a projected share of the operational expense for the ensuing fiscal year. The respective share shall be determined by the actual operating expense of the respective team member(s) on the team.

- 4.13 BUDGET. The Team Administrator shall create an operating budget for the Interagency Team.

Notwithstanding any other provision of this Agreement, all budget recommendations submitted must be first approved by the Finance Department of the jurisdiction and comply with all rules and procedures of the local budget process.

- 4.14 FISCAL AGENT. The Washington County Finance Department will serve as Fiscal Agent for the purpose of this Agreement if Washington County is a signatory to an interagency team unless the User Board (if required by this agreement) or Team Administrator affirmatively decides the Finance Department of another participating jurisdiction is to serve as Fiscal Agent. The Finance Department of any participating jurisdiction serving as a Fiscal Agent must handle all team financial affairs in accordance with generally accepted accounting principles for government agencies.
- 4.15 REVENUES. Any revenues generated by the interagency team shall be maintained in a separate account in accordance with generally accepted accounting principles for government agencies (as per section 4.15) with spending authority will be the responsibility of the User Board.
- 4.16 ANNUAL FISCAL INTERNAL REVIEW. The Team Administrator will ensure an annual audit is conducted of equipment and expenditures including confidential funds and the record keeping of the team and assure expenditures are in accordance with legal and contractual obligations, and also that receipts and

disbursements are documented and accounted for in accordance with generally acceptable accounting practices for government agencies. The results of the audit will be presented to the User Board or the law enforcement executives with participating members for review upon its completion. Costs of the fiscal internal review will be the responsibility of the Fiscal Agent (as per section 4.15).

4.17 INDEMNITY. Each party shall be independently and severally liable for the acts, errors and omissions of its employees and officers, and there shall be no right of indemnity between the parties but they shall be entitled to assert rights to contribution under ORS 18.242.

4.18 TERMINATION. Any agency may terminate participation from any Interagency Team by providing 30 days prior written notice to the other parties.

5. INTERAGENCY TEAMS – PROCEDURE

The chief law enforcement officer of a jurisdiction wishing to create a full time or an on-call collateral assignment Interagency Team shall present the proposal at the Law Enforcement Council (LEC). If other chief law enforcement executive officers agree to create the team, an agreement shall be drafted incorporating the required provisions and definitions of this Agreement therein as well as specific provisions setting out the purposes, functions, procedure and role of the proposed team. The agreement shall be circulated to the interested jurisdictions for review by the chief law enforcement officer and legal counsel. If acceptable, the chief law enforcement officer shall sign the agreement in multiple parts and forward to the other interested jurisdictions.

6. ADDITIONAL PARTIES

Any Oregon or Federal law enforcement agency, not a party to this Agreement when it first becomes effective, may become a party thereto by signing the Agreement with the authority of its governing body and approval of the current User Board. Upon the signing of the Agreement by the additional party, the Agreement becomes binding among all the parties that have signed.

7. TERMINATION, SUSPENSION, OR WITHDRAWAL FROM AGREEMENT

Upon mutual consent of all the parties, this Agreement may be amended or terminated at any time. Any party may withdraw from this Agreement upon providing 30 days prior written notice to the other participating agencies.

8. WAIVER

The failure of any party to enforce a provision of this Agreement shall not constitute a waiver of the entire Agreement or any other provision contained within.

9. CAPTIONS

Captions and headings used in this Agreement are inserted for convenience of reference only and are not intended to affect the interpretation or construction of the Agreement.

10. PARTIAL INVALIDITY

Whenever possible, each provision of this Agreement shall be interpreted in such a way as to be effective and valid under applicable law. If any provision of this Agreement is adjudged invalid, such adjudication shall not affect the remaining provisions, terms or requirements of this Agreement.

11. AMENDMENTS

Only written instruments authorized by the governing body of each participating jurisdiction may amend or otherwise alter this Agreement.

12. SIGNATORY AUTHORITY TO ENTER INTO AGREEMENT

Each person signing this Agreement hereby represents to all other signatories that they are duly authorized by their unit of local government to enter into the Agreement.

IN WITNESS WHEREOF the parties by the signatures of their authorized representatives have executed this Agreement effective on the date show below each signature.

City of Beaverton

City of Cornelius

Signature

Signature

Printed Name

Printed Name

Title

Title

Date

Date

City of Forest Grove

Signature

Printed Name

Title

Date

City of Hillsboro

Signature

Printed Name

Title

Date

City of King City

Signature

Printed Name

Title

Date

City of Tualatin

Signature

Printed Name

Title

Date

City of North Plains

Signature

Printed Name

Title

Date

City of Sherwood

Signature

Printed Name

Title

Date

City of Tigard

Signature

Printed Name

Title

Date

Washington County

Signature

Printed Name

Title

Date

TO: Sherwood City Council

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

SUBJECT: **Resolution 2014-059 authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) with Metro regarding funding to help implement the Southwest Corridor Shared Investment Strategy**

Issue:

Shall the Council authorize the City Manager to enter into an Intergovernmental Agreement (IGA) with Metro to formalize our commitment to provide funds to support the Southwest (SW) Corridor project?

Background:

The City has been working with Metro, Washington County, Tri-met, Oregon Department of Transportation, and the cities of Portland, Tigard, Tualatin, Beaverton, Durham and Lake Oswego for several years on the SW Corridor project. The SW Corridor Steering Committee adopted a shared investment strategy which identified a need for enhanced local transit service, further study of high capacity transit between Portland, Tigard and Tualatin, over 60 roadway and active transportation projects, over 4000 parks and natural resource projects and a toolkit of policies and incentives to support local land use visions. Metro and the partner jurisdictions are starting work on implementation of the Shared Investment Strategy, which requires further analysis and outreach. Metro has identified an overall project cost to complete this Phase 2 work and has asked jurisdictions to contribute funds to assist in the work. Sherwood's anticipated contribution is \$20,000 spread over a two year period (\$10,000 this year and \$10,000 next year). The amount of contribution requested is related to the direct benefit provided by the Phase 2 work, the population and jurisdictional resources. Sherwood's share represents approximately 3% of the overall contributions.

Financial Impacts:

The City of Sherwood was asked to contribute \$10,000 this year and is expected to be requested to contribute the same amount next year. The adopted FY14-15 budget included \$10,000 for the contribution this year. Any additional contributions requested would need to be discussed and budgeted by the Council at that time.

Recommendation:

Staff respectfully requests City Council adoption of Resolution 2014-059 authorizing the City to enter into an Intergovernmental Agreement (IGA) with Metro regarding funding to help implement the Southwest Corridor shared investment strategy.



RESOLUTION 2014-059

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH METRO REGARDING FUNDING TO HELP IMPLEMENT THE SOUTHWEST CORRIDOR SHARED INVESTMENT STRATEGY

WHEREAS, the City of Sherwood along with Metro, Tri-Met, ODOT, the cities of Portland, Lake Oswego, Durham, Beaverton, Tigard and Tualatin partnered to develop the Southwest Corridor Plan; and

WHEREAS, this partnership was formalized in the SW Corridor Steering Committee charter, signed by all agencies in 2011; and

WHEREAS, the Southwest Corridor Steering Committee completed Phase 1 by adopting the Shared Investment Strategy in June 2013; and

WHEREAS, since the adoption of the Shared Investment Strategy, the partners have been working to refine the high capacity transit (HCT) options in preparation for Phase 2; and

WHEREAS, Phase 2 will refine the projects and strategies identified in Phase 1 further, particularly high capacity transit, prior to commencing analysis of the environmental impacts of the Southwest Corridor Plan; and

WHEREAS, while it has been determined that HCT will not be brought to Sherwood as part of this project, access for Sherwood residents to HCT is a continuing interest and concern to the City which will be addressed through implementation of the Shared Investment Strategy; and

WHEREAS, recognizing the importance of implementing the Shared Investment Strategy, all partners, including Sherwood, have been asked to provide a financial contribution towards the Phase 2 work. The amount of the contribution is related to the direct benefit provided by the Phase 2 work, the population of Sherwood, and its jurisdictional resources; and

WHEREAS, Sherwood has been requested to contribute \$10,000 this fiscal year and this amount was included in the adopted budget; and

WHEREAS, an intergovernmental agreement (IGA) has been developed to document each party's understanding of the services to be performed and the obligations of each party during Phase 2.

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

Section 1. The Sherwood City Council hereby authorizes the City Manager to sign the IGA, attached as Exhibit 1.

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

Duly passed by the City Council this 19th day of August 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

**INTERGOVERNMENTAL AGREEMENT
TRANSPORTATION PROJECT FUNDING AGREEMENT**

This Intergovernmental Agreement (“Agreement”) is made and entered into by and between the City of Sherwood, Oregon (“Sherwood”) and Metro, effective as of the date of last signature below.

RECITALS

- A. Sherwood is a jurisdiction organized under the laws of the State of Oregon.
- B. Metro is an Oregon metropolitan service district organized under the laws of the State of Oregon and the Metro Charter.
- C. The “Southwest Corridor” is a transportation corridor located between downtown Portland and Sherwood. Metro and its regional partners, including TriMet, have initiated a comprehensive land use and transportation planning study to create a plan that will identify and prioritize public investments in the Southwest Corridor (the “Southwest Corridor Plan” or “Plan”).
- D. The Southwest Corridor Plan is advancing in two phases. The first phase of the Plan is complete and resulted in the creation of the Southwest Corridor Shared Investment Strategy (the “Shared Investment Strategy”) endorsed by the Southwest Corridor Plan Steering Committee (“Steering Committee”).
- E. The Shared Investment Strategy identifies a need for enhanced local transit service, further study of high capacity transit (“HCT”) from Portland to Tualatin via Tigard, over 60 roadway and active transportation projects that support the transit and the land use vision endorsed by the Steering Committee (the “Land Use Vision”), over 400 parks and natural resource projects that support the Land Use Vision, and a toolkit of policies and incentives to support development characteristic of the Land Use Vision.
- F. During the second phase of the Southwest Corridor planning process (“Phase 2”), Metro will refine the projects and strategies identified in Phase 1, including the HCT element of the Shared Investment Strategy, which require refinement prior to commencing analysis of the environmental impacts of the Southwest Corridor Plan.
- G. Sherwood and Metro collaborated on Phase 1 of the Plan, as agreed in the Southwest Corridor Plan Charter adopted by the Steering Committee in December 2011 and endorsed by project partner jurisdictions. Now, Sherwood and Metro, along with the other partners on the SW Corridor Project desire to continue working together during Phase 2.
- H. Recognizing the importance of implementing the Shared Investment Strategy, all partners, including Sherwood, have been asked to provide a financial contribution

towards the Phase 2 work. The amount of the contribution is related to the direct benefit provided by the Phase 2 work, the population of Sherwood, and its jurisdictional resources.

- I. The parties are entering into this Agreement to document each party's understanding as to the services to be performed and obligations of each party during Phase 2.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

1. **FUNDS TO METRO.** Recognizing the importance of implementing the Southwest Corridor Shared Investment Strategy by further study, Sherwood shall pay Metro \$10,000. It is understood that this contribution is to study projects necessary to move the Shared Investment Strategy forward, including funding of a Draft Environmental Impact Statement. It is also understood that the City will likely be asked for an additional \$10,000 contribution on July 1, 2015 to complete the project. Within thirty (30) days of receipt of an invoice, Sherwood shall submit payment to Metro by check, or by wire transfer, pursuant to the instructions below. Metro will send an invoice 30 days after this Agreement is signed .

US Bank
Routing # 123000220
Metro General Account #153 695 167 277
**Notify Calvin Smith at 505-797-1612 by 12 p.m.
on the day prior to the wire**

2. Metro shall apply the funds, and all earnings on the funds while they are held by Metro, to pay for costs directly associated with the Phase 2 work including a focused refinement period, development of the Draft Environmental Impact Statement and of a Locally Preferred Alternative. Any funds and earnings that are not so applied shall be promptly returned to Sherwood.
3. Termination
 - a) This Agreement may be terminated by mutual written consent of both parties. If this Agreement is terminated while Metro holds any unexpended and unobligated SW Corridor Proceeds or earnings, Metro shall pay those proceeds and earnings to Sherwood promptly after termination and those proceeds and earnings shall be reallocated. Any termination of this Agreement shall not prejudice any rights or obligations

accrued to the parties prior to termination. If not earlier terminated, this Agreement shall terminate when Metro has completed the work to define a Locally Preferred Alternative.

b) If the Southwest Corridor Project is terminated while Metro holds any unexpended and unobligated SW Corridor funds or earnings, Metro shall pay the proportionate share of those proceeds and earnings to Sherwood promptly after termination and those proceeds and earnings shall be reallocated.

5. This Agreement constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change or terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent modification or change, if made shall be effective only in the specific instance and for the specific purpose given.

IN WITNESS WHEREOF, the parties have agreed to the terms and conditions of this Agreement.

SHERWOOD

METRO

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

Approved as form:

Approved as to form:

TO: Sherwood City Council

FROM: Jeff Groth, Police Chief
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Ordinance 2014-015 amending Sherwood Municipal Code Chapter 2 creating and establishing the Sherwood Police Advisory Board

Issue:

Should the City Council establish a Police Advisory Board? The Board would be created for the purpose of assisting the Sherwood Police Department establish priorities for the delivery of police services, including the types, levels and quality of service, the department's strategic plan & goals, recommended strategies for the future and a Public Policy on Policing. The Advisory Board is expected to make service and funding recommendations to the City Council.

Background:

On February 9, 2013 during a Council work session/retreat, the City Council was first presented with the concept of a Police Advisory board or commission. Then again on January 21, 2014, the City Council again discussed the concept and provided agreement to the concept. On July 15, 2014 during a Council work session, the City Council was presented with an actual proposal and framework for the Police Advisory Board.

Police Advisory Boards or similar types of commissions and panels are commonplace in the region and serve a valuable purpose to the police departments and City's they serve. The creation of the Police Advisory Board would provide yet another valuable opportunity for citizen involvement and input, and would be a valuable tool of feedback for the Police Department and Chief.

Financial Impacts:

There are no additional budgetary funds that would be needed for the Police Advisory Board. Rather, current budgeted funds and staff time would be able to support the work of the Board.

Recommendation:

Staff respectfully requests City Council adoption of Ordinance 2014-015 amending Chapter 2 of the Municipal Code creating and establishing the Sherwood Police Advisory Board.



ORDINANCE 2014-015

AMENDING CHAPTER 2 OF THE MUNICIPAL CODE CREATING AND ESTABLISHING THE SHERWOOD POLICE ADVISORY BOARD

WHEREAS, the duly elected governing body of the City of Sherwood, Oregon, having been presented with information about the value of a Police Advisory Board; and

WHEREAS, the City Council recognizes that the Police Advisory Board would provide another opportunity for citizen involvement and input, and would be a valuable source of feedback for the Police Chief and police department; and

WHEREAS, Police Advisory Boards, or similar types of boards or commissions are commonplace in the region and serve a valuable purpose to the police departments and communities they serve; and

NOW THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Sherwood Municipal Code Chapter 2 is hereby amended creating subsection Chapter 2.10 Police Advisory Board. The code language is attached as Exhibit A.

Section 2. A Police Advisory Board is hereby created for the purpose of assisting the police department establish priorities for the delivery of police services, including the types and levels of service, the department's strategic plan and goals, recommended strategies for the future, a public policy on policing and establishing and maintaining coordinated and cooperative working relationships between the police department and community.

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

Section 4. This ordinance will be effective 30 days after its adoption.

Duly passed by the City Council this 19th day of August 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

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

EXHIBIT A

Police Advisory Board

2.10.010 Board Established.

- A. A police advisory board, hereinafter referred to as the "board," is established for the purposes of assisting the police department establish priorities for the delivery of police services, including types, levels and quality of police services, the police department's strategic plan & goal, recommended strategies for the future and a public policy on policing.
- B. The board and its members must be impartial and unbiased. The City Council encourages the board to seek opportunities to educate the community about police work and the purpose of law enforcement.

2.10.020 Membership.

- A. The board members shall be appointed by the Mayor with consent of the City Council by resolution and shall have nine (9) members consisting of:
 - 1. Three (3) Sherwood residents
 - 2. Two (2) business owners or representatives
 - 3. One (1) representative from the Sherwood faith community
 - 4. One (1) representative from the Sherwood Police Foundation
 - 5. One (1) representative of the youth community
 - 6. One (1) representative from the Sherwood School District
- B. The Mayor shall appoint one Council member to serve as Council liaison. The Council liaison is a non-voting member.

2.10.030 Terms of office.

- A. Term of office shall be for a three (3) year term. No more than two (2) consecutive terms can be served by any one member, unless the member has had at least one (1) year off. All board members are expected to attend the full committee meetings and actively solicit input and provide information on police issues with their constituencies.
- B. All board members serve at the pleasure of the City Council. A member may be removed by the Council when the appointee has three (3) or more consecutive, unexcused absences from the committee meetings in any consecutive twelve month period or a majority of the Council deems removal to be appropriate.

2.16.040 Rules of order.

- A. At its first meeting, the board shall elect a chairperson and vice chairperson and other officers deemed necessary for the effective conduct of board business. The board is expected to hold

regularly scheduled monthly meetings. Membership shall be given reasonable advance notice of each meeting. Meetings shall be open to the general public.

- B. A quorum for conducting business is a simple majority of the board membership.
- C. Meeting agendas shall be set by the chairperson and vice chairperson with input from board members and police department staff.
- D. During meetings, the board shall operate by consensus, where consensus means agreement by the entire board present at the meeting. In the event consensus cannot be reached, decision shall be made by majority vote.
- E. Minutes of all board meetings shall be kept on file and shall include date, time, participants, agenda, actions taken and time of adjournment.
- F. At the first meeting in January officers shall be elected by nomination and majority vote of board members and shall serve a maximum two (2) year in any one position. In the event of an officer's resignation or removal, the board shall elect a replacement. Newly elected officers shall assume their duties at the next scheduled meeting.

2.10.050 Staff Assistance.

The Chief of Police or their designee shall be the staff liaison and is a non-voting member.

2.10.060 Duties and Responsibilities

- A. Duties of the chairperson are to call meetings, plan agendas, chair the meetings and generally oversee the activities of the board. The chairperson may appoint members to represent the board before any public agency and also appoint special committees. The chairperson shall be the primary contact person for, and liaison with the police department, the media and other organizations.
- B. The board shall provide the City Council with an annual report of its activities and presentations to City Council as requested.
- C. The board is a component of the Sherwood community, with the goal of promoting public safety. The board is expected to establish and maintain coordinated and cooperative working relationships between residents, the business community, faith community, youth population, schools, other agencies and the Sherwood Police Department.
- D. The board will invite and encourage public input regarding the above and is expected to advise the Chief of Police on the above matters and make recommendations to the City Council when appropriate.

TO: Sherwood City Council

FROM: Craig Christensen PE, Engineering Associate II

Through: Bob Galati PE, City Engineer, Julia Hajduk, Community Development Director, and Joseph Gall, ICMA-CM, City Manager

SUBJECT: Ordinance 2014-016 approving the relinquishment of an existing easement for slopes, water, gas, electric, and communication service lines, fixtures and facilities

Issue:

Should the City relinquish the public's interest in a segment of an existing easement for slopes, water, gas, electric, and communication service lines, fixtures and facilities located adjacent to and north of the northern right-of-way line of SW Meinecke Parkway northwest of Highway 99 and north of SW Cedar Brook Way?

Background:

This ordinance is being submitted in preparation for the proposed Cedar Brook PUD development project. The existing easement is wider than necessary and encroaches into the proposed building pads for the Cedar Brook PUD development. Under this proposed relinquishment, the developer will dedicate a new 8-foot wide Public Utility Easement (PUE) adjacent to and north of the northern right-of-way line of SW Meinecke Parkway in the location of the existing easement.

The applicant has obtained written sign-off for the relinquishment from the adjacent neighbor and has contacted utility companies and determined that existing franchise utilities are either located within the right-of-way or within the location of the proposed 8-foot wide PUE along the subject property.

Upon relinquishment of this easement, the rights to this easement will revert back to the Oregon Department of Transportation (ODOT). The applicant will then work with ODOT for the vacating of the easement.

Relinquishment of this easement will not have an adverse effect on any adjacent property values, whereas redevelopment of this land may actually increase the property value of adjacent properties.

Financial Impacts:

There are no future costs to the City associated with relinquishment of this easement. Relinquishment of the easement comprises the release of the public's interest in the easement which will be replaced by a new narrower easement. Relinquishment of this easement will add unencumbered property in private ownership and thereby add to the taxable land base.

Recommendation:

City staff recommends that the City Council adopt Ordinance 2014-016, approving the relinquishment of an existing easement for slopes, water, gas, electric, and communication service lines, fixtures and facilities, relinquishing the easement shown in the attached Exhibit "A" and replacing it with a new 8-foot wide Public Utility Easement shown and described in Exhibits "B" and "C".



ORDINANCE 2014-016

APPROVING THE RELINQUISHMENT OF AN EXISTING EASEMENT FOR SLOPES, WATER, GAS, ELECTRIC, AND COMMUNICATION SERVICE LINES, FIXTURES AND FACILITIES

WHEREAS, the City of Sherwood will relinquish its rights to an existing variable width easement for slopes, water, gas, electric, and communication service lines, fixtures and facilities which was recorded as part of the SW Meinecke Parkway/Highway 99 improvements (Document No. 2002-21557, Washington County Records); and

WHEREAS, the document relinquishing the City of Sherwood's right to the existing easement will be recorded with Washington County; and

WHEREAS, the rights to the relinquished easement will go back to the Oregon Department of Transportation; and

WHEREAS, a new 8-foot wide Public Utility Easement (PUE) will be dedicated to the City of Sherwood along the subject property frontage adjacent to and north of the northern right-of-way of SW Meinecke Parkway and recorded with Washington County concurrently with the document relinquishing the existing easement; and

WHEREAS, relinquishing the existing easement and replacing it with a new 8-foot wide PUE will not be detrimental to the purpose of the easement and will minimize impact to the development of the subject property; and

WHEREAS, the City's Public Works and Engineering Departments have reviewed and agreed with the Developer's request for relinquishment of the easement area as shown on the attached Exhibit "A" for replacement with an 8-foot wide Public Utility Easement shown and described in Exhibit "B" (survey map) and Exhibit "C" (legal description); and

WHEREAS, the City has posted notices of the vacation request at two locations on the subject property, and published notice in The Times (July 31 and August 7, 2014 Editions) all in accordance with ORS 271.110 et seq.; and

WHEREAS, the Sherwood City Council may initiate relinquishment of the easement on its own motion, as delineated in ORS 271.130, with notice to abutting property owners; and

WHEREAS, the only property affected by this action is owned by the Developer; and

WHEREAS, the Sherwood City Council has received a staff report with findings and found the relinquishment of the existing easement and dedication of a new 8-foot wide PUE to be in the public interest; and

WHEREAS, the relinquishment of the existing easement will not impact any other adjacent property values.

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

Section 1: The relinquishment of the existing variable width easement for slopes, water, gas, electric, and communication service lines, fixtures and facilities was recorded as part of the SW Meinecke Parkway/Highway 99 improvements (Document No. 2002-21557, Washington County Records), which will be replaced with a new 8-foot wide Public Utility Easement is in the public’s interest.

Section 2: After full and due consideration of the easement relinquishment request and City Staff Report, City Council relinquishes the existing easement as shown on Exhibit A (easement sketch), contingent upon concurrent recording of a new 8-foot wide Public Utility Easement as shown and described on the attached Exhibit B (survey map) and Exhibit C (legal description).

Section 3: The City Manager or their authorized personnel, is hereby authorized and directed to take such action as may be necessary to document this easement relinquishment and establishment of a new Public Utility Easement, including recordation of a certified copy of this ordinance, and filing of a certified copy of this ordinance with the County Assessor and County Surveyor, in accordance with Washington County ordinances and regulations.

Section 4: This Ordinance shall take effect 30 days after its approval and adoption.

Duly passed by the City Council this 19th day of August 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

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

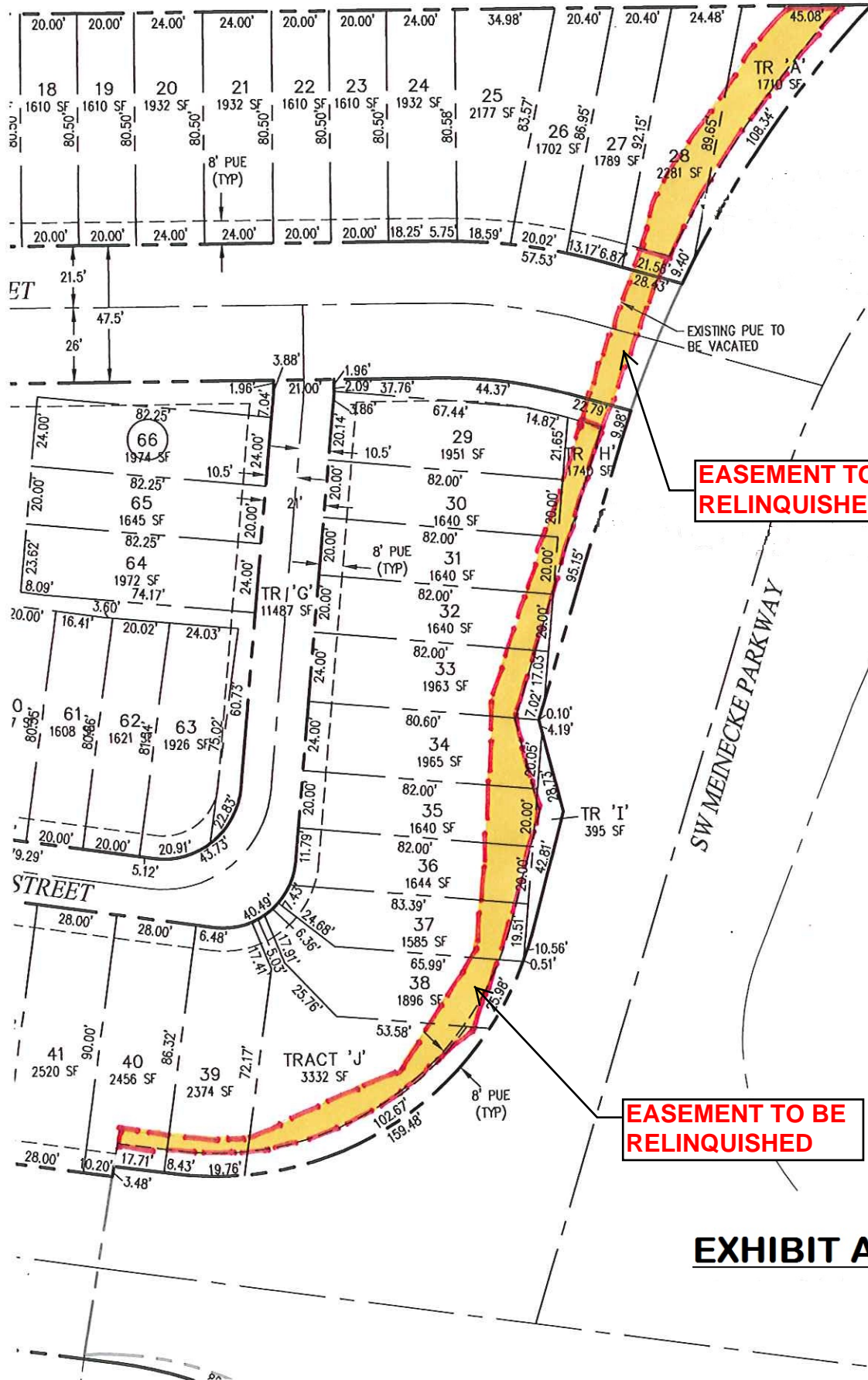
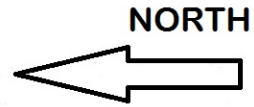


EXHIBIT A

SW BROOK WAY

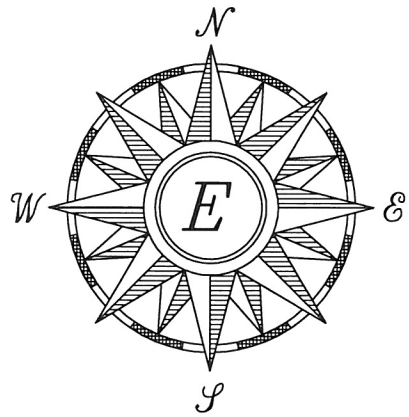
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 19, 1993
EDWARD KING PHELPS
2586

EXPIRES 12-31-14

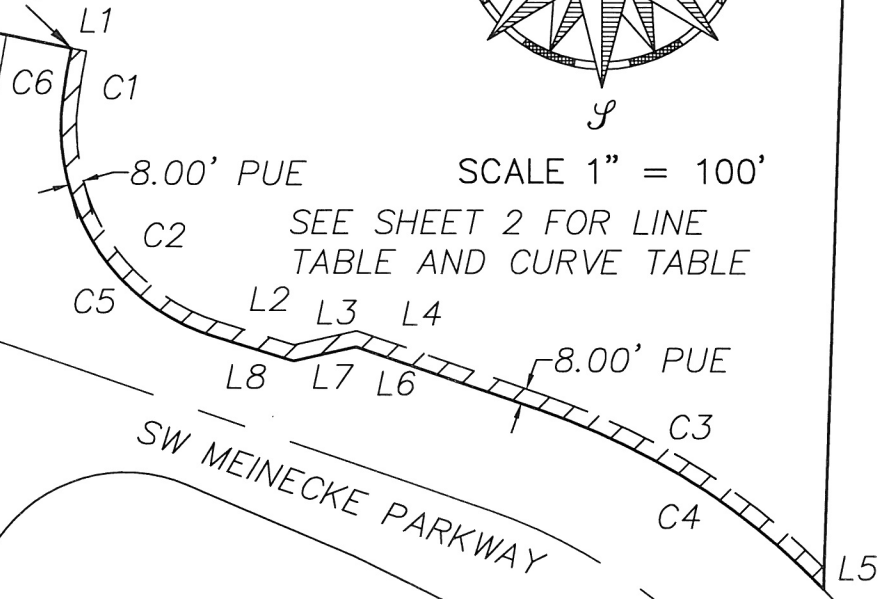
PARCEL 1
PARTITION PLAT
NO. 2007-029

POINT OF
BEGINNING



SCALE 1" = 100'

SEE SHEET 2 FOR LINE
TABLE AND CURVE TABLE



SW CEDAR
BROOK WAY

SW MEINECKE PARKWAY

PARCEL 2
PARTITION PLAT
NO. 2007-029



PUBLIC UTILITY EASEMENT
CEDAR BROOK

D R HORTON
SHERWOOD, OR

PROJECT NO. 150-005
DATE: 6-4-2014
BY: EKP
SCALE: 1"=100'
SHEET NO. 1 OF 2

LINE TABLE

LINE	BEARING	DISTANCE
L1	S78°30'47"E	8.00'
L2	S72°52'06"E	40.66'
L3	N77°07'46"E	33.15'
L4	S71°13'15"E	104.44'
L5	S01°37'55"W	11.03'
L6	N71°13'15"W	102.17'
L7	S77°07'46"W	33.03'
L8	N72°52'06"W	42.81'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHD BEARING	CHD DISTANCE
C1	4°05'34"	357.88'	25.56'	S09°26'25"W	25.56'
C2	80°15'47"	105.85'	148.28'	S32°44'15"E	136.45'
C3	25°46'52"	381.39'	171.61'	S58°19'49"E	170.17'
C4	26°56'02"	373.39'	175.53'	N57°45'14"W	173.91'
C5	80°15'40"	113.85'	159.48'	N32°44'13"W	146.76'
C6	04°05'34"	365.88'	26.14'	N09°26'25"E	26.13'



6107 SW MURRAY BLVD. SUITE 147
 BEAVERTON, OREGON 97008
 PH: (503) 515-5528
 Ordinance 2014-016, Exhibits B & C
 August 19, 2014, Page 2 of 3

PUBLIC UTILITY EASEMENT CEDAR BROOK

D R HORTON
 SHERWOOD, OR

PROJECT NO. 150-005
 DATE: 6-4-2014
 BY: EKP
 SCALE: 1"=100'
 SHEET NO. 2 OF 2

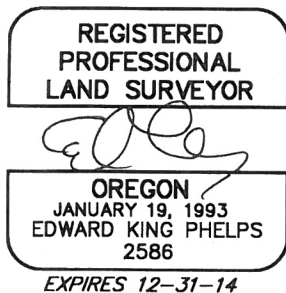
JOB: 150-005 June 4, 2014

PUBLIC UTILITY EASEMENT

An 8.00 foot wide public utility easement over and across a portion of Parcel 1 of Partition Plat No. 2007-029, Washington County Plat Records, situated in the Southeast ¼ of the Southwest ¼ of Section 30, Township 2 South, Range 1 West, W.M., City of Sherwood, Washington County, Oregon, being more particularly described as follows:

Beginning at a point on the southerly line of said Parcel 1, being the most northerly point of the easterly right of way line of S.W. Cedar Brook Way; thence leaving said right of way, S78°30'47"E, 8.00 feet; thence 8.00 feet from and parallel with said southerly line of said Parcel 1 the following courses: along the arc of a 357.88 foot radius curve, concave to the east, through a central angle of 4°05'34", an arc length of 25.56 feet (chord bears S09°26'25"W, 25.56 feet) to a point of compound curvature; thence along the arc of a 105.85 foot radius curve (concave to the northeast) through a central angle of 80°15'47", an arc length of 148.28' (chord bears S32°44'15"E, 136.45 feet); thence S72°52'06"E, 40.66 feet; thence N77°07'46"E, 33.15 feet; thence S71°13'15"E, 104.44 feet to a point of curvature; thence along the arc of a 381.39 foot radius curve, concave to the southwest, through a central angle of 25°46'52", an arc length of 171.61 feet (chord bears S58°19'49"E, 170.17 feet) to the easterly line of said Parcel 1; thence along said easterly line, S01°37'55"W, 11.03 feet to the southerly line of said Parcel 1; thence along said southerly line of said Parcel 1 the following courses: along the arc of a 373.39 foot radius curve, concave to the southwest, through a central angle of 26°56'02", an arc length of 175.53 feet (chord bears N57°45'14"W, 173.91 feet); thence N71°13'15"W, 102.17 feet; thence S77°07'46"W, 33.03 feet; thence N72°52'06"W, 42.81 feet to a point of curvature; thence along the arc of a 113.85 foot radius curve, concave to the northeast, through a central angle of 80°15'40", an arc length of 159.48 feet (chord bears N32°44'13"W, 146.76 feet) to a point of compound curvature; thence along the arc of a 365.88 foot radius curve, concave to the east, through a central angle of 04°05'34", an arc length of 26.14 feet (chord bears N09°26'25"E, 26.13 feet) to the Point of Beginning.

Containing 4251 square feet, more or less.



Basis of bearings and boundary resolution per Partition Plat No. 2007-029

Field House Monthly Report July 2014					
<u>July-14</u>	<u>Jul-14</u>		<u>YTD</u>		
Usage		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served*</u>
Leagues	4	308	4	308	273
Rentals	13	195	13	195	308
Other (Classes)					
[1] Day Use					5
Total Usage		503		503	586
Income	<u>Jul-14</u>	<u>YTD</u>			
Rentals	\$990	\$990			
League fees (indoor)	\$3,677	\$3,677			
Card fees (indoor)	\$50	\$50			
Day Use					
Advertising					
Snacks	\$69	\$69			
Classes					
Total	\$4,786	\$4,786			
FY 13 14					
Income	<u>Jul-13</u>	<u>YTD</u>			
Rentals	\$1,020	\$1,020			
League fees (indoor)	\$2,152	\$2,152			
Card fees (indoor)	\$10	\$10			
Day Use	\$15	\$15			
Advertising					
Snacks	\$65	\$65			
Classes					
Total	\$3,262	\$3,262			

*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

Most of the spring sports are done and we are gearing up for the fall season.

Youth baseball finished the season in July playing approximately 10 league games. They also held their Sherwood Bat tournament the weekend of July 4th. This brought twenty teams from out of town to Sherwood for the weekend that included 64 games. Games were played at LRMS, SMS, Hopkins and Snyder Park.

Anthony Newman Sports Camps did a free football camp at the high school on July 18th, they had about 80 kids show for the free camp.

The Westside Timbers rented Snyder Park for the Beaverton Cup on July 18th and 19th for some soccer games.

We had the Lake Oswego Nike Cup in town July 25th through the 27th for soccer games at Snyder Park and the High School.

GPSD played 2 games at Snyder Park in July.

Fall sports will be in full swing very soon.

Field House

The benches have been refinished we still have the desk to do.

We are still running four nights of adult leagues.

This is the slowest part of our year not much else going on.

Respectfully Submitted

August 6, 2014

Lance Gilgan.